THE ORGANIZED CRIME

Organized crime activities in the European Union during the COVID-19 pandemic

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1. Introduction

The COVID-19 pandemic has presented unprecedented challenges to societies, economies, and governance structures worldwide, and the European Union is no exception. Amidst the chaos and uncertainty wrought by the pandemic, another insidious threat has emerged: organized crime. As governments and law enforcement agencies across the EU grappled with containing the virus and managing its socio-economic fallout, criminal organizations quickly adapted to exploit new opportunities and vulnerabilities.

This paper seeks to explore the multifaceted impact of the COVID-19 pandemic on organized crime activities within the European Union. By examining how criminal networks have adapted their strategies and operations in response to the pandemic-induced disruptions, we aim to shed light on the evolving dynamics of organized crime in this unprecedented context. The pandemic has reshaped the landscape of organized crime in the EU, leading to shifts in criminal enterprises, tactics, and targets. From the trafficking of counterfeit medical supplies and illicit pharmaceuticals to the proliferation of cybercrime and fraud schemes, criminal networks have capitalized on the fear, uncertainty, and vulnerabilities engendered by the health crisis. Moreover, the economic hardships faced by individuals and businesses have heightened susceptibility to corruption, money laundering, and exploitation, further exacerbating the impact of organized crime on communities across the EU.

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In response to these challenges, EU member states have mobilized efforts to strengthen law enforcement cooperation, enhance cyber security measures, and combat the proliferation of illicit activities facilitated by the pandemic. Collaborative initiatives, joint operations, and information-sharing mechanisms have been established to disrupt criminal networks, dismantle illicit supply chains, and safeguard public health and security. Despite these efforts, the dynamic nature of organized crime and the complexities of the pandemic continue to pose significant challenges to effective law enforcement and crime prevention strategies within the EU. As the region navigates the recovery phase and transitions to a post-pandemic era, it is imperative to assess the impact of organized crime during the COVID-19 pandemic comprehensively and to identify lessons learned and best practices to inform future responses and resilience-building efforts. By fostering collaboration, innovation, and adaptability, the EU can strengthen its collective response to organized crime and mitigate the enduring consequences of the pandemic on security, prosperity, and societal well-being. Through this paper, we endeavor to contribute to a deeper understanding of the intersection between organized crime and the Covid-19 pandemic, and to inform policy discussions and initiatives aimed at addressing this pressing challenge within the European Union.

2. The behaviors of criminal organizations during the COVID-19

The COVID-19 pandemic has fundamentally changed the world and inevitably influenced people's behaviors including the likelihood of crime and deviance. Emerging empirical evidence suggests a decline in certain crimes (e.g., theft, robbery, and assault) but also proliferation of different violent behaviors and cybercriminal activity during the pandemic. To explain those trends, we draw on existent theories and elaborate on how crime and violence have been affected by the changes in people's daily routines and accumulated stressful conditions. However, as recent crime trends appear to be largely inconsistent and vary across social groups and contexts, we argue that social scientists need to pay particular attention to the differential experiences related to crime and violence during this global crisis. Specifically, because of the disproportionate experience of violence by vulnerable groups including minorities and women as well as the unique cross-national variations in deviance, more nuanced approaches to understanding causes of crime are warranted. We also discuss the limitations

of present research and provide recommendations for the development of comparative and multi-disciplinary studies on criminal and deviant behaviors that are influenced by human crisis situations.

2.1. Routine Activities Theory

Routine Activities Theory (RAT) by Lawrence E. Cohen and Marcus Felson provides an explanation of the recent changes in crime patterns during the pandemic. Cohen and Felson (1979) argue that criminal events occur when there is a convergence of three critical components in time and space: (1) a motivated offender, (2) a suitable target such as a person or property seen as fitting for an offender, and (3) an absence of guardianship such as having little to no people witnessing and preventing these criminal events (e.g., police, school officials, etc.). The authors emphasize that the occurrence of all three elements at once, or the convergence, increases the likelihood of a criminal event, whereas, in the absence of one of these factors, an opportunity for crime is less likely to arise[1],Whereas certain crimes have decreased since the pandemic started, other types of crime in physical spaces have increased, largely due to the lack of capable guardianship. Given that many businesses have been forced to shut down or have limited hours and less staff available, there have been fewer individuals to witness and deter likely offenders from committing acts of burglary in commercial and non-residential areas and vehicle theft in parking structures and garages[2],Overall, consistent with RAT, the vulnerability to different cybercrimes, along with the lack of guardianship in cyberspace, make many individuals suitable targets for motivated offenders during the pandemic . However, as the broader scope of cybercrime victimization remains largely unknown, more research is needed on understanding the process of convergence of the three factors outlined by RAT in cyberspace. Additionally, there have been calls to focus more on the “capable guardianship” component and, specifically, the appropriate strategies and guidelines promoting cybersecurity in the everchanging complexity of the cyberworld.

Implications for RAT and future research Routine Activities Theory has been one of the most common frameworks used to explain how the differential

[1] L. E. Cohen – M. Felson. Social change and crime rate trends: A routine activity approach. *American Sociological Review,* Vol. 44. (1979) 588–608.

[2] Matthew Ashby: Initial evidence on the relationship between the coronavirus pandemic and crime in the United States. *Crime Science,* Vol. 9., N. 1. (2020).

distribution of motivated offenders, vulnerable victims, and capable guardians have shaped the decrease in some types of crime (e.g., assault, robbery, theft, residential burglary) and increase in other types of crime (e.g., cybercrime, non-residential, commercial burglary, vehicle theft) during the COVID-19 pandemic[3], however, recent studies have revealed the variation in crime across social contexts and regions, time periods, and types of deviance. For example, the changes in crime rates have been inconsistent in the weeks and months following the lockdown orders, and several studies have failed to discover any changes in certain crimes.

This suggests that to better understand trends in crime during the COVID-19 pandemic, more research and theorizing are needed focusing on various interrelationships between the convergence of the three factors outlined by RAT, characteristics of social contexts, and different COVID-19-related policies and rules. For example, researchers could explore how characteristics of countries, such as their culture, economy, and policy choices, interact with the likelihood of convergence of motivated offenders, vulnerable victims, and capable guardians to shape a criminal opportunity. In addition, whereas RAT does not focus on causes of criminal motivation, it is important to further integrate RAT and other perspectives to explore how certain conditions could play a role in whether offenders will ultimately get motivated to engage in crime given the opportunity during the pandemic.

2.2. Theory of Stress during the COVID-19 pandemic

Besides the drastic changes in daily routines during the COVID-19 pandemic, people around the globe have been experiencing increased stress Since the start of the pandemic, many individuals have faced numerous critical strains in daily lives including loss of employment, death of loved ones, social isolation, concerns about the vaccine, and many other pandemic-related issues As a result, many people have experienced negative emotions, which might have been further exacerbated by the inability to use healthy coping mechanisms such as

[3] Jose Roberto Balmori de la Miyar – Lauren Hoehn-Velasco – Adan Silverio-Murillo: Druglords don't stay at home: COVID-19 pandemic and crime patterns in Mexico City. *Journal of Criminal Justice*, Vol. 72. (2021a)

talking to a loved one or using social services [4] Thus, due to the increased stress and negative emotions coupled with the lack of legitimate coping strategies, it is possible that the global pandemic could both, directly and indirectly, cause issues with deviance and violence.

The conditions during the COVID-19 pandemic have undoubtedly contributed to producing various types of strains. The financial and economic constraints, such as minimal employment opportunities and limited income, can be described as a failure to achieve goals as well as the removal of positive stimuli due to being laid off[5] . In addition, legislative responses to the COVID-19 virus, such as stay-at-home orders and social distancing restrictions, could be perceived as various forms of negative stimuli. Negative relationships between partners or family members can also be more apparent as people have become limited in their mobility and social interaction. The removal of positive stimuli is also evident when people lose their loved ones or are unable to interact with others. With limited interaction[6], coupled with multiple hardships, individuals may seek new forms of coping strategies as other forms may no longer be accessible during the pandemic.

Recent empirical studies have elaborated on the consequences of stressful conditions during the COVID-19 pandemic. As individuals have become more socially isolated and stressed, this exacerbated different mental health problems including depression and anxiety among both adolescents and adults. Further, consistent with GST, studies have found an increased use of alcohol and cannabis among young people and adults to cope during the pandemic[7] have shown that such stressful conditions as being personally affected by COVID-19 and experiencing childcare challenges increase the risk for substance use during the pandemic.

Whereas recent studies have shown unique crime trends during the pandemic, they have also suggested that crime and its causes may vary across regions, time

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4 Alex Piquero – Jordan Riddell – Stephen Bishopp – Chelsey Narvey – Joan Reid – Nicole Piquero: Staying home, staying safe? A short-term analysis of COVID-19 on Dallas domestic violence. *American Journal of Criminal Justice,* Vol. 45. (2020) 601–635.

5 Dae-young Kim – Scott Phillips: When COVID-19 and guns meet: A rise in shootings. *Journal of Criminal Justice*, Vol. 73. (2021). https://doi.org/10.1016/j.jcrimjus.2021.101783

6 Jason L. Payne – Anthony Morgan – Alex R. Piquero: COVID-19 and social distancing measures in Queensland, Australia, are associated with short-term decreases in recorded violent crime. *Journal of Experimental Criminology,* Vol. 18. (2020) 100.

7 Thalia MacMillan – Matthew J. Corrigan – Kevin Coffey – Christine D. Tronnier – Donna Wang – Kathryn Krase: Exploring factors associated with alcohol and/or substance use during the COVID-19 pandemic. *International Journal of Mental Health and Addiction,* Vol. 20., N. 3. (2021) 1814–1823.

periods, and contexts, with some research providing mixed evidence on crime levels overall. This, in turn, calls into question the generality of existent theories and suggests the need to refine theoretical frameworks and research to better explain criminal behaviors during the COVID-19 pandemic. We argue that a closer evaluation of the differential vulnerabilities related to violence and crime across social groups and contexts will help us provide a more comprehensive explanation of causes of crime during and post pandemic.

3. The history of organized crime in European Union

The term 'organized crime' is often used with the presumption of a clear and unified concept, but it is, in reality, a fluid and complex construct that varies depending on perspective. Different observers lump together various aspects of the social landscape, resulting in divergent understandings. While these phenomena are genuine, they are synthesized into a unified context only at the linguistic and cognitive level. Consequently, the debate on organized crime reveals not a single, agreed-upon understanding, but rather three distinct notions. One perspective views organized crime primarily as 'crime', characterized by sophistication, continuity, and rationality compared to sporadic criminal behavior. Another perspective emphasizes the 'organized' aspect, focusing on the interconnectedness of offenders rather than the specific crimes committed. Finally, there is a view that sees organized crime as a manifestation of concentrated power, whether in the form of an underworld government or alliances between criminals and political and economic elites, signifying a systemic condition. Across Europe, consensus exists that each country grapples with organized crime issues, as evidenced by annual reports to Europol and participation in international agreements aimed at addressing various criminal activities associated with organized crime.

The apparent consensus now dominating much European official and media discourse is astonishing since until the late 1980s organized crime was considered a problem that concerned only a limited number of countries: primarily the United States and Italy, with the eventual addition of Japan, China, and Colombia. Before the watershed date of 1989[8], the scientific communities, political leaderships, and public opinions of virtually all European countries

[8] Cyrille Fijnaut – Letizia Paoli (ed.): *Organized Crime in Europe. Concepts, Patterns and Control Policies in the European Union and Beyond*. Dordrecht, Springer, 2004.

aside from Italy considered themselves largely unaffected by organized crime. True, popular fiction, TV programmes and movies about the mafia had already enjoyed great success throughout the Western world. In all European countries except Italy, however, these were enjoyed by informed and casual consumers alike, all with the serene conviction that organized crime had nothing to do either with their countries or, even less, with their own personal lives. Fascinating as it was, organized crime was perceived – and presented by the media – as exotic and far removed. This perception started to change in the 1980s[9]. Several long-term processes and a variety of both far-reaching and localized historical events contributed to this change. Some of these changes and occurrences directly impinge on the activities and perpetrators typically associated with organized crime; others are related to them only indirectly.

3.1. Empirical variations and necessary analytical to assessing organized criminal activities in Europe

Among the first group, the most significant long-term change was undoubtedly the rise of the illegal drug industry. In virtually all Western countries since the 1970s this has become the largest and most profitable illegal market activity, attracting the greatest number of traditional underworld figures and fostering a re-conversion of professional crime to the drug business. Even according to the most conservative (and realistic) estimates, drug markets in the United States and western Europe have a yearly turnover of about USD 120 billion. This is a substantial figure, probably much larger than the turnover of any other illegal entrepreneurial activity, though reliable estimates exist for none of these. Since the late 1980s a second wave of expansion of European illegal markets has been triggered by the rising number of migrants from Second and Third World countries wishing to enter the European Union. Due to the restrictive migration policies of virtually all Western countries, this growing demand can only to a minimal extent be satisfied legally and has thus fostered the development of a veritable human smuggling and trafficking industry in both source and destination countries. Organized crime reports addressing the situation in a particular country or in a particular geographical region such as Europe commonly focus on ethnically defined ‘criminal groups’ and on ‘criminal

[9] Ibid. 16.

activities'[10]. The problem is that broad categories such as these tend to be no more than superficial common denominators for the pooling of information from diverse sources about diverse phenomena.

Empirical variations and necessary analytical differentiations are often overlooked in current approaches to assessing organized criminal activities in Europe. Reports tend to categorize these activities based on certain offense types perceived as typically organized, prevalent, and threatening, using factors like reported offenses, profits, being most prevalent, and being most threatening by some implicit or explicit measure, including the number of reported offences, the estimated profits or the estimated damage. Without being able to go into any detail, there are three aspects worth noting regarding the situation in Europe. First, contrary to the notion that 'organized crime' is synonymous with the provision of illegal goods and services, predatory crimes such as fraud, theft, and robbery figure prominently in European enumerations of 'organized' criminal activities[11]. For Europe as a whole the Council of Europe 'Organized Crime Situation Report' lists the following crime categories: trafficking in drugs, trafficking in human beings, smuggling of persons, cybercrime (including online fraud schemes), money laundering, and'other activities' (including extortion, property crimes and smuggling), with economic crimes, mainly encompassing fraud and tax fraud, receiving special attention in a separate section. Europol, interestingly, does no longer highlight crime types since the replacement of the old 'EU Organized Crime Report' by an annual 'Organized Crime Threat Assessment', but focuses instead on five 'horizontal facilitating factors', document forgery and identity fraud, technology, misuse of the transport sector, exploitation of the financial sector, and globalization and borders[12]. The second noteworthy feature of the crime landscape in Europe is its patchwork character. Illegal markets, especially, are neither evenly distributed across the continent, nor across individual countries. Perhaps best documented is the differential prevalence of types of illegal substances. According to the UN World Drug Report 2007[13], the most popular narcotics in Europe overall are cannabis (annual prevalence among 15-64 year olds of 5.6%), cocaine

[10] Europol Annual Report 2007. Brussels, Council Of The European Union, 28 March 2008. https://data.consilium.europa.eu/doc/document/ST-7804-2008-INIT/en/pdf

[11] 2005 EU Organized Crime Report. Public version. Brussels, Council Of The European Union, 17 November, 2005. https://tinyurl.com/2fycpxkk

[12] Annual report 2006. Europol, 06 Dec 2021. https://tinyurl.com/4dujhrcz

[13] World Drug report, 2007. United Nation Publications, 2007. https://tinyurl.com/4rjhf6p2

(0.75%), heroin (0.6%), ecstasy (0.6%), and amphetamines (0.5%)[14]. However, there are substantial cross-national variations. According to recent estimates by the European Monitoring Centre for Drugs and Drug Addiction, annual use of cannabis among adults, for example, ranges from 0.8% to 11.3% of cocaine from 0.1 to 2.7%, and of ecstasy from 0.0 to 3.5%[15]. This means that substances may be virtually absent from certain national drug markets while playing a prominent role in others. Some of these variations may be due to history-cultural factors. For example, production of methamphetamine in Europe has until recently largely been limited to the Czech Republic where it has been produced for local consumption since the mid-1980s under the local name of 'perdition'[16]. In some cases, cross-national variations can best be explained by the proximity to source countries. Spain, for example, which serves as the main European trans shipment center for Moroccan cannabis, accounting for about three quarters of the total quantity of cannabis resin seized in the EU, also shows the highest prevalence rates for cannabis 11.3%[17]. The link between international transport routes for illicit drugs and local drug distribution and consumption can also be seen in other cases, significantly contributing to the dynamics of illegal drug markets in Europe. For example, a sharp increase in cocaine imports from Venezuela to Southern Italy in the years 2004 and 2005, for which Camorra groups have been made responsible, has been accompanied by substantially increased cocaine use in Italy.

Organized crime is distinct from random, spontaneous criminal acts, as it revolves around premeditated, methodical actions carried out by groups rather than individuals. Rather than focusing solely on specific offenses, experts concentrate on the perpetrators: organized criminal groups. The United Nations Convention against Transnational Organized Crime outlines criteria for identifying such groups:

– A structured group comprising three or more individuals
– The group's existence over a period of time.
– Collaboration with the intention of committing at least one serious crime.
– Pursuit of financial or material gain, whether directly or indirectly.

14 Ibid.

15 The European Monitoring Centre for Drugs and Drug: 2006 Annual report: the state of the drugs problem in Europe. https://www.emcdda.europa.eu/publications/annual-report/2006_en

16 Ibid. 48.

17 Ibid. 37., 39.

A structured group is defined as one that does not need a formal hierarchy or continuity of membership, a broad definition that could include loosely affiliated groups without any formally defined roles for its members. For the purposes of the Convention, serious crime means an offence punishable by a maximum penalty of incarceration of at least four years (article 2b)[18]. There is no requirement for countries to introduce a definition of serious crime or to follow the definition of the Convention. The definition of serious crime is included in the Convention to determine its scope of application and to invoke its international cooperation provisions.

3.2. The Locations of the organized crimes in EU

International mobility serves as a defining feature of criminal networks, enabling their operations to transcend borders and extend globally. Certain locations exhibit characteristics conducive to serious and organized crime within the EU and beyond, facilitating various criminal activities concurrently. These key locations attract criminals due to factors like geographic positioning, proximity to source countries and consumer markets, efficient transportation infrastructure, and promising business opportunities.

Key locations encompass specific cities, motorways, ferry connections, as well as broader types of infrastructure, regions, or countries. Criminal activities in border regions exploit the fragmented law enforcement jurisdictions, allowing evasion of authorities and proximity to multiple markets. Within the Schengen Area, border crossings are seamless, enabling unrestricted movement of individuals. Geopolitical factors influence the relevance of particular regions for the flow of goods and people, with humanitarian emergencies, bilateral agreements[19], and risk-reward assessments determining the appeal of specific border areas for criminals. Urban areas, characterized by dense populations, present abundant criminal opportunities, with burglaries concentrated in such locales. Pick pocketing targets crowded venues like concerts, markets, and public transport hubs. Organized robberies often occur in urban centers and border regions, while human trafficking victims are typically exploited in urban settings with larger client bases.

[18] The impact of COVID-19 on organized crime. UNOCD Research Brief. https://tinyurl.com/4kzm8m28

[19] A corrupting Influence: The Infiltration and Undermining of Europe's Economy and Society By Organized Crime. Europol, 2021. https://tinyurl.com/bdfjjpre

Capitals and major cities act as hubs along the main migrant smuggling routes. Here, migrants are temporarily accommodated in safe houses, receive fraudulent documents, plan and initiate secondary movements. Remote areas provide more anonymity conducive to other criminal activities. Illicit tobacco production lines are usually set up in large warehouses in remote industrial areas, close to transportation hubs like motorways, border crossing points or ports. Remote areas in the countryside are ideal locations for the dumping of chemical waste from synthetic drug production, toxic waste from fuel laundering and other waste products. Thefts of construction and agricultural machinery are more likely to occur in rural areas. Archaeological sites and places of religious worship situated in remote areas are targeted for theft and looting. Trafficking of human beings for labor exploitation often takes place in rural areas home to agricultural production. Airports are key transit points for goods and people, both licit and otherwise. Criminals make frequent use of the EU's main airports as well as smaller regional airports operating low-cost airlines. In addition, small airfields offer convenient access to the EU and specific regions.

Trafficking activities by air have been disrupted during the COVID-19 pandemic. However, expansion plans for many major airports signal a further growth in passenger flows after the end of the pandemic. A dense network of well-maintained motorways facilitates the free movement of goods and services within the EU[20]. It is also a major crime enabler allowing criminals to travel and move goods quickly and anonymously. Travel by road is the most accessible way of travelling within the EU. Transport means on the road include lorries, vans, buses, cars, caravans, or taxis. Some vehicles are equipped with sophisticated concealment methods to hide drugs and other contraband or persons. Motorway infrastructure is used for smuggling raw material to production facilities and for distributing illicit goods produced in the EU or arriving at entry points. Criminals use European rail infrastructure to transport illegal goods such as drugs, stolen vehicles and their parts, illicit tobacco products, as well as irregular migrants. Both freight and passenger trains are used. Transport by train is of relevance for intra-EU trafficking e.g. of cocaine, for export out of the EU or for import into the EU e.g. of precursors of synthetic drugs. Illicit cigarettes are concealed between legal cargo or in hidden compartments, which is then typically thrown out of the trains after entering the EU via an external border.

[20] Ibid.

4. Exploitation of economic vulnerabilities caused by the COVID-19 pandemic

Amidst the challenges brought by the corona virus pandemic, societies and economies confront an additional peril: organized crime exploiting vulnerabilities to profit and undermine state institutions. Exploiting misinformation and fear, criminals peddle counterfeit medical goods online and infiltrate healthcare and pharmaceutical supply chains, diverting crucial public funds earmarked for COVID-19 response efforts. This jeopardizes lives and impedes the ability of state institutions to safeguard public health and security. Moreover, organized crime hampers economic recovery, with lockdowns and quarantine measures disproportionately impacting small- and medium-sized enterprises, which now face major financial difficulties. Organized crime groups are already creating dependencies, or even directly taking over entire branches of business. They are offering ad-hoc, cheap and non-official loans, which fuels money-laundering activities. Governments across the OSCE region are allocating significant public funds to mitigate the economic fallout of the pandemic. Ensuring effective management of these funds through robust state institutions and good governance is crucial for aiding societies during these turbulent times. While checks on public tenders aim to prevent criminal involvement, the urgency to provide rapid and flexible support to businesses amid the pandemic may lead to rushed processes and reduced scrutiny, potentially enabling illegitimate businesses to slip through the cracks.

In response to the COVID-19 pandemic, institutional actions have significantly impacted criminal groups and illicit markets. Some organized criminal activities have become less profitable due to these measures, while new opportunities have emerged[21]. The geography and modalities of traditional organized criminal activities such as drug trafficking and smuggling of migrants have changed in some contexts, reducing OCGs' room for maneuver. On the other hand, the pandemic is offering new opportunities for OCGs to expand their territories and markets. The severe health and economic crisis generated by the pandemic opens the possibility of infiltration of businesses and financial institutions by organized crime, as well as an increase in fraud and money

[21] GabriellaSanchez – Luigi Achilli: *Stranded: The Impacts of COVID-19 on Irregular Migration and Migrant Smuggling.* Florence, European University Institute, 2020.; *COVID-19 and the drug supply chain: from production and trafficking to use.* Vienna, UNODC, 2020. 25.

laundering, according to media reports[22]. Successful OCGs are known to be fast and dynamic, and their lack of bureaucracy can constitute an important competitive advantage vis-à-vis governments when social, economic and/or environmental circumstances suddenly change. Their operational flexibility is especially pertinent in critical situations, such as that brought by the COVID-19 pandemic[23].

There are different mechanisms that OCGs may use to infiltrate the legitimate economy, such as acquiring control of legitimate companies. Companies most at risk are those most affected by the crisis – either because they have a sudden shortage of liquidity, or because their products are in much greater demand and thus more profitable. OCGs may also seek to intercept part of the flows of public funding from national governments and supranational organizations that is intended to revitalize national economies and support worst affected citizens.

4.1. Cybercrime Surge during the COVID-19 pandemic

Cyber-dependent crime is any criminal activity that can only be committed using computers, computer networks or other forms of information communication technology (ICT). Such crimes are typically directed at computers, networks, or other ICT resources. It includes the creation and spread of malware, hacking to steal sensitive personal or industry data, denial of service attacks to cause financial and/or reputational damage and other criminal activities.

European Union has witnessed a notable uptick in cyber-dependent crime, characterized by both an increase in reported attacks and a rise in their sophistication. It's worth acknowledging that cyber-dependent crime is likely vastly underreported within the EU. Concurrently, the COVID-19 pandemic has acted as a deterrent to organized criminal activities in the region, causing a slowdown and imposing constraints on their operations. Available evidence suggests that the process of reconstructing these criminal enterprises will be prolonged. Various illicit activities prevalent in the EU, such as drug trafficking, migrant smuggling, human trafficking, illicit firearms trade, and, where illegal, prostitution, have been significantly impacted by the pandemic. Insights gleaned

22 Mariangela Tessa: Imprese: sale pericolo di infiltrazioni criminali, servono nuovi indicatori di anomalia. *Wall Street Italia,* 20 May 2020.

23 Crime and Contagion. The impact of a pandemic on organized crime. Global Initiative Against Transnational Organized Crime – Policy Brief, March 2020. https://globalinitiative.net/wp-content/uploads/2020/03/CovidPB1rev.04.04.v1.pdf

from qualitative assessments of current events across the EU offer a glimpse into the nature and scale of this phenomenon.

Nevertheless, the disruption caused by COVID-19 has been quickly exploited, with some criminal groups expanding their portfolio, particularly in relation to cybercrime and opportunistic criminal activities in the health sector[24]. With business and personal activities increasingly shifting online during the pandemic, OCGs have engaged in more phishing and credit card fraud, as well as using pirated websites for fake donations. Fake and cloned websites and sham email addresses have reportedly been used to perpetrate online scams[25], some involving the sale of masks and hand gel. OCGs have also begun to traffic in sub-standard, falsified, or stolen high-demand products such as face masks and disinfectants.

Cyber-dependent crime inflicts substantial financial losses on businesses, individuals, and the public sector annually, stemming from ransom ware payments, incident recovery expenses, and investments in heightened cyber security measures. Attacks targeting critical infrastructure carry grave implications, including potential loss of life. The ever-evolving digital landscape of society and the economy presents constant opportunities for cybercriminals. The expanding user base and interconnectedness create fresh vulnerabilities, leaving more potential targets susceptible to cyber threats. The COVID-19 pandemic, with its widespread adoption of telework in various sectors, has intensified this vulnerability by increasing connections between private and corporate systems. This shift has rendered many corporate networks more susceptible to cyber attacks.

Moreover, the rise of cybercrime services offered online through a crime-as-a-service model has democratized cybercriminal activity, lowering the barrier to entry in terms of technical expertise. EMOTET stands as a prominent example of this trend, evolving from a banking Trojan in 2014 into a sophisticated cybercrime service utilized by criminal groups worldwide. Serving as a primary gateway to unauthorized access on computer systems globally, EMOTET's infrastructure facilitated a range of illicit activities, including data theft and extortion through ransom ware, with access often sold to other high-level criminal entities for further exploitation.

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[24] Ibid.

[25] Will Neal: Germany's Million Mask Scam Foiled as Organized Crime Goes Online. *Organized Crime and Corruption Reporting Project,* 16 April 2020.

The European Multidisciplinary Platform Against Criminal Threats group elevated email as an attack vector with a sophisticated approach. Employing a fully automated process, EMOTET malware was distributed to victims' computers via infected email attachments. Various enticing baits were utilized to deceive unsuspecting users into opening these malicious attachments, including invoices, shipping notifications, and COVID-19 related information. However, transcended mere malware; its peril lay in its rental service, offering other cybercriminals the opportunity to deploy additional malware, such as banking Trojans or ransom ware, onto victims' computers. This operation, termed a 'loader' attack, positioned EMOTET as a major player in the cybercrime arena, with other malware operators like TrickBot and Ryuk reaping benefits. Notably, EMOTET's distinctive lateral spread within networks, initiated after infiltrating just a few devices, rendered it one of the most enduring forms of malware in circulation.[26]. Its unique way of infecting networks by spreading the threat laterally after gaining access to just a few devices in the network made it one of the most resilient forms of malware in the wild.

4.2. Trafficking and Smuggling during the COVID-19 pandemic

COVID-19 has triggered a multifaceted crisis that extends beyond health to encompass socioeconomic and protective dimensions, leaving lasting effects on societies worldwide. Mobility has been significantly impacted, with governments worldwide implementing a myriad of restrictive measures on both domestic and international movement. By March 19, 2020, over 100 countries had introduced or modified travel restrictions in response to the pandemic, often bolstered by heightened border surveillance. Despite these measures, research conducted by the UNODC indicates that COVID-19-related travel constraints have not deterred individuals from fleeing conflict, violence, or perilous conditions. Nevertheless, the pandemic and associated containment efforts have posed challenges for countries in accommodating refugees and evaluating the asylum claims of seekers. Mixed migration patterns encompass a diverse array of individuals, including refugees, asylum seekers, economic migrants, unaccompanied minors, environmental migrants, and victims of trafficking. According to UNHCR, 144 countries have fully or partially closed their borders,

[26] World's most dangerous malware EMOTET disrupted through global action. Europol, 27 Jan, 2021. https://tinyurl.com/nhe82njf

while in 64 countries, pandemic restrictions on entry have applied to all people on the move, irrespective of their need for international protection, and access to the territory and/or to national asylum procedures have not been possible at all, in violation of international obligations under refugee law[27]. Furthermore, some States have put resettlement arrivals on hold in view of the public health situation, which affects their capacity to receive resettled refugees[28].

Asylum seekers and refugees in destination countries have also faced challenges in accessing international protection and asylum. Delays in asylum proceedings due to the suspension or postponement of court hearings or proceedings have been reported, as has the enhanced use of technology and electronic tools for the conduct of asylum interviews and hearings and the submission of appeals documents, as well as the extension of time limits for the exercise of legal remedies. Nevertheless, in the second part of the year, following the relaxation of containment measures in many States, legal services and courts faced a significant backlog in proceedings, impairing the functioning of asylum systems and affecting the already precarious conditions of asylum seekers in urgent need of protection and residence permits[29]. As of January 2021, UNHCR reported that in several countries asylum systems remain fully or partially out of operation[30], which indicates that the pandemic continues to make it more difficult for asylum seekers to access international protection.

The smuggling of migrants flourishes in environments where legal pathways for migration are restricted, often leading migrants to turn to smuggling services when faced with tight border controls and restrictive migration policies. Consequently, many of the measures enacted to combat the spread of COVID-19 have impacted migrant smuggling activities. Research on specific migration routes suggests that COVID-19-related travel restrictions have not diminished, and may have even amplified, the demand for smuggling services in the medium to long term. Since the onset of the pandemic, individuals in transit or seeking to leave their countries of origin have encountered increasing challenges in reaching their intended destinations, prompting many to rely on

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27 Covid-19 platform, Temporary Measures and Impact on Protaction. *Operation Data Portal,* 30 June, 2020. https://data.unhcr.org/fr/dataviz/127

28 Unhcr: IOM, UNHCR announce temporary suspension of resettlement travel for refugees. 17 March 2020.

29 COVID-19 emergency measures in asylum and reception systems. European Asylum Support Office, June 2020. 19.

30 COVID-19: The impact of closing borders around the world. *Operational Data Portal,* Nov. 2020. https://data.unhcr.org/en/dataviz/143

smugglers to facilitate border crossings. Additionally, migrants and refugees, including minors, have found themselves stranded in transit countries, unable to proceed or return to their home countries, often enduring precarious conditions in camps, shelters, or on the streets. As some borders gradually reopen, these individuals are likely to resume their journeys, potentially fueling a surge in demand for migrant smuggling services.

The unequal economic recovery that will follow the current downturn is likely to increase labor migration towards countries that recover more quickly, which may cause an increase in the smuggling of migrants if it is not accompanied by an increase in regular pathways for migration. Similar trends have been observed in previous economic crises, where irregular migration tended to diminish at the beginning of the crisis and increase again, towards higher-income countries, as the economic situation in migrants' countries of origin deteriorated. In those instances, trends concerning the smuggling of migrants followed the same pattern[31]. In late 2020, the European Union Agency for Law Enforcement Cooperation (Europol) found that, as smuggling networks adjusted their business models, smuggling fees increased in many parts of the world owing to mobility restrictions, continued demand and increased risks faced by criminal networks[32]. Beyond loss of life, frequently reported crimes faced by smuggled migrants include sexual and gender-based violence, theft, kidnapping for ransom, robbery, extortion, and trafficking in persons. Unaccompanied children are particularly exposed to exploitation, violence, and abuse, while women and girls are likely to suffer sexual and gender-based violence route. Those who perpetrate crimes against smuggled migrants include criminals, militia groups, other migrants, private citizens, and corrupt law enforcement actors. In addition, smugglers' quest for profits may lead them to neglect the safety of migrants during journeys. A forthcoming UNODC study shows that gender dimensions can be identified within aggravated smuggling, such as the placement of women and children in less safe locations on vessels during dangerous sea crossings. Women and girls also face increased risks to life owing to pregnancy and specific health needs, making them particularly exposed to the risks associated with smuggling.

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31 Research brief: how COVID-19 restrictions and the economic consequences are likely to impact migrant smuggling. UNODC 2020. 17–18.

32 How COVID-19-related crime infected Europe during 2020. Europol, November 2020. 12.

5. The Organized crime during the COVID-19 pandemic

Midst this unparalleled crisis, European governments are heightening their endeavors to combat the worldwide dissemination of the corona virus. They are enacting diverse measures aimed at bolstering public health systems, safeguarding the economy, and ensuring public order and safety. However, many of these measures exert a notable influence on the landscape of serious and organized crime. Criminal elements have swiftly capitalized on opportunities presented by the crisis, adapting their methods or delving into new illicit activities. Various factors prompt shifts in crime and terrorism, including[33]:

- High demand for certain goods, protective gear, and pharmaceutical product.
- decreased mobility and flow of people across and into the EU.
- Citizens remain at home and are increasingly tele working, relying on digital solutions.
- Limitations to public life will make some criminal activities less visible and displace them to home or online settings.
- Increased anxiety and fear that may create vulnerability to exploitation.
- Decreased supply of certain illicit goods in the EU.

5.1. The role of EU State aid law in forcing the organized crime

Hidden from public view due to the opaque nature of its activities, organized crime is a significant threat to European citizens, business, and state institutions, as well as to the economy. As highlighted in the latest European Union Serious and Organized Crime Threat Assessment 2021 EU SOCTA[34], Organized crime groups operate throughout all Member States, fostering a networked environment marked by fluid cooperation driven by profit motives. These groups utilize their substantial illicit earnings to infiltrate both the legitimate economy and public institutions, often through corrupt practices. This undermines the rule of law, fundamental rights, and public trust in authorities, compromising safety. In 2019, criminal revenues across the EU's nine primary illegal markets totaled €139 billion, equivalent to 1% of the Union's Gross Domestic Product. Emphasized

[33] How criminals profit from the COVID-19 pandemic. Europol, 27 Mar. 2020. https://tinyurl.com/42mkp92d

[34] Reports European union serious and organized crime treat assessment 2017. Europol, 28 Feb., 2017. https://tinyurl.com/2k5ncju4

in the Security Union Strategy, ongoing and strengthened EU-level action is necessary to support Member States in combating organized crime effectively.[35] Emphasized in the Security Union Strategy, ongoing and strengthened EU-level action is necessary to support Member States in combating organized crime effectively[36].

The intricate business model of organized crime groups was revealed in 2020 through a collaborative investigation led by French and Dutch authorities, supported by Europol and Eurojust, targeting EncroChat, an encrypted phone network favored by criminal networks. This operation has resulted in over 1,800 arrests and initiated over 1,500 new investigations. It underscored the global and digital nature of organized crime, operating across various criminal markets in a networked environment. These groups employ increasingly sophisticated methods and embrace new technologies. In March 2021, a subsequent joint operation targeted Sky ECC, an encrypted network utilized by many former EncroChat users. This effort prevented over 70 violent incidents, seized more than 28 tons of illicit substances, and led to the arrest of over 80 suspects involved in organized crime and drug trafficking in Belgium and the Netherlands. Additionally, over 400[37] new investigations targeting high-risk organized crime groups have been launched.

Violent incidents perpetrated by organized crime elements are escalating in the EU, posing a growing threat to public safety, often involving firearms or explosives in public spaces[38] . The adaptability of organized crime groups during the COVID-19 pandemic has been evident, with a notable expansion of online criminal activities and a surge in fraud, including the sale of counterfeit medical products. Exploiting the high demand for COVID-19 vaccines, criminals have sought to profit from producing and distributing counterfeit vaccines or orchestrating fraud schemes, with EU governments detecting over 1.1 billion vaccine doses offered by scammers at a staggering price of over €15.4 billion. The economic downturn stemming from the pandemic further amplifies the

[35] Mapping the risk of serious and organised crime infiltrating legitimate businesses. Publications Office of the European Union, 2021. https://data.europa.eu/doi/10.2837/64101

[36] Commission Communication on the EU Security Union Strategy, COM(2020) 605 final, 24.7.2020.

[37] 2021 EU Serious and Organized Threat Assessment Report (EU SOCTA). Europol, 12 April 2021. https://tinyurl.com/2k5ncju4

[38] Ibid.

risks associated with organized crime activities, exacerbating their infiltration into society and the economy[39] .

Addressing the transnational threats and evolving tactics of organized crime necessitates a coordinated, targeted, and adaptable response. While national authorities are at the forefront of combating organized crime, effective cooperation, information sharing, and knowledge exchange among them are vital, supported by a cohesive criminal law framework and adequate financial resources at the Union level. Additionally, recognizing the intrinsic link between internal and external security, international engagement in countering organized crime is imperative, including strengthening partnerships and cooperation with neighboring and global partners to tackle this cross-border challenge. Both the European Parliament and the Council have emphasized the extensive harm caused by organized crime and underscored the necessity of robust EU action to combat all forms of organized criminal activity. However, law enforcement agencies often lack the necessary tools for digital investigations, despite the prevalence of digital components in over 80% of contemporary crimes. Hence, enhancing investigators' capabilities to detect suspicious online activities[40] . To detect and prosecute organized crime, investigators need to detect suspicious online activity, to track virtual currencies criminal transactions, to understand what they found (data can be encrypted or must be put in context with other data), to preserve the data and to use them as electronic evidence in court.

5.2. The capacity and capabilities of non-specialized law enforcement and prosecution service:

There is a pressing need to increase the capacity and capabilities of non-specialized law enforcement and prosecution services[41] . In addition, digital investigations expertise in specific areas such as the Internet of Things forensics

[39] Information reported by governmental authorities to OLAF. Law enforcement authorities together with Europol and OLAF are cooperating to thwart these attempted frauds.

[40] Commission Staff: Working Document – Impact Assessment accompanying the document Proposal for a Regulation of the European Parliament and of the Council on European Production and Preservation Orders for electronic evidence in criminal matters and Proposal for a Directive of the European Parliament and of the Council laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings, SWD/2018/118 final, 17.4.2018.

[41] Commission Communication on Ensuring justice in the EU – a European judicial training strategy for 2021–2024, COM(2020) 713 final, 2.12.2020, highlighting need to enable professionals to address new challenges.

is lacking. Law enforcement authorities and the judiciary need to keep pace with the fast-developing technologies used by criminals and their cross-border activities. This requires coordination in developing tools and trainings, among Member States and across sectors in areas such as digital forensics, open-source intelligence, crypto currencies, and dark web investigations, e.g. to gain access to, and where possible take down, forums selling illegal goods and services. Moreover, national authorities are not always able to use open-source technical solutions due to a lack of awareness about what solutions have been developed and are available, differences in requirements and levels of expertise, and a lack of support for further development and maintenance. At the same time, a lack of coordination between the various authorities and Member States brings about risks of duplicating initiatives. Existing EU mechanisms (EMPACT, EU Agencies such as Europol, CEPOL and Eurojust, networks of practitioners, funding programmes such as the Internal Security Fund) can play a key role in fostering a more effective approach to online investigations, through coordinated and well-targeted actions to develop capabilities and competences.

6. Conclusion

The COVID-19 pandemic has presented unprecedented challenges in the fight against organized crime within the European Union. While the crisis has led to disruptions in traditional criminal activities such as drug trafficking, human smuggling, and counterfeit goods, it has also provided opportunities for criminals to exploit vulnerabilities in the socio-economic fabric exacerbated by the pandemic. Throughout the crisis, organized crime groups have demonstrated adaptability, leveraging the pandemic to expand their illicit operations, particularly in cybercrime, fraud, and the trafficking of counterfeit medical supplies and illicit pharmaceuticals. Moreover, the economic downturn resulting from the pandemic has increased susceptibility to corruption and money laundering, further facilitating criminal activities.

Efforts to combat organized crime during the pandemic have been hampered by resource constraints, disruptions to law enforcement operations, and the diversion of attention to public health priorities. Moreover, the shift towards remote work and digital communication has complicated investigations, requiring enhanced cyber security measures and technological capabilities. Despite these challenges, the European Union has demonstrated resilience and solidarity in its response to organized crime during the pandemic. Member

States have collaborated through joint operations, information sharing, and the allocation of resources to target criminal networks exploiting the crisis. Additionally, initiatives such as Horizon Europe have supported research and innovation to develop tools and strategies to combat evolving forms of organized crime in the digital age.

Looking ahead, it is imperative for the European Union to remain vigilant and proactive in addressing organized crime in the post-pandemic recovery phase. This entails strengthening cross-border cooperation, enhancing cyber security measures, investing in law enforcement capabilities, and addressing the root causes of criminality through socio-economic interventions. By leveraging collective action and innovative solutions, the EU can effectively mitigate the impact of organized crime and safeguard the security and well-being of its citizens in the face of future challenges.