



HOUSE OF LORDS

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The EU Sub-Committee on Home Affairs

Inquiry on

THE EU ACTION PLAN AGAINST MIGRANT SMUGGLING

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11.30 am

Witness: Rob Wainwright, Director, Europol

Members present

Baroness Prashar (Chairman)
 Lord Condon
 Lord Cormack
 Lord Faulkner of Worcester
 Baroness Janke
 Baroness Massey of Darwen
 Lord Morris of Handsworth
 Baroness Pinnock
 Lord Soley
 Lord Wasserman

Examination of Witness

Rob Wainwright, Director, Europol

Q13 The Chairman: Good morning, Mr Wainwright. You are very familiar with the Committee—you have been with us before—but as you know, this is being recorded. A transcript of the evidence will be sent to you. If you want to alter it, change it or correct it, feel free to do so. On behalf of the Committee, I welcome you very warmly. Is there anything that you want to say by way of introduction before we get into our questions?

Rob Wainwright: No thank you, Lord Chairman. It is a pleasure to be here again. There are some new members of the Committee, of course, but it is always an honour for me to provide evidence and I hope to help the Committee in any way that I can.

The Chairman: Let me start by asking this. As you know, the European Commission intends to transform migrant-smuggling networks into “high risk, low return” operations. Are the four objectives in the action plan—enhanced police and judicial response, improved gathering and sharing of information, enhanced prevention of smuggling and assistance to vulnerable migrants, and stronger co-operation with third countries—the right ones to achieve those goals?

Rob Wainwright: I think so, yes. They offer a good balance in tackling the problem on a number of levels. Operational experience from Europol’s work in this area suggests that they are aimed in the right direction. They are ambitious in their scope, certainly in trying to transform it into something that would be high risk, low return. I say that because this problem has not always been at the top of the policing or EU priority list in recent years. We have some work to do collectively as a community to address that. For its part, Europol has been pursuing migrant smuggling for more than 10 years. We have a dedicated operational project in this area called Focal Point Checkpoint. Many operational successes have been recorded, but it has shown variable levels of support and activity from member states.

For the EU institutions themselves, as the Committee knows, migration and asylum have generally been top priorities for some time, but until now the policies lacked a certain balance. Whereas a lot of the focus has been on reinforcing the external border and dealing with irregular migrants upon arrival, until now they have lacked focus in what should be the critical third area of any strategy: to identify and target the criminal networks behind the smuggling trade. That is the point that Europol has been making for some time and which has

been illustrated most vividly by the crisis in the Mediterranean this year. The arrival of the new European Commission has played a role in seeing this area as something that should command greater political attention. We very much welcome that.

As for the four priorities that you mentioned, Europol is particularly pleased that there are two areas in particular that we can provide a direct contribution to: police co-operation and improving cross-border information exchange. I am glad to see those included. Europol will of course provide its full range of services to help execute the action plan in that way.

Q14 Lord Soley: Does the information that you collect and analyse give you any clear idea of the root causes of irregular migration?

Rob Wainwright: It is not part of our primary mandate to study that. As the Committee knows and as we see from our work more generally, a number of pull and push factors are involved. Some are geopolitical in nature in terms of the mass displacement from the conflict in Syria. A lot of it is more personal, in the sense of people trying to reach family members who are already in European countries, or, indeed, to reach part of the same ethnic community. From our work in monitoring the criminal networks, it is clear that the networks are content to exploit anyone and everyone regardless of their situation, and even to treat them as goods for bartering or sale. It is also clear that these networks are highly sensitive to relative changes in risk and opportunity of operating at different points along the external border of the European Union. Interestingly, in the last two years we have seen relatively significant periodic swings in criminal activity between southern border points around, for example, the Italian coastline, the eastern Mediterranean—Greece and Turkey—and the central European Balkans area around the border with Hungary and Austria. As law enforcement attention increases in effectiveness in one area, criminal activity shifts to the other areas and back again. That argues for the importance of pursuing a balanced and uniform approach across the EU.

Lord Soley: I understand why you identify enforcement. It is an important question because we need to work out whether the action plan will actually address irregular migration or whether we are dealing just with some of the symptoms. How effective will the action plan be in dealing with irregular migration? If that question was asked in any of the parliamentary assemblies, you might say that it is a good question. What is the answer?

Rob Wainwright: Yes, and I recognise that for the plan to be effective it involves doing more than just effective police work. It just so happens that effective police work is the principal domain of the area that I and my agency can contribute to. Of course you are right in the sense that the plan also, quite correctly, targets the need for more effective co-operation in third countries and more effective counternarratives and education programmes to try to reduce demand in the first place. That is why I said at the start that this is a balanced plan. It is certainly the most striking and ambitious that we have seen for some years at European Union level. Whether it is successful remains to be seen and depends on the actors involved.

Lord Soley: I think this is my final question. One of the things the Minister told us is that he saw the action plan as a way to break the link between irregular migration and smugglers. A bit of me says that he is being a bit optimistic. Do you have a view on that? Will it break the link?

Rob Wainwright: If we are successful I think it will, but that is a big “if”. We have to identify the smugglers, which requires enhanced intelligence that we do not have in large quantity. We then have to be able to target them at different points of their activity and in their source countries—in north Africa, as you can imagine, our operational reach is rather limited. It is also highly important to follow the money flows. It is achievable, provided we make a

concerted effort across the community to improve intelligence and manage and co-ordinate our operational activity effectively.

Lord Soley: I am sorry, that was the penultimate question after all. To be clear, a key factor is identifying the smugglers?

Rob Wainwright: Absolutely.

The Chairman: Thank you for the brief answer.

Lord Wasserman: Can I ask one supplementary?

The Chairman: Very quickly. We have to finish by 12.15 pm.

Lord Wasserman: I am very interested in what you said, because we had a seminar in which some advocates said that there is not much point trying to use law enforcement to stop this, because if you stop one route they will come some other way. Because of the push factors—they are in such a terrible state back in their home countries—too many people are going to smuggle. Do you find that law enforcement actually cuts down the amount of smuggling that takes place?

Rob Wainwright: Yes, I do. You are right that some of the inherent push factors clearly need to be addressed as part of the wider strategy. However, it is absolutely clear that criminal networks are at least exacerbating the situation, if not directly responsible for the extent of the trade, and using the internet to encourage people to make the journey in the first place, forcing them, sometimes against their will, on to unseaworthy vessels. Indeed, in some cases they exploit them on their arrival in the European Union. That is a large criminal infrastructure that is fundamental to this trade. If we can take that away, it will make a big difference.

Q15 Lord Faulkner of Worcester: Sticking with the action plan, do you think that the Commission has set the right priorities for it? Can they be achieved in the five-year timescale?

Rob Wainwright: It is ambitious. As I said, part of it—for example, aiming to increase the effectiveness of EU actions in third countries such as Libya—will be difficult to achieve. Setting an ambitious timeframe and goal is a positive move by the EU. It underlines the renewed political commitment that we have in this area and should be applauded. There are some very well-conceived ideas in the plan that are relatively new, such as bearing down on the use of the internet by criminal networks that are recruiting their victims. Also, it once again enforces the importance of following the money train. That is something that I often hear in the police world and I do not often see sustainable success in that across many areas of organised crime activity. Where we can do something about that, it will make a positive difference. We are seeing about €8,000 per migrant made in profit by the criminal networks on the journey from Libya to Italy. That is a lot of money when you aggregate the numbers. Europol will therefore try to provide its services. It already acts as a centre point in the EU for a lot of the anti-money laundering and asset recovery work for the European police community. Our expertise and institutional capability will be used here. Until now, there has been no systematic use of financial investigation tools in this area. That is something that we need to do a lot more on.

To answer your question in simple terms, this is a mindset issue, not only as to why we have not used financial intelligence tools enough but for the whole plan. All actions are achievable; if the actors commit themselves, in the right frame of mind, with the necessary resources, the right information exchange and the right operational attention, this can be achieved.

Lord Faulkner of Worcester: Fast forward to 2020: what, for you, would count as success?

Rob Wainwright: First, a much better intelligence picture of the networks involved, not just those operating in the source and transit countries in north Africa, but the secondary distribution networks here in Europe, from Italy to other parts of Europe. Of course, it would also be significant operational successes that we can feel and see the impact of in terms of numbers of people arrested and networks disrupted. In the end, the success of this plan at the highest level will be the numbers of migrants.

Lord Faulkner of Worcester: Getting them down.

Rob Wainwright: Of course.

Q16 Lord Condon: As Europol takes on an even more significant role in this new action plan, can I explore whether you think your mandate is clear on this, your capacity in terms of quality of the staff you recruit and retain, and, perhaps most importantly, your budget? Have they clarified your mandate, and do you have the resources to deliver it?

Rob Wainwright: In these tight budgetary times we are under resource strain, like other agencies. We have developed JOT Mare, which I will happily explain later, but the idea is that we should brigade our resources more effectively internally and combine them in an operational team with experts from the member states. We have done that to maximise the use of our limited resources. That is now being pulled and pushed in different directions under this action plan, quite rightly, to pursue a more effective implementation plan, for example by deploying a forward intelligence cell connected to this in Sicily. There is talk and negotiations that we might do the same in Greece, and even in Hungary, which the European Commission is keen for us to do.

That will bring significant resource strain. For the moment, only an additional three posts have been allocated to Europol as part of that. That is clearly not enough. I have made that clear to the European Council, the European Commission and the European Parliament. My estimate is that we should have upwards of 20 or 25 new posts over the next two years. In these difficult budgetary times that will be a difficult and challenging discussion. In the mean time, we are trying to maximise as much as we can.

As for your broader questions, the mandate is clear. We have been operating in this area for more than 10 years. We have a clear legal mandate. There is one particular aspect of the new task that we have been given that I would prefer to have a clarified mandate on: where we have been asked to monitor the internet for the way it is being used to recruit victims. We have established a new EU-wide internet referral unit, principally to help on counterterrorism matters, but now, under the specific guidance of the European Heads of Government, also in this field. I raise this because until now we did not have an established direct operational connection with the private sector. Our new legal regime, which is currently being negotiated, should clarify that point.

Lord Condon: Can I pursue the budget aspects? You mentioned that you have been allocated three posts and that you perhaps need 25 to 30. What is happening to your budget in percentage terms? Do you have any clarity on what is happening to your budget over the next few years?

Rob Wainwright: Our budget is set from one year to the next, so I do not have clarity beyond the next year. For the next year there is a modest increase in line with inflation—no more than that. This year we had an increase of some 5% to 10%, principally to deal with ICT infrastructure development. In terms of our human resources, very little has come our way, despite the fact that Europol has taken on many new important tasks in the last few years, including the establishment of the new European Cybercrime Centre, which has been a major

part of our work in the meantime. We have been under significant strain. All the actors in the EU institutional machinery recognise that, but at the moment we have not properly readjusted our position to reflect that.

Lord Condon: Finally, just so I can get a feel for within your organisation, how many people are more or less dedicated to dealing with people smuggling and associated issues full time?

Rob Wainwright: That is always difficult to answer, because we operate a platform hub—an operational co-ordination centre—so our service is to connect a much wider operational community around the member states. The core team that is providing that is fewer than 20 at the moment. Of that, maybe only half—

Lord Condon: You said fewer than 20. How many?

Rob Wainwright: About 15, maybe 18 depending on how you count them, about half of whom are devoted to the particular problem in the Mediterranean. We established a specific team to tackle the problem.

Q17 Lord Morris of Handsworth: Mr Wainwright, I have a very nosy neighbour who is always seeking information. For example, tonight he might ask me, “What has the joint operation team achieved since its launch in March 2015?”. Can you help me?

Rob Wainwright: I would be happy to, your Lordship. It has only been established since March, but this team is already working pretty well. I shall give you some figures to support that. It is a multinational team; it is not only Europol’s work. Five member states have already seconded their experts to join our team. It is a very dynamic operational environment. I am glad to say that the UK is one of its leading supporters, with support from the Home Office and the National Crime Agency. The combination of their expertise and what our analysts are delivering at Europol has, since March, supported 70 cross-border investigations in this area, which is already quite a sizeable amount. That reflects the size of the problem and the scale of the commitment that the operational teams show. For those 70 investigations already identified, in the Mediterranean alone, Europol processed over 8,000 unique pieces of intelligence, including on facilitators, their associates and communication methods used. To give a recent example, JOT Mare is supporting a significant ongoing investigation led by the Italian authorities of an organised crime group that was linked, we think, to many smuggling operations in the Mediterranean, including one notable incident that led to many casualties. Eighteen suspects have already been arrested. It was an interesting case in which data were collected by the Italian authorities and analysed by our team at Europol. We quickly saw intelligence connections right across the European Union, including to here in the United Kingdom. It shows that this concept is working. So far, I am pleased with the progress that it is making.

Lord Morris of Handsworth: Do you think you will eradicate the problem 12 months on?

Rob Wainwright: No, not in 12 months. I think it will take longer than that. We should be measuring it in a period of years before we talk about eradicating the problem, or at least reducing it.

Lord Morris of Handsworth: How many years?

Rob Wainwright: It is difficult to predict that, your Lordship. I am counting in terms of the lifespan of the EU action plan, which takes us to 2020 before we can have a really meaningful impact.

Q18 Lord Wasserman: I see that the Europeans have set up a hotspot. How will that affect you? What are they trying to do? I was not quite clear on what they have in mind and what you are going to do about it.

Rob Wainwright: Yes, it is from the European Commission. The idea is that it puts into practice an interagency arrangement in the field where the pressing problem is, from which we can deploy the different complementary assets of different European agencies, including Europol, to deliver a specific, targeted impact on that problem. From my side, Europol has always been a positive proponent of it, because it allows us to get into the field, particularly by way of collecting better intelligence more quickly to feed into our system. The first established hotspot team is in Sicily, with Europol working alongside FRONTEX in particular. For us, it is an opportunity to get closer to the operational intelligence that the Italian authorities and FRONTEX have from debriefing migrants on their arrival. We hope also to involve specialist teams from member states, including the UK, so that we can get better access to intelligence in theatre, to use the military term, and turn that around more quickly to provide some kind of actionable intelligence for operational impact.

Lord Wasserman: Could you not do that before this new initiative?

Rob Wainwright: All that was possible, but remotely from our team in the Hague. The systems are still there to provide that, but being on the ground and dealing with the investigators on the spot gives us a greater sense of familiarity and immediacy with the problem.

Lord Wasserman: So this hotspot on the ground means that you are now able to go to the affected places?

Rob Wainwright: Indeed.

Q19 Baroness Massey of Darwen: We have mentioned the word “co-operation” before. The Commission regards interagency co-operation as key to the success of the agenda and the action plan. How does Europol co-operate with other agencies in the fight against migrant smuggling? How good is it?

Rob Wainwright: It is good. It can always be improved, as with anything. As I implied to Lord Wasserman, our principal partner is FRONTEX, which to a certain extent is the lead European agency, certainly in terms of protecting the external border of the EU. We have a complementary role; Europol is interested in the smuggling networks that are penetrating the external border. Our principal relationship with FRONTEX is that we can take from it some information that it is gathering to help us to identify the smuggling networks. In the other direction, having identified those, we can help to deploy FRONTEX’s capabilities in the field in particular to target the vulnerable points.

It is a very symbiotic relationship that is working rather well, although it needs to be solidified in the form of an operational agreement, a legal agreement, that would allow FRONTEX in particular to exchange operational information—in EU language, “personal data”—with Europol. There is a mechanism in our respective legal frameworks that allows that, but so far the modalities of that agreement have not been put into practice. Whereas Europol is ready to do that, FRONTEX still has some work to do with its data protection supervisor, for example. For the moment, we are not getting direct access to the information that FRONTEX is collecting and we need to do that. Both agencies see that as a priority, as does the European Commission. That should be finalised in a matter of months. I do not think it will be a problem for much longer.

As for the other agencies, we are negotiating with the European Maritime Safety Agency to get access to vessels operating in that area. Also, I recently played host to a visit by the newly appointed commander of the EU naval force for the Mediterranean that has recently been established. I talked with him about setting up important information exchange arrangements that would allow us to use our intelligence in an actionable way, maybe to help direct the way that EU NAVFOR operates its military assets in that area, particularly against suspected vessels.

Baroness Massey of Darwen: Is data a general problem, apart from with FRONTEX?

Rob Wainwright: No. What is always a challenge for Europol in all its fields of activity is ensuring that we have optimum engagement, in particular with member states' authorities, which will always be our principal sources of information. Can we build the necessary trust and operational engagement with the relevant authorities so that they will share data with us effectively and systematically? The answer to that is yes a lot of the time, but not always. Trust is a precious commodity in all fields of commercial and non-commercial activity. That is particularly true in the law enforcement domain, as some of your Lordships will know.

Q20 Lord Soley: Thinking of the resources that have been allocated to you in the action plan, can you give us an idea of how you see them relating to many other areas you could cover, from cybercrime to drugs? You have this incredible multiagency approach. How will it fit together? How will the action plan fit into the other activities imposed on you?

Rob Wainwright: At the highest policy level, there is some synergy between this plan, the migration strategy and the European agenda on security, developed by the European Commission and endorsed by the Council at more or less the same time. That agenda concerns organised crime, cybercrime and terrorism, which includes aspects of the problem of illegal migration. There is policy synergy at the highest level. Indeed, some architecture has been put in place over the last five years to try to ensure that that policy cohesion at the top level can be translated into operational effect. I am sorry if that sounds like the words of an EU bureaucrat. I often hear myself talking that way. I have been away from the UK for too long.

We have something called the EU policy cycle for combating organised crime, which sounds rather boring and drab but is actually very important. It is the first time that we have put an architecture in place that combines the operational activities of all member states behind an identified set of strategic priorities. That ensures that there is cohesion and consistency between what we do in one area and what we do in another. A lot of the architecture operates through Europol to give it operational effect. Therefore, at Europol we will make sure that the work we are doing in this area can complement the work in other areas, in particular by making use of information connections. Where we can identify connections between criminal activity in this domain and in others, that will drive more effective co-ordination across the different areas.

Lord Soley: I find that an encouraging answer. Thank you.

Q21 Lord Cormack: Your website indicates that, “criminals involved in facilitated”—horrible word—“illegal immigration are often also involved in other crimes such as drugs and people trafficking, forgery of passports ... and money laundering”. How do you ensure that the intelligence that you collect on these crimes helps you in your fight against illegal migrant smuggling?

Rob Wainwright: Our operating concept at Europol, developed in the last five years, in particular reflects what we have observed in the criminal domain, which is the broadening

nature of the activities of organised crime groups. They are far less specialised in particular criminal sectors today than they were a decade ago. Many criminal groups are operating in multiple criminal sectors, including illegal immigration. In particular, we have developed our information and intelligence systems to maximise our view of that and to maximise our opportunity to identify opportunities for international investigation. That means that we have developed our analytical systems and our databases in particular to immediately crosscheck data gathered in one investigation with the other areas that we have. We have millions of intelligence entries now in our databases on all fields of organised crime and terrorism. It is a very powerful data set that is unique in Europe. Every day it has identified connections between one case and another, very often across different criminal sectors.

I am very confident that we are therefore able in this case to collect intelligence about criminal networks smuggling people and our ability to connect that with drug trafficking in another. Indeed, we are already seeing those links: individuals who are smuggled for labour and sexual exploitation on arrival and individuals who are smuggled with the express purpose to support the drugs distribution business in Europe, in particular cannabis. Firearms smuggling has also been connected with this. Of most concern is the possible connection with terrorism. It is important not to overestimate that, because we at Europol have not seen this potential threat manifested yet in a significant way. Indeed, there is a possibility that some of these smuggling networks might be manipulated by Daesh. We are very sensitive to any signs of that.

Lord Cormack: Some years ago, throughout the 2005 Parliament, I chaired the Northern Ireland Affairs Committee in another place. We conducted an inquiry into organised crime, which revealed in great detail that paramilitaries on both sides were much involved in it. They were involved in people trafficking, illicit cigarettes and all the rest. Is there much evidence of a UK participation in organised crime, from Northern Ireland or from any other part of the UK, or is this more a problem that is occasioned by criminals in what we loosely call mainland Europe?

Rob Wainwright: Do you mean terrorist groups, or criminal groups?

Lord Cormack: No, these were former terrorists in Northern Ireland who were much involved in organised crime, particularly in the Province but spreading over to other parts of the UK. I just wondered whether you had any evidence of participation by those people, or their heirs and successors, in the sort of crimes that we are concerned with here, particularly people trafficking and smuggling.

Rob Wainwright: Yes, there are signs of that. There are established criminal networks operating in the United Kingdom that are certainly well connected with this trade, especially secondary distribution. It is not so much the primary transfer of migrants from north Africa to Italy, for example, but there is certainly the secondary distribution. On trafficking human beings—what the Home Secretary calls “modern slavery”—there are certainly established connections to Britain that we are helping to tackle.

Lord Cormack: Our previous witness’s primary concern was refugees as human beings. We accept and understand that, but he seemed to suggest that there is a very real difference between smuggling and people trafficking: most of the refugees might well be exploited by or taken advantage of by people smugglers, but most of them were not necessarily being trafficked. Do you have any observations on that?

Rob Wainwright: I agree with that. From our observations, the majority of them are smuggled, at least at the start of the enterprise. They are smuggled in a voluntary way; they have signed up to the smuggling operation. The way they are treated and sometimes forced on

to vessels along the way is a very different matter, but only a small number of them can be defined as trafficked: that is, those whose purpose is to be exploited on arrival for other criminal purposes.

Q22 Lord Condon: In trying to grasp how we address this problem with the law enforcement response to the action plan, in percentage terms, how much of that law enforcement focus is on organised crime and how much arises from opportunist local fisherman, boat owners and people who are prepared to make money out of exploiting this huge mass of people who are trying to move? I do not yet have a feel for whether organised crime is at the core of this change or whether they are just tapping into it in an opportunist way, as lots of small fishermen and others have done.

Rob Wainwright: That is a good question. Part of this is opportunistic in nature. Of course, it very much depends on how you define organised crime. Certainly there are established criminal syndicates that are organising the smuggling operation from start point to end point, also with a very deliberate exploitation of the internet as a recruitment mechanism.

Lord Condon: Is it possible to put any sort of percentage on the total?

Rob Wainwright: It is not, I am afraid. It is very difficult to do that.

Lord Condon: Is it likely to be half, or more?

Rob Wainwright: We have a much better view on the secondary distribution trade in Europe, in which most of the problem is certainly controlled by or in the hands of established organised crime syndicates. As for the situation in Libya and other areas, it is such a difficult situation to read that I am afraid I cannot answer with much confidence.

Baroness Massey of Darwen: I am trying to count all the strategies.

Rob Wainwright: Me too.

Baroness Massey of Darwen: Good. Who is co-ordinating them? Is it you or is it out there somewhere?

Rob Wainwright: The European Commission is principally a co-ordinating actor. It shares that responsibility with the Governments and with the European Council. There are review and co-ordination mechanisms, which I can testify work in practice. At the operational level, on specific targeted European work against the smuggling networks themselves, yes, Europol is responsible for co-ordinating their implementation, very much in co-operation with the national authorities.

The Chairman: That is all from us. Thank you very much indeed for your time. If there is anything that on reflection you think would be helpful to our inquiry, please send us some supplementary information.

Rob Wainwright: I shall send you a written submission as well.

The Chairman: That would be very helpful. Thank you very much indeed for your time.

Rob Wainwright: My pleasure, thank you.