Revolutions in EU Crime Statistics:
EULOCS – the EU level offence classification system

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1   Introduction

1.1   Emerging cross-national crime statistics

1.1.1   Mainly national focus

Crime statistics are more than just a pile of numbers. Ever since the eighteenth century, it became clear that they are a vital source of information in the challenge to understand and fight crime.[1] In recent decades, crime and the prevention thereof increasingly gained importance to governments who "set out to 'manage' crime"[2]. Because more and more people got involved in crime statistics, we have experienced what some call a "data explosion"[3].

Nevertheless, for long, the focus of crime statistics was limited to a merely national context, thereby largely neglecting cross-national opportunities. Besides an interest that is mainly confined to the national context, the rather low availability of timely, reliable and comparable data is also due to methodological difficulties.[4] The major concerns with regard to cross-national comparison are the differences in offence definitions, differences in reporting and recording practices and the differences in counting rules.[5]

Nowadays, there are two evolutions towards filling this "cross-national data gap". The first is the development of the European Sourcebook, the second the evolution toward survey methods.

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[1] STAMATEL, J. (2009). Contributions of Cross-National Research to Criminology at the Beginning of the 21st Century. in KROHN, M. D. *Handbook on Crime and Deviance*, Springer: 3-22.

[2] MAGUIRE, M. (2007). Crime data and statistics. in MAGUIRE, M., MORGAN, R. and REINER, R. *The Oxford Handbook of Criminology*. Oxford, Oxford University Press: 241-301.

[3] MAGUIRE, M. (2007). Crime data and statistics. in MAGUIRE, M., MORGAN, R. and REINER, R. *The Oxford Handbook of Criminology*. Oxford, Oxford University Press: 241-301.

[4] HOWARD, G. and SMITH, T. H. (2003). Understanding cross-national variations of crime rates in Europe and North America. in AROMAA, K., LEPPA, S., NEVALA, S. and OLLUS, N. *Crime and criminal justice systems in Europe and North America.* Helsinki, HEUNI: 23-70, FARRINGTON, D. P., LANGLAN, P. A. and TONRY, M. (2004). *Cross-national studies in crime and justice.* Washington, Bureau of Justice Statistics, ALVAZZI DEL FRATE, A. (2008). Trends and Methodological Aspects in the International Collection of Crime and Criminal Justice Statistics. in AROMAA, K. and HEISKANEN, M. *Crime and Criminal Justice Systems in Europe and North America 1995-2004* Helsinki, HEUNI: 215-231, SMIT, P., HEAN MARSHALL, L. and VAN GAMMEREN, M. (2008). An Empirical Approach to Country Clustering. in AROMAA, K. and HEISKANEN, M. *Crime and Criminal Justice Systems in Europe and North America 1995-2004.* Helsinki, Heuni: 169-196, ROBERT, P. (2009). *Comparing Crime Data in Europe. Official crime statistics and survey based data.* Brussels, VUBPress.

[5] AEBI, M. (2008). Measuring the Influence of Statistical Counting Rules on Cross-National Differences in Recorded Crime. in AROMAA, K. and HEISKANEN, M. *Crime and Criminal Justice Systems in Europe and North America 1995-2004.* Helsinki, HEUNI: 196-215, RUBIN, M. M., CULP, R., MAMELI, P. and WALKER, M. (2008). "Using Cross-National Studies to Illuminate the Crime Problem: One Less Data Source Left Standing." *Journal of Contempory Criminal Justice* **24**: 50, STAMATEL, J. (2009). Contributions of Cross-National Research to Criminology at the Beginning of the 21st Century. in KROHN, M. D. *Handbook on Crime and Deviance*, Springer: 3-22.

1.1.2 Cross-national comparisons

The European Sourcebook

The first evolution in the attempt to fill the "cross-national data gap" relates to the development of a European Sourcebook on Crime and Criminal Justice Data, which sprung from a Council of Europe initiative. In 1993, the Council of Europe challenged a Committee of Experts with the preparation of a feasibility study concerning the collection of crime and criminal justice data for Europe. The members of this Committee of Experts decided to carry out a feasibility study by collecting data on offences and offenders recorded by the police, prosecutions, convictions and corrections authorities in 10 particular countries. The report was received favourably and in 1995, the Council of Europe decided to enlarge the Committee in order to include other parts of Europe.[6] For all offences included in the European Sourcebook, a standard definition was used and countries were invited to follow the standard definition where possible and elaborate on the obstacles if not possible.[7]

For methodological reasons, the sourcebook focuses mainly on traditional and high volume crime, including the total of criminal offences, intentional homicide, assault, rape, robbery, theft, theft of a vehicle, burglary, domestic burglary, drug offences and drug trafficking.

The differences in the national criminal justice and data systems are meticulously analysed and where necessary data is annotated.

International surveys

The second evolution is the use of surveys to collect data. These surveys aim at stepping away from the official data records and the difficulties that are caused by the differences in the national criminal justice and data systems. Alternatively, these surveys try to overcome those differences by collecting new information, across different countries all at once, ensuring data collection in a more consistent and systematic way.[8]

Noteworthy are:
-    ICVS – The International Crime Victim Survey

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[6] AEBI, M., KILLIAS, M. and TAVARES, C. (2002). "Comparing Crime Rates: the International Crime (Victim) Survey, the European Sourcebook of Crime and Criminal Justice Statistics and Interpol Statistics." *International Journal of Comparative Criminology* **2**(1): 22, KILLIAS, M., AEBI, M., AROMAA, K., AUBUSSON DE CAVARLAY, B., BARCLAY, G., GRUSZCZYŃSKA, B., VON HOFER, H., HYSI, V., JEHLE, J.-M., SMIT, P. and TAVARES, C. (2006). *The European Sourcebook of Crime and Criminal Justice Statistics – 2006*. Den Haag, WODC.

[7] DE BONDT, W. and VERMEULEN, G. (2009). Esperanto for EU Crime Statistics. Towards Common EU offences in an EU level offence classification system. in COOLS, M. *Readings On Criminal Justice, Criminal Law & Policing*. Antwerp - Apeldoorn - Portland, Maklu. **2**: 87-124.

[8] STAMATEL, J. (2009). Contributions of Cross-National Research to Criminology at the Beginning of the 21st Century. in KROHN, M. D. *Handbook on Crime and Deviance*, Springer: 3-22, VAN DIJK, J. (2009). Approximating the truth about crime. Comparing crime data based on general population surveys with police figures of recorded crime. in ROBERT, P. *Comparing Crime Data in Europe. Official crime statistics and survey based data*. Brussels, VUBPress: 13-52.

- ISRDS – The International Self-Report Delinquency Study
- ICBS – The International Crime Business Survey
- IVAWS – The International Violence Against Women Survey

These surveys either have a particular focus (e.g. violence against women) or a more general focus (e.g. the international crime victim survey). The similarity – relevant for this paper – between these surveys and the European Sourcebook is the kind of offences that is focused on. Cross-border offences are left aside.

1.1.3 Remaining gap: cross-national data on cross-border and organised crime

The two evolutions briefly touched upon above, only partially fill the "cross-national data gap". Even though they engage in a cross-national analysis of crime statistics, the topic of the analysis remains rather national in that phenomena of cross-border crime are not included. Therefore, an important gap remains, namely the cross-national study of cross-border crime. This is exactly the kind of data that is of interest to the European Union. Hence it comes as no surprise that the Union is more and more actively involved in the gathering of statistical data on cross-border and organised crime.

1.2   EU interest in crime statistics

1.2.1   Repeated acknowledgement of importance

The compilation of EU level crime statistics has been an official EU objective for more than 15 years. Even though a lot has happened in that time span, limited progress seems to have been made.

In its 1997 Action Plan to combat organised crime, the Council recommends member states to set up a mechanism for the collection and analysis of data, which is construed in a manner that can provide a picture of the organised crime situation in each of the member states and which can assist law enforcement authorities in the fight against organised crime.

> *"Member states should use common standards for the collection and analysis of data so that it can effectively be used by and exchanged with other member states."[9]*

These recommendations gained a treaty base with the introduction of Art. K.2.2.d. in the Amsterdam Treaty (renamed Art. 30 TEU) which stipulates that

> *"the Council shall establish a research, documentation and statistical network on cross-border crime."*

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[9] EUROPEAN COUNCIL (1997). "Action plan to combat organised crime." *OJ C 251 of 15.8.1997.*

Whereas the establishment of a statistical network is combined with the setting up of a research and documentation centre in the Treaty provisions, the 1998 Vienna Action Plan enlists the improvement of statistics on cross border crime as a separate goal. In the 2000 Millennium Strategy, the member states recommended the elaboration of crime statistics and called upon the Commission to launch studies in this area.[10] Subsequently, the 2003 Dublin Declaration again pointed to the need for a common language on European crime statistics.[11]

"The objective of the strategy should be to provide information necessary for analysing trends, assessing risks, evaluating measures and benchmarking performance. The strategy would identify common minimum standards in crime statistics, including agreed definitions of terms and other crime indicators as well as EU-wide information collection methodologies"

Similarly, in the 2005 The Hague Programme[12] it was noted that

"the European Council welcomes the initiative of the Commission to establish European instruments for collecting, analysing and comparing information on crime and victimisation and their respective trends in Member States, using national statistics and other sources of information as agreed indicators" (OJ C 53/11 of 03.03.2005).

Finally, the 2006 Commission Communication on the EU Action Plan to measure crime and criminal justice[13] reiterated the ideas in the above mentioned instruments and stressed , that underpinning these objectives were tasks related to the establishment of an EU-level Offence Classification System.

1.2.2 Twofold research needed

In our opinion, research related to the elaboration of comparable EU crime statistics, should be conducted on two levels. These levels perfectly represent the major concerns with regard to cross-national comparisons cited above: the differences in offence definitions, the differences in reporting and recording practices and the differences in counting rules.

Firstly the terminology, the concepts and the definitions used, should be analysed. Indeed, national criminal codes differ and certain similar offences do not necessarily cover the exact same behaviour. It is key to fully understand the

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[10] EUROPEAN COUNCIL (2000). "The prevention and control of organised crime: a European Union strategy for the beginning of the new millennium." *OJ C 124 of 3.5.2000.*

[11] COUNCIL OF THE EUROPEAN UNION (2003). "Declaration of the Dublin Conference on Organised Crime." *Doc 16302/03, CRIMORG 96, 19.12.2003.*

[12] EUROPEAN COUNCIL (2004). "The Hague Programme: strengthening freedom, security and justice in the European Union." *OJ C 53/11 of 3.3.2005.*

[13] EUROPEAN COMMISSION (2006). "Commission Communication to the European Parliament, the Council and the European Economic and Social Committee: Developing a comprehensive and coherent EU strategy to measure crime and criminal justice: An EU action Plan 2006-2010." *COM(2006) 437 final of 07.08.2006.*

differences in the scope of the offences, even though it is absolutely not the objective to harmonise these offences. The expertise of the authors is mainly situated on this first level.

Secondly, in depth analysis needs to be carried out with regard to the theory and practice of crime statistics applied by the different stakeholders in the field. Differences in recording practices, counting rules, data analysis and data production will have a significant impact and bias on the final statistics, leaving us with virtually incomparable data. Needless to say that this requires long-term research with input from different experts familiar with the national criminal justice systems of the EU member states, as well as with the practice and challenges of crime statistics.

1.2.3   EU funded Crime Statistics Project

In June 2007, the European Commission took a first step in the attempt to fill the remaining gap by launching a tender entitled Study for the development of an EU-level system for the classification of criminal offences & an assessment of its feasibility with a view to supporting the implementation of the Action Plan to develop an EU strategy to measure crime and criminal justice.[14] The scope of the tender is more or less what we have described as the first level of the research, namely the terminology, the concepts and the definitions used. It is important to note that the European Commission expressly stated

> *"that an EU reference instrument needed to be created based on the existing harmonised definitions of crime types, that are readily available."*

Hence the little or no attention to the theory and the practice of statistics in itself: it is only dealt with in so far as it has a direct influence on the use of definitions. The goal was to assess these so called readily available harmonised minimum definitions, and develop an EU-level Offence Classification System. The final report of the study was published in 2009.[15]

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[14] EUROPEAN COMMISSION (2007). "Call for Tender of 26 June 2007: Study for the development of an EU-level system for the classification of criminal offences and an assessment of its feasibility with a view to supporting the implementation of the action plan to develop an EU strategy to measure crime and criminal justice " *JLS/D2/2007/03*.

[15] MENNENS, A., DE WEVER, W., DALAMANGA, A., KALAMARA, A., KASLAUSKAITE, G., VERMEULEN, G. and DE BONDT, W. (2009). *Developing an EU level offence classification system: EU study to implement the Action Plan to measure crime and criminal justice.* Antwerp-Apeldoorn-Portland, Maklu.

2   EULOCS: the EU Level Offences Classification System

2.1   EULOCS' methodology

A dual approach was used to decide on EULOCS' architecture. First a desktop review was conducted, aimed at attaining a better understanding of both the definition and use of crime concepts within the EU Justice and Home Affairs area (EU JHA area) and of the development of classification systems for use in criminal matters. This desktop review led to the development of a first prototype of EULOCS.

Second, a extensive consultation round was conducted, in order to include feedback from a significant amount of international organisations, bodies, agencies and institutions as well as individuals. The compatibility of EULOCS with existing the legal framework, policy needs, national data systems and individual expert opinions was tested.

2.1.1   Desktop research

Definition and use of offence concepts

The first objective of the desktop research was to analyse the definition and use of offence concepts in the EU JHA area. The EU JHA area is a very complex and divers policy area, because cooperation in the fields of justice and home affairs is initiated at different policy levels. As a result, it is difficult to find a way through the jungle of instruments adopted bilaterally, multilaterally (e.g. Benelux), regionally (e.g. Council of Europe, European Union) and internationally (e.g. UN).

First, the desktop review focussed on the definition of offence concepts in the EU JHA area. Within this area, the *EU JHA acquis* plays a central role. This acquis is a list of the legal instruments, irrespective of the gremium in which they were negotiated, to which all EU (candidate) member states must conform.[16] It should be stressed that the acquis includes both EU and non-EU instruments, reflecting the complexity of the cooperation in this field. Using the EU JHA acquis as a starting point for the analysis, an e-library was set up, containing documents originating from the United Nations, Council of Europe, the European Community and the European Union.[17]

Second, in addition to the way offence concepts are defined, the desktop research also aimed at analysing how defined (or undefined) offence concepts were used throughout the EU JHA area. Attention was paid to the functioning of

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[16] http://ec.europa.eu

[17] DE BONDT, W. and VERMEULEN, G. (2009). Esperanto for EU Crime Statistics. Towards Common EU offences in an EU level offence classification system. in COOLS, M. *Readings On Criminal Justice, Criminal Law & Policing.* Antwerp - Apeldoorn - Portland, Maklu. **2:** 87-124.

Europol and Eurojust[18], Eurostat, but also to practical cooperation tools such as the European Arrest Warrant (EAW)[19] and the European Criminal Records Information System (ECRIS)[20].

This part of the analysis links in perfectly with the second part of the desktop review aimed at attaining a better understanding not only of the classification systems currently in use but also of the general requirements of classification systems.

Classification systems

Both the Australian Standard Offence Classification[21] and the Irish Crime Classification System[22] served as main best practices. Besides those the methodology, the encountered obstacles and best practices of the US Classification System, the European Sourcebook and the European Criminal Records Information System (ECRIS)[23] were studied.

Additionally, statistical classification systems other than crime statistics classifications (e.g. the International Standard Classification of Occupations) were studied in search of best practices.

Development of a prototype EULOCS

Analysis revealed that in the EU JHA area, already a number of classification systems exist. The aim of the study was not to create yet another classification system, but to further built on what is already there. Considering the accelerated development of the European Criminal Records Information System (ECRIS)[24], this classification system was used as the basis for the study.

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[18] DE BONDT, W. and VERMEULEN, G. (2009). "Justitiële samenwerking en harmonisatie. Over het hoe en het waarom van een optimalisering in het gebruik van verwezenlijkingen op vlak van harmonisatie bij de uitbouw van justitiële samenwerking." *Panopticon* **6**: 47.

[19] GUILD, E. (2006). *Constitutional challenges to the European Arrest Warrant.* Nijmegen, Wolf Legal Publishing, NOHLEN, N. (2008). "Germany: The European Arrest Warrant Case." *International Journal of Constitutional Law* **6**: 153, POLLICINO, O. (2008). "European Arrest Warrant and the Constitutional Principles of the Member States: A Case law-based outline in the attempt to strike the right balance between interacting legal systems." *German Law Journal* **9**: 1313.

[20] COUNCIL OF THE EUROPEAN UNION (2009). "Council Framework Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA." *OJ L 93 of 7.4.2009*, DE BONDT, W. and VERMEULEN, G. (2010). Appreciating Approximation. Using common offence concepts to facilitate police and judicial cooperation in the EU. in COOLS, M. *Readings On Criminal Justice, Criminal Law & Policing.* Antwerp-Apeldoorn-Portland, Maklu. **4: 15-40.**

[21] http://www.abs.gov.au/

[22] http://www.cso.ie/releasespublications/documents/crime_justice/current/crimeclassification.pdf

[23] COUNCIL OF THE EUROPEAN UNION (2009). "Council Framework Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA." *OJ L 93 of 7.4.2009*.

[24] The development of ECRIS was partially based on the results of studies previously conducted by IRCP: VERMEULEN, G., VANDER BEKEN, T., DE BUSSER, E. and DORMAELS, A. (2002). *Blueprint for an EU Criminal Records Database. Legal, politico-institutional and practical feasibility.* Antwerp - Apeldoorn, Maklu, DE BUSSER, E. (2008). A European Criminal Records Database: An integrated

The desktop research was concluded with the development of a prototype EULOCS, which was the subject of debate during the subsequent consultation rounds.

2.1.2   Consultation rounds

First consultation round: international stakeholders

The first consultation round aimed at collecting information concerning the policy needs of EU JHA Bodies and Agencies, International Organisations and Private Sector Representative Bodies.

The international stakeholder consultation approach during this consultation round was centred on distance-administered questionnaire management and remote interaction. The selection of stakeholders was based on their involvement in the prevention or monitoring of crime in the EU and their involvement in the production and collection of statistical information on offences in the EU.

The first consultation round resulted in a better insight of the policy needs of international actors related to the development of an EU level offence classification system. Input from these stakeholder groups, lead to the refining of EULOCS in order to:
-    increase the level of detail;
-    include all European Arrest Warrant Categories;
-    change the terminology to be more user friendly.

Feedback from peers: Stockholm Criminology Symposium and Edinburgh Criminology Conference

The revised prototype of EULOCS was presented on 17 June 2008 during a panel session organised at the annual Stockholm Criminology Symposium. Small changes were made with regard to the definitions and the user friendliness of EULOCS. On 4 September 2008 another panel session was organised at the Criminology Conference of the European Society for Criminology organised in Edinburgh, in order to obtain final feedback before the start of the second consultation round.

Second consultation round: member state missions

The main objectives of the second consultation round were to study the crime statistics environment of the member states, the national policy needs and requirements regarding the EULOCS as well as to assess the compatibility between national offence classification systems in use and EULOCS. To facilitate member state consultations, a network of single points of contact (SPOCs) was set up. SPOCs in all member states were requested to:

model. in STEFANOU, C. and XANTHAKI, H. *Towards a European Criminal Record*. Cambridge, Cambridge University Press**:** 336-354.

- identify the persons responsible for the collection of crime statistics in the different national authorities producing and using crime statistics;
- forward the questionnaire to the stakeholders and explain what was expected from them;
- organise a focus group meeting with all involved parties upon completion of the questionnaire by the different authorities;
- consolidate the answers provided and return the questionnaire to the project team within one month upon the receipt of it.

Further consultation international stakeholders on EULOCS

In parallel to the meetings in the member states, the revised EULOCS was sent to the international and EU stakeholders, for their feedback. Finally, EULOCS was presented and discussed at the Expert Group on the policy needs for data on crime and criminal justice (Brussels, 6 February 2009) and the Eurostat Working Group (Luxemburg, 20 February 2009).

2.2 EULOCS' main features[25]

Based on the desktop review and the outcome of the consultation rounds, the development of EULOCS as finalised. In order to achieve the objectives and accommodate the feedback received, a number of main features were carefully looked after.

First, considering that EULOCS is intended to be an offence classification system, the strict offence based character was rigorously implemented.

Second, the offences were clustered with a twofold philosophy in mind. Besides separating those constituent elements that are included in a jointly identified common denominator from constituent elements that were added from a purely national perspective, the different way offence concepts appear throughout the EU JHA area was also reflected.

Third, the scope of the offence categories was clarified not only by referring to the jointly identified definitions (and their sources), but also by explicitly excluding certain constituent elements.

Fourth and final, suggestions were made of how to ensure the gathering of meaningful data.

The following paragraphs will elaborate on each of those features.

2.2.1 *Strictly offence based character*

The aim was to create an *offence* classification system. Therefore a strict offence based character was maintained. The level of detail included in the (quasi) offence classification systems encountered during the desktop review as well as the suggestions during the consultation rounds, do not always

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[25] See for the full version of EULOCS: VERMEULEN, G. and DE BONDT, W. (2009). *EULOCS. The EU level offence classification system : a bench-mark for enhanced internal coherence of the EU's criminal policy.* Antwerp - Apeldoorn - Portland, Maklu.

correspond with specific *offence* types. In fact, often characteristics are brought in from either the offender, the victim or the event that has taken place. For example: ECRIS category 1101 00 *Domestic violence* or 1507 00 *Shoplifting*, are not offence types but are rather criminological phenomena. The same can be said for other classification systems currently in use or current data gathering initiatives. The European Sourcebook Group for example collects data on *theft of a car*. It is safe to say that in most member states, theft of a car is not separately criminalised, but is included in the general theft offence. The "object" of the theft – here a car – does not influence the qualification of the offence.

As a consequence of the choice to maintain a strict offence based character for EULOCS, not all categories that appear in currently used classification systems were included in EULOCS. However, they can be reconstructed through combining the basic EULOCS categories with additional classifications (e.g. a variables sheet). In doing so, the objective of creating a EULOCS that has wider application possibilities is secured. This will be further clarified below, when discussing how to attain more meaningful data.

2.2.2 Clustering offence types

Having filtered out all characteristics that are not strictly offence related, the offences were clustered with a twofold philosophy in mind. First, offences that are subject to a definition "jointly agreed upon by the member states" were separated from offences that are not subject to a common understanding. Second, the divers clustering of the jointly identified offences throughout the EU JHA area is reflected in the structure.

Jointly identified offences

In recent years significant progress has been made to approximate offences. Constituent elements are jointly identified and implementation thereof in the national criminal justice system is required. Because these offences should be common in all member states, they are regarded as the largest common denominators. It is only logical when attempting to engage in a cross-national comparison of cross-border crime, the search for data is focussed on the largest common denominator. As a result, this common denominator is clustered as the "jointly identified parts of an offence". In line with the research hypothesis, there is a high compatibility between the EULOCS categories and the national criminal codes.

To recognise the "minimum" character of the implementation obligation and thus the possibility of member states to criminalise beyond the jointly identified offence. The figure inserted below illustrates what the architecture of EULOCS would look like when introducing this as a main feature.

0906 00	MONEY LAUNDERING
0906 01	**Offences jointly identified as Money Laundering**
0906 01 01	The conversion or transfer of property

0906 01 02	The illicit concealment or disguise of property related information
0906 01 03	The illicit acquisition, possession or use of laundered property
0906 02	**Other forms of Money Laundering**

Reflecting the differences in the use of offences

Unfortunately, the jointly identified offence concepts do not always appear in the same way, with the same meaning throughout existing (quasi)offence classification system. At times, different offence types appear in a group, at times a single offence type is split up in smaller categories. The choice was made to opt for an intricate structure founded on all possible ways of appearance. Some offence categories were clustered because they appear as a group in one of the instruments (e.g. kidnapping, illegal restraint and hostage-taking appear as a group in the annex to the Europol Convention[26]). Similarly some clusters were split up or distinction is made between the different components because offence types appear separately or in an alternative constellation in different instruments (e.g. in the family on trafficking in human beings, distinction is made between trafficking in adults and trafficking in children, because different instruments apply).

2.2.3 Clarification of the offence types

Including jointly identified definitions and their sources

It is vital to combine an offence label, with a definition on the behaviour that is intended to be covered. Making reference to certain offence categories without clarifying the scope or leaving it to individual member state discretion, gives rise to an inconsistent policy area.

EULOCS has been complemented by definitions and their sources, to the extent such material – be it in an EU or non-EU international instrument – exists within the EU JHA field (i.e. is included in the EU JHA acquis). Following rules were applied when inserting references to definitions and sources.

Occasionally, more than one source is at hand. In that case, preference is given to an EU source, even though it might not be the first instrument containing a definition. The offence category *recruitment for terrorism* can serve as an example here. The 2005 Council of Europe Convention on the Prevention of Terrorism was the first instrument to define what constitutes recruitment for terrorism[27]. However, since the adoption of the 2008 FD[28] amending the 2002 FD on terrorism[29], an EU definition for the same offence exists. The definition sheet only contains the latter and only indicates the latter as a source.

0302 00	**OFFENCES LINKED TO TERRORIST ACTIVITIES**

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[26] *OJ C 316 of 27.11.1995*

[27] *CETS no. 196, Warsaw, 16.5.2005*

[28] *OJ L 330 of 9.12.2008*

[29] *OJ L 164 of 22.6.2002*

0302 01	Offences jointly identified as linked to terrorist activities
0302 01 01	Public provocation to commit a terrorist offence
Article 1 – Council Framework Decision of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism	Distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in Article 1(1)(a) to (h) of the Framework Decision on Terrorism (i.e. EULOCS cat 0303 01 until 0303 09), where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed;
0302 01 02	Recruitment for terrorism
Article 1 – Council Framework Decision of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism	To solicit another person to commit one of the offences listed in Article 1(1) (a) to (h) (i.e. EULOCS cat 0303 01 until 0303 09), or in Article 2(2) of the Framework Decision on Terrorism
0302 01 03	Training for terrorism
Article 1 – Council Framework Decision of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism	To provide instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing one of the offences listed in Article 1(1) (a) to (h) (i.e. EULOCS cat 0303 01 until 0303 09), knowing that the skills provided are intended to be used for this purpose

At times supposedly similar instruments adopted at different cooperation levels, provide us with a different definition of the same concept. In those cases preference was still given to EU instruments. However where these are narrower than a non-EU international instrument, the latter was used as a complement. The offence category *participation in a criminal organisation* can serve as an example here. The 2008 framework decision on organised crime[30] holds a narrower definition of participation in a criminal organisation when compared to the 2000 UN Convention against Transnationally Organised Crime.[31] The latter also refers to "Knowingly taking part in the *non-criminal activities* of a criminal organisation". Because of this, the level of detail in the family was increased and the distinction made between taking part in the *criminal* as opposed to *non-criminal* activities. The first will have a reference to the 2008 FD (notwithstanding the fact it also appears in the 2000 UN convention) and the latter will only have a reference to the 2000 UN convention (as it is not included in the 2008 FD).

0200 00 Open Category	PARTICIPATION IN A CRIMINAL ORGANISATION
0201 00	OFFENCES JOINTLY IDENTIFIED AS PARTICIPATION IN A CRIMINAL ORGANISATION
0201 01	**Directing a criminal organisation**
Article 2 (b) , Council Framework Decision	Conduct by any person consisting in an agreement with one or more persons that an activity should be pursued which, if

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[30] COUNCIL OF THE EUROPEAN UNION (2008). "Framework decision of 24 October 2008 on the fight against organised crime " *OJ L 300 of 11.11.2008.*
[31] *UNTS no. 39574, New York, 15.11.2000.*

2008/841/JHA of 24 October 2008 on the fight against organised crime	carried out, would amount to the commission of offences, even if that person does not take part in the actual execution of the activity.
0201 02	**Knowingly participating in the criminal activities,** *without being a director*
Article 2 (a), Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime	Conduct by any person who, with intent and with knowledge of either the aim and general criminal activity of the organisation or the intention of the organisation to commit the offences in question, actively takes part in the organisation's criminal activities, even where that person does not take part in the actual execution of the offences concerned and, subject to the general principles of the criminal law of the member state concerned, even where the offences concerned are not actually committed,
0201 03	**Knowingly taking part in the non-criminal activities of a criminal organisation,** *without being a director*
Article 5 - United Nations Convention on Transnational Organised Crime (UNTS no. 39574, New York, 15.11.2000)	Conduct by any person who, with intent and with knowledge of either the aim and general criminal activity of the organisation or the intention of the organisation to commit the offences in question, actively takes part in the organisation's other activities (i.e. non-criminal) in the further knowledge that his participation will contribute to the achievement of the organisation's criminal activities.
0202 00	**OTHER FORMS OF PARTICIPATION IN A CRIMINAL ORGANISATION**

Specific exclusion notes

In order for EULOCS to fit the needs in the field of crime statistics, it is vital to make sure that the categories are exclusive, in the sense that there is no overlap and behaviour fits into one category only. The basic idea is the insert a layered structure built up around categories and sub-categories based on the constituent elements of offences. Families, categories and sub-categories were structured in such a way to indicate the interconnection between them.

1002 00	**CAUSING PSYCHOLOGICAL AND/OR BODILY INJURY**
1002 01	**Torture**
1002 02	**Causing psychological and bodily injury,** *other than torture*

1007 00	**BREACH OF PRIVACY,** *other than through cybercrime*

2.2.4   Gathering of meaningful data

Collecting data on a (part of an) offence that was jointly identified by all member states is a good basis for the gathering of comparable data. However, to gather truly meaningful data, additional information is needed on offence, victims or the events, on the context in which an offence is committed. Therefore

EULOCS is complemented by offender, victim and variables and complementing context fields.

Complementing offender, victim and event variables

Enabling the production of meaningful data sets, a series of variables related to the offender, the victim and the events should complement EULOCS. Via this approach categories that appear in other classification systems (not strictly limited to the offence) can be recreated. Whereas *theft of a car* no longer features as an offence category in EULOCS itself, the combination of offence category "theft", with "car" as object of the offence, allows the reproduction of this ECRIS category. Likewise the relationship between perpetrator and victim will allow analysis to take place which focuses on domestic violence.

OFFENDER VARIABLES
Relation with victim
Spouse, partner, life companion
Ascendant of victim
Descendent of victim
Family of victim
Employer of victim
Employee of victim
Teacher of victim
Student of victim

Similarly, "shop" as the location of the facts, can be interpreted together with theft, to run an analysis on shoplifting.

Amongst others, the following criteria could be introduced as complementing variables: age, sex, social status, relationship between offender and victim, location of the event, modus operandi.

Additionally, external variables such as population shifts, organisation of society, culture and cultural changes, technology, ... could be used to refine the insight into a phenomenon. In the past, the research institute has conducted extensive research into the gathering of meaningful data to monitor trafficking in children and sexual exploitation. This study is the focus of the contribution by Gert Vermeulen and Neil Paterson.[32]

Complementing context fields

To gain a truly detailed insight into specific crime phenomena, it is not enough to have information on the offences themselves. One will also need

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[32] VERMEULEN, G. and PATERSON, N. (2010). *The MONTRASEC demo. A bench-mark for member state and EU automated data collection and reporting on trafficking in human beings and sexual exploitation of children.* Antwerp-Apeldoorn-Portland, Maklu.

information on the context in which those offences were committed. Theft, extortion, causing bodily injury, dangerous driving can all be related to drug addiction and drug consumption. Similarly, falsification of administrative documents could be committed in the context of trafficking in human beings. It is specifically that context researchers need to provide policy makers with an accurate evidence base for policy initiatives outlining prevention strategies.

Trafficking in Human Beings
Forgery (i.e. Counterfeiting) and trafficking of administrative documents
Participation in a criminal organisation
Causing grievous bodily injury
Kidnapping, illegal restraint and hostage-taking
Unlawful employment
Child pornography
Consumption of drugs
Theft
Extortion
Dangerous driving
Causing grievous bodily injury

2.3   Conclusion

Gathering timely, reliable and comparable data on cross-border and organised crime – for cross-national comparison – is quite a challenging endeavour. The main concerns are the differences in definitions, the reporting and recording practices and the counting rules.

When attempting to compare statistical data it is only logical to start from the largest common denominator. *In casu*, the largest common denominator is embodied by the jointly identified offences clustered in EULOCS. The methodology used during the development of EULOCS, ensures that it has a significant potential to support the further elaboration of EU level statistical data. During the development, a significant amount of stakeholders have provided feedback and valuable input to ensure maximum compatibility with existing classification systems.

However, unfortunately, high compatibility of EULOCS' categories with the national criminal codes, does not equal high availability of data. It is important to stress that the data systems in the member states are closely linked to the national criminal codes. Because the approximation of offences only entails a minimum criminalisation obligation, offence concepts have a different appearance throughout the member states. Some member states introduce a separate offence, others incorporate the minimum standards in existing offences. Potentially, obligations can be complied with by introducing aggravating

circumstances. The national data systems do not allow to distinguish between a jointly identified part of an offence and an offence that reflects the member states' sovereignty to criminalise beyond the commonly agreed minimum definitions.

Increasing data availability requires significant adaptations to be made to the national data systems. Additionally, the availability of information on offence, victim and event variables or the context in which offences have been conducted is even more difficult to increase. Even though EULOCS is agreed to have significant potential to support the future development of EU level crime statistics on cross-border organised crime, a lot of hurdles remain to be taken.

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