



# ILLEGAL DRUG MARKETS IN BELGIUM AND THE NETHERLANDS

Communicating vessels?

SUMMARY



# Illegal drug markets in Belgium and the Netherlands: Communicating vessels?

## *Researchers*

Freja De Middeleer<sup>1</sup>

Stephan Van Nimwegen<sup>2</sup>

Rik Ceulen<sup>2</sup>

Sabine Gerbrands<sup>2</sup>

Elke Roevens<sup>3</sup>

## *Promoters*

Prof. dr. Toine Spapens<sup>2</sup>

Prof. dr. Letizia Paoli<sup>3</sup>

## *External advisors*

Prof. dr. Cyrille Fijnaut<sup>2</sup>

Benny Van Camp<sup>4</sup>

## *Coordinators*

Prof. dr. Brice De Ruyver<sup>1</sup>

Prof. dr. Charlotte Colman<sup>1</sup>

<sup>1</sup> Universiteit Gent, Institute for International Research on Criminal Policy (IRCP)

<sup>2</sup> Tilburg University, Tilburg Law School, Department of Criminal Law

<sup>3</sup> Katholieke Universiteit Leuven, Leuvens Instituut voor Criminologie (LINC)

<sup>4</sup> Former judicial commissioner, Federale Politie, Centrale Directie voor de bestrijding van de zware en georganiseerde criminaliteit, dienst Drugs

## 1. BACKGROUND

Belgian and Dutch criminal networks have been interdependent for many years. That's why in Belgium, crime developments in the Netherlands have been followed with great care for a long time. Given the historical interdependence of the organised crime problem, there is a chance that issues that arise in one country will pop up in another country. From the years 2000 onwards, cannabis plantations are increasingly being found in Belgium, in which a connection with the Netherlands is usually present: Dutch people are directly involved, the growth material is purchased in the Netherlands or the harvest is distributed there. In addition, synthetic drug production, led by Dutch criminal organizations, is present in the Belgian-Dutch border region. Furthermore, from the end of the nineties more drug premises emerged in cities such as Ghent and Antwerp, which were also supplied from the Netherlands.

This raises the question of how recent developments in the Dutch and Belgian drug markets can be explained and what measures can be taken, both autonomously and in close cooperation between the two countries. Can we speak of a shift or an expansion of (parts of) illegal drug markets between the Netherlands and Belgium? If so, what is causing this?

Apart from the fact that this research question has a clear practical and social relevance, it is also scientifically important. Until now, drug markets have been mainly studied by analogy with the legal market (i.e. through studies of supply and demand), although in this case drugs are illegal products. It is only recently that people realise that drug markets have their own dynamics. At the same time, little is known about these dynamics. Therefore, this study aims to contribute to this lack of knowledge.

## 2. OBJECTIVES AND RESEARCH METHODS

The research was funded by the FPS<sup>1</sup> Science Policy (BELSPO).<sup>2</sup> It was carried out between June 2016 and May 2018, led by the *Institute for International Research on Criminal Policy* (IRCP – Ghent University). The other partners in the research group were the Catholic University of Leuven and Tilburg University. The study was headed by Prof. Charlotte Colman (coordinator), Prof. Toine Spapens and Prof. Letizia Paoli (promoters). Professor emeritus C.J.C.F. Fijnaut and former judicial commissioner B. Van Camp were involved in the project as external advisors.

The DISMARK research has three **research objectives**:

1. *Describe* what developments occur in the Dutch and Belgian markets for cannabis, synthetic drugs and cocaine;
2. *Interpret* how these developments could occur and *explain* whether there is a shift or expansion of (parts of) illegal drug markets from the Netherlands to Belgium;
3. *Find out* what possible implications the findings have for the (investigation) policy of the Belgian and Dutch government, and *formulate (policy) recommendations* in parallel.

The DISMARK research focuses on **three illegal drug markets**: cannabis, synthetic drugs (xtc / amphetamines) and cocaine. We highlight the different segments of the drug markets, *in casu* the **echelons** of production (cannabis and synthetic drugs), the middle market (cocaine) and the retail market (cannabis, synthetic drugs and cocaine).

The research consists of **three parts**. The *first part* (chapters 2 & 3) outlines how drug related crime and drug policy have developed from 1965 to the present day. The emphasis is on the Netherlands, but the Belgian policy is also briefly discussed. The *second part* (chapters 4, 5 & 6), on the one hand, examines the situation on the three illegal drug markets in Belgium, with focus on the link with the Netherlands. Both chapters contrast the findings from the file analysis, and the perspective of (Belgian and Dutch)

---

<sup>1</sup> Federal Public Service.

<sup>2</sup> The acronym of the project is DISMARK (Displacement of [Drug] Markets).

professional key figures and prisoners (convicted for drug trafficking and / or production) from Belgian prisons. On the other hand, Belgian-Dutch police and judicial cooperation in tackling illegal drug markets is explained. Based on all the findings from the previous chapters, the *third part* (chapter 7) concludes whether there is actually a shift or expansion of (parts of) illegal drug markets from the Netherlands to Belgium. Finally, measures and strategies for Belgian and Dutch authorities to approach and counteract possible effects of (partial) displacement are formulated.

A combination of different **research methods** was used:

- A literature review of (inter)national academic literature and policy documents on drug markets and drug-related crime;
- A case study of public prosecutors’ files about the middle market of cocaine in Belgium (n = 59), of mutual legal assistance requests (n = 92) and of public prosecutors’ files in the Netherlands (n = 63);
- A survey of professional key figures in Belgium (n = 55) and the Netherlands (n = 10), who have knowledge about the Dutch and Belgian illegal drug markets;
- Qualitative semi-structured interviews with prisoners, convicted for drug production and / or trafficking, in Belgian prisons (n = 25);
- Focus groups in Belgium (n = 1) and the Netherlands (n = 1) with professional key figures.

### 3. CONCLUSIONS

This section is the final part of this research report and, based on all findings outlined previously, seeks to conclude whether there is actually a shift from illegal drug markets (or parts of it) from the Netherlands to Belgium. First, a historical overview of the Dutch and (partly) Belgian drug policy is taken into consideration. Second, this overview is complemented with the results of the empirical section. Ultimately, both parts of this report must be examined together in the light of existing cross-border cooperation between Belgium and the Netherlands. Combining these previous findings allows us to draw the necessary conclusions for each illegal drug market and its various echelons.

Below, conclusions are presented for the cannabis market, the synthetic drugs market and the cocaine market. It is important to indicate that the identified effect (shift or expansion) is discussed from a Belgian perspective, independent of evolutions that only occur with regard to Dutch or other foreign actors.

Drug market	Effect	Indicator
<b>Cannabis</b>		
Professional cultivation	Expansion	The number of cannabis plantations that have been dismantled all over Belgium, combined with the persistent number of cannabis plantations dismantled in the Netherlands.
		Not only Dutch criminal organizations, but also Belgian criminal organizations start with professional cannabis cultivation.
		The majority of the growth material keeps coming from the Netherlands. Yet the phenomenon of the grow shops also occurs in Belgium.
		Cannabis cultivation is becoming more and more professional. This is closely related to the presence of a Dutch connection (material, retail market).
		The harvest of professional cannabis cultivation in Belgium is largely destined for the Netherlands (coffee shops and grow shops).

Retail	Shift	Dutch suppliers supply the (Belgian) demand side (partly) via online sales and couriers. Nevertheless, a small proportion of Belgian users are still turning to other sales channels in the Netherlands (such as coffee shops without an I-criterion).
<b>Synthetic drugs</b>		
Production	Expansion	The synthetic drug production expands to Belgium, although it remains mainly in the Belgian-Dutch border region.
		Especially (southern) Dutch criminal organizations remain responsible for synthetic drug production in Belgium, although the knowledge of Belgian stakeholders seems to have increased over the years.
		Belgium has been given an important role in the supply of (pre-)precursors to the Netherlands.
		Conversion laboratories in Belgium, as a result of the use of pre-precursors, are at the service of several (Dutch) criminal organizations.
Retail	Shift	Dutch suppliers send mail packages of online ordered synthetic drugs from Belgium to recipients worldwide.
<b>Cocaine</b>		
Middle market	Expansion	Cocaine imported via the port of Antwerp is in the vast majority of cases destined for the Netherlands. Nowadays, however, parts of these shipments also remain in Belgium.
		The number of foreign customers who get their supply in Belgium increases. They can rely on Belgian criminal organizations that are responsible for the import of cocaine and the middle market (as is the case today in Antwerp).
Retail	Shift	By setting up <i>call centres</i> , (Dutch) drug couriers supply (Belgian or foreign) customers by delivering at home or at a previously agreed location close to the customer. Nevertheless, there is no information on any Belgian buyers in call centres in the Netherlands.

**Table 1:** Indicators showing a shift or expansion from illegal drug markets (or parts of it) from the Netherlands to Belgium

### **3.1 Cannabis market**

As far as **the professional production market** of cannabis is concerned, the above findings point to an expansion of this production market towards Belgium. Indications for this expansion originally emerged from the year 2000 onwards. While the Dutch government only slowly realized that the indoor cannabis cultivation, which was initially regarded as a positive evolution, had become a substantial problem, professional cannabis cultivation also began to develop on the Belgian territory.

There are various reasons for this development. At first, large numbers of Dutch people settled in Belgium because of the favourable housing prices. This inevitably included people who were already actively involved in cannabis cultivation in the Netherlands. Secondly, criminal organizations from the south of the Netherlands were not only looking for suitable growing opportunities elsewhere in the Netherlands, but also in the Belgian border region. Thirdly, the Dutch grow shops, where people could easily purchase growth material, offered sufficient opportunities. In addition, growers could be put in touch with buyers for their harvest or sell their harvest at the grow shops, if they did not have their own sales opportunities. Cannabis cultivation had the same low entry threshold for Belgians looking for a lucrative source of income as for growers in the Netherlands.

After the turn of the century, criminal law enforcement in Belgium had insufficient experience and knowledge of the cultivation of cannabis. That is why the police and the judiciary were unable to oppose much to the growth of this phenomenon in Belgium at first. Over time, professional cannabis cultivation spread over the entire Belgian territory. No Belgian region currently seems to have been spared from the presence of this phenomenon, although the provinces of Antwerp and Limburg still count the largest number of dismantled plantations. Nevertheless, such figures must be handled with care and be seen in the light of the investigative efforts. The previous chapters show that the judicial districts in Belgium deal differently with professional cannabis cultivation, despite the prioritization in the National Security Plan. Police and justice authorities are faced with all kinds of obstacles when carrying out their duties, of which capacity shortage is the most important.

Nevertheless, this study could not conclude whether the fragmented tackling of cannabis cultivation in the various judicial districts attracts criminal growers from the Netherlands. From the interviews with prisoners convicted for drug production and / or trafficking in a number of Belgian prisons, it could be concluded that criminal organizations are looking for locations where the objective chance of being caught is estimated to be lower. The prisoners were well aware of the less extensive investigation in Belgium in general. Moreover, they were convinced that the Belgian police services paid less attention to possible drug offenses. According to the prisoners, all together explains why Belgium has a more favourable climate for starting up professional cannabis cultivation, for example. This also emerges from the evolution of the phenomenon of grow shops. Not only Dutch criminal actors, but also Belgians are active as owners of grow shops in Belgium. On the one hand, this is encouraged by the presence of a growing market in Belgium, in view of the large number of dismantled plantations. On the other hand, this evolution may be stimulated by the fragmented tackling of the police and the judiciary. This is reflected in the differences between judicial districts with regard to the prioritization of this phenomenon.

The fact that this research shows rather an expansion of the cannabis production market rather than a shift, is demonstrated by the fact that cannabis cultivation in the Netherlands does not seem to decline, on the contrary. Moreover, cannabis cultivation in the Netherlands is dominated by criminal organizations which are also involved in the cocaine trade, as a result of their accumulated capital, and by the 'ordinary' citizen who sees it as an alternative revenue model. The Dutch government needed a lot of time not to see the phenomenon of cannabis cultivation as a small-scale breeding of a product, but as an 'industry' that threatened to undermine the integrity of society as a whole. The efforts against the so-called 'undermining crime', of which the cannabis industry is a part, that have been taking place since 2012 in the south of the Netherlands, undoubtedly cause concern in criminal circles. However, the question remains to what extent the Dutch authorities can maintain this intensive approach in the future.

Besides the expansion of the professional cannabis market to Belgium, there is also an integration of the Belgian and Dutch organized crime. In addition to the original Dutch criminal organizations that started growing cannabis in Belgium after the turn of the century, Belgian criminal organizations (of various origins) also started to grow cannabis during the years. In fact, they began to see that large harvests can be generated through cannabis cultivation in a relatively simple way. Simple, since, as already indicated, it is relatively easy to purchase the necessary growth material and to gather the necessary knowledge via grow shops or online. Cannabis cultivation may therefore be called a fairly 'low-threshold' criminal activity.

Regardless of the increasing involvement of Belgian criminal organizations in the Belgian professional cannabis cultivation and the claim of some convicted prisoners that 'help' from the Netherlands is no longer necessary, the Belgian cannabis cultivation still remains strongly linked to the Netherlands. The results of the empirical research emphasize that the probability of a Dutch link increases as the size of the plantation increases. During the preparation of the cultivation, criminal actors buy the growth material in the Netherlands or go there to gain knowledge, which in time leads to increasingly professional plantations. After the cultivation, Belgian growers need the Netherlands again to get their harvest on the market. After all, Dutch coffee shops would still be the most important sales channel for Belgian professional cannabis cultivation.

This brings us to the **retail market** of cannabis, which, in contrast to the market for professional cannabis cultivation, largely reveals a shift to Belgium. Until 2012, Belgian users have been supplied in the Dutch coffee shops and Belgian and Dutch authorities have been carrying out checks to tackle so-called 'drug tourism'. However, this changed with the introduction of the I-criterion, which is maintained in the south of the Netherlands. As a result, Belgian drug tourists (non-Dutch residents) have no longer access to coffee shops in many municipalities in the south of the Netherlands. It looks like this has led to a situation where the majority of Belgian users no longer systematically travels to the Netherlands to obtain drugs. Instead, they turn to illegal providers in their own country or make orders online and via call centres, where couriers deliver the drugs. In this case, the drugs are currently still mainly supplied by criminal groups established in the Netherlands. According to Dutch research in Central-, West-Brabant and Zeeland, some of these alternative sales channels would be owned by the organizers of 'traditional' trade, namely the coffee shops. However, this could not be confirmed in this study.

Nevertheless, it can be concluded that (existing or new) sales channels developed in function of the demand side and responded to the disappearance of Belgian drug tourists from the coffee shops in the south of the Netherlands. There are indications, however, that Belgians themselves are increasingly focusing on this middle and retail market and that supplying the domestic drug market is becoming more of an internal Belgian affair. Belgian dealers can now easily purchase cannabis in their own backyard.

Although a large part of the Belgian drug tourists did not return to the Netherlands after the introduction of the I-criterion, it must be mentioned that a small proportion still turns to coffee shops that do not apply the I-criterion (in the south or elsewhere in the Netherlands). Thus, the Dutch drugs policy played a role in this shift of the market and encouraged diversification of it, according to the various supply channels currently available to Belgian users. This change seems essential: even now that cities such as Eindhoven and Tilburg have decided to allow non-residents to re-enter the coffee shops, at least there is not (yet) a return of large numbers of Belgian drug tourists.

The developments just outlined provide food for thought about the future development of the cannabis market in Belgium. **Professional key figures rightly question whether a reorganization of the cannabis market is currently taking place**, with the involvement of the Netherlands being required less and less. This development is also obvious: cannabis cultivation does not require expertise or resources that are only available in the Netherlands. Although a shift from the retail market to Belgium could mean that Belgian growers could also become less dependent on the Netherlands for the sale of their harvest, there remains a strong connection between the Belgian and Dutch cannabis markets. This still requires a thorough cross-border approach.

### **3.2 Synthetic drug market**

As with professional cannabis cultivation, we can conclude that the **production market for synthetic drugs** in Belgium has evolved mainly under the influence of an integration of Belgian and Dutch organized crime. This integration took place much earlier in the synthetic production market than was the case with cannabis cultivation. In this respect, the previous historical overview made it clear that in the nineties Dutch criminal organizations in the South of the Netherlands started to focus on synthetic drug production in the Belgian-Dutch border area. After all, Belgium had experienced people from the alcohol distillery and the pharmaceutical industry. In addition, Dutch criminals bought houses in Belgium and settled there.

Over time, this Belgian-Dutch cooperation extended to the entire chain of synthetic drug production and trafficking. At first, the Belgian market is consulted for the purchase of (pre-)precursors and other chemicals, like acetone. Next, the conversion of pre-precursors and the actual synthetic drug production takes place at locations along both sides of the Belgian-Dutch border. This same area is used to dump waste from synthetic drug production. Finally, the criminal organizations use Belgian postal and courier

services to distribute their products worldwide, which is an indicator of the expansion of the synthetic drugs retail market.

This strong interdependence between the Belgian and Dutch organized crime does not seem to quickly disappear. Despite the many efforts of the Dutch government in the fight against synthetic drug production in the south, the scale of this phenomenon does not decrease proportionally. Synthetic drug production is still mainly situated in the Belgian-Dutch border region and remains dominated by Belgian-Dutch criminal organizations. This does not alter the fact that synthetic drug production also arises in other Belgian regions, although this remains limited, despite the increase in the number of national dismantled production sites. Therefore, indeed, there is an expansion of synthetic drug production from the Netherlands to Belgium, but this is less far-reaching than the expansion of the cannabis production.

Nevertheless, the results of the Belgian focus group with professional key figures showed that one should take into account that the production market for synthetic drugs can develop over time, in the same way as happened with professional cannabis cultivation. In Belgium, the raw materials, the skills and the possibilities for further distribution are present. Belgian key figures increasingly assume the role of *cook*, which was primarily intended for Dutch actors in the past. As with professional cannabis cultivation, Belgian actors learned the tricks of the trade from the Dutch and in this way built up sufficient knowledge to get started. This means that all preconditions for a further development of synthetic drug production in Belgium are present. The main question here is whether the Belgian producers will eventually succeed in further developing their own sales markets or whether they remain highly dependent on the Netherlands.

### **3.3 Cocaine market**

Although an expansion of markets seems to be reflected in the production of cannabis and synthetic drugs, this is much less the case in the cocaine market. Recently, press reports assume that the cocaine market has increasingly shifted from Rotterdam to Antwerp, whether or not caused by a more intense Dutch approach. This image however needs to be slightly nuanced.

**On the echelon of cocaine import** there is indeed an increase in the number of cocaine seizures in the port of Antwerp, compared to a decline in Rotterdam. Whether we observe **a permanent or temporary development**, however, **is unclear**: with regard to the import, both ports seem to have been 'twins' for decades. In general, it can be concluded that smuggling routes can be adjusted to places where at a given moment the risks are perceived as the lowest. Tighter controls in Antwerp can therefore easily lead to new changes, whether or not through an increase in Rotterdam.

At the echelon of the **middle market**, indicators can be identified that point to an expansion of this middle market to Belgium. In this regard, the increasing importance of Antwerp criminal groups in the import and transit of cocaine via the port of Antwerp can be considered. At first, these groups were only responsible for the retail market and subsequently concentrated on removing cocaine from containers on behalf of Dutch criminal organizations. Due to circumstances (such as payment in cocaine instead of cash, which they continue to trade in their turn), these Antwerp groups managed to rise, as a result of which they currently also control the middle market in Antwerp. Some even state that these organizations would set up their own import lines. Due to the supply of these criminal organizations in Antwerp, Belgian (or foreign) customers no longer have to go to the Netherlands to supply themselves. In addition to these criminal organizations in Antwerp, there would also be organizations in the Walloon part of the country that supply foreign buyers.

At the **retail** level, the research identified not so much of an expansion, but rather a shift and diversification of the cocaine market. At first, Belgian buyers went looking for cocaine in dealing houses, whilst nowadays, Dutch suppliers come to Belgium to meet the (Belgian or foreign) demand side. Currently, drug couriers on Belgian territory are employed by so-called *call centres*, owned by Dutch organizations. These couriers take care of delivery at home or at a previously agreed location. This



modus operandi reduces the risk for the customer. Nevertheless, within the scope of this study, it was not possible to determine whether the *call centres* also increasingly provide the supply in the Netherlands. Therefore, there is a shift in the *call centres* that are active in Belgium from the Netherlands. If these *call centres* also supply the Dutch market, it is more likely to be an expansion.

Furthermore, this modus operandi also points to a diversification of the retail market. After all, the *call centres* took over the task of dealing houses and drug runners (in the former sense of the word). By coordinating these telephone exchanges from the Netherlands, the organizers manage to stay out of sight of the Belgian authorities. The risk lies entirely with the couriers, as was the case with those who operated the dealing houses in the past.

## 4. RECOMMENDATIONS

Based on the finding of this research a number of recommendations can be formulated. A distinction is made between two types of policy recommendations: overall recommendations that apply to all drug markets and recommendations that apply to one specific drug market. It should be emphasized that these recommendations are generally focussed at Belgium and not so much at the Netherlands. This does not alter the fact that joint problems also require joint, cross-border recommendations that will also be addressed in this section.

### 4.1 Overall policy recommendations

#### Overall policy recommendations

- Strengthen the (national and international) monitoring of illicit drug trafficking
- Adjust the investigation culture at national level
- Develop integrated collaborations with the public-private sector
- Strengthen the role of administrative enforcement
- Simplify the (national and international) recovery of criminal assets
- Stimulate the Belgian-Dutch operational cooperation
- Strengthen social safety nets for vulnerable groups

#### 4.1.1 Recommendation 1: Strengthen the (national and international) monitoring of illicit drug trafficking

The first recommendation relates to the monitoring of the various illegal drug markets. This study showed on several occasions that this monitoring, both national and international, is inadequate and that Belgian and Dutch authorities have an insufficient picture of the illicit drug trafficking.

#### RECOMMENDATION 1a: Strive for a more qualitative imaging by the police

**Qualitative police statistics are the basis for an adequate monitoring of illicit drug trafficking.** Nevertheless, a number of difficulties can be identified in this area, both in Belgium and in the Netherlands. For example, the registration of cannabis plantations, synthetic drug production sites and dumping sites in Belgium is often accompanied by an incorrect classification of these crimes in the national police database.

To accommodate this, the federal police uses alternative methods of information gathering, such as via the '*Arrondissementale Informatiekruispunten*'. In addition, DJSOC/Drugs insufficiently performs its

signal function toward local and federal police services. As a result of a restructuring of this service (and the reduction of capacity) on the one hand and the decision to only focus on the implementation of national priorities on the other hand, it is currently impossible for DJSOC/Drugs to identify new phenomena. However, to ensure an adequate imaging, not only the problems that were included in the national priorities should be followed, but also all drug phenomena that occur now or in the future. All police and judicial actors that work on illicit drug trafficking must be able to be briefed about the latest trends and phenomena in a systematic way. This only seems to be possible if DJSOC/Drugs returns to and strengthens its previous role, in which national steering is the key.

In the case of the Dutch authorities, there is a more adequate monitoring of the illegal drug markets. In particular, their in-depth analyses of crime phenomena (also known as '*criminaliteitsbeeldanalyses*') are well known. However, the disadvantage of the Dutch method is that some statistics are only collected regionally, which makes it more difficult to monitor the situation at national level.

### **RECOMMENDATION 1b: Exchange information on illicit drug trafficking between Belgium and the Netherlands in a structural way**

If the monitoring of illegal drug markets at national level is not optimal, it is not surprising that the same applies to the monitoring at international (cross-border) level. The cause of this inadequate Belgian-Dutch monitoring lies within the extent to which information is exchanged between the authorities of both countries. The information exchange between Belgium and the Netherlands is currently taking place in the context of specific files, via informal contacts or official (mutual legal aid) requests. **However, a more structural exchange of information on illicit drug trafficking, and criminal phenomena in general**, seems to be lacking. To meet this need, police forces from certain judicial districts attempt to set up an information flow with their Dutch counterparts. This is the case in the judicial district of Limburg, where authorities exchange information about dismantled production sites of synthetic drugs and dumping sites of synthetic drug waste. Nonetheless, the professional key figures resound that the exchange of information with the Netherlands needs to be improved and further developed.

Apart from the Belgian and Dutch intentions to start a structural cross-border information exchange as soon as possible, the authorities concerned at first must decide what purpose this information exchange should serve. What do police and judicial authorities exactly want? Is it a strategic exchange of information, with the creation and elaboration of a cross-border imaging and approach as objective? Or do one rather want to carry out tactical analyses for the Belgian and Dutch criminal law enforcement? Subsequently, it must also be determined which actors can contribute to this objective. Will this remain the task of police services or will it be decided to leave the analysis of the monitoring of the phenomenon of illicit drug trafficking in future to, for example, academics?

#### **Highlighted:**

Police services could make their information on the illegal drug markets available to academics so they can contribute to the analysis of certain phenomena and suggest a possible adaptation for the monitoring of illicit drug trafficking in a timely manner.

### **RECOMMENDATION 1c: Realize a joint, cross-border monitoring of the phenomenon of illicit drug trafficking**

In addition, professional key figures in Belgium and the Netherlands argue to make sufficient time and resources available for **the pursuit of joint, cross-border monitoring of illicit drug trafficking**. This monitoring can be fed on both sides of the border by (1) a thorough collection of information (including statistics), (2) carrying out thorough investigations, each of which can provide information on a phenomenon, and (3) the expertise of professional actors, who can sense new tendencies, although

this cannot always be confirmed on the basis of hard information. In this way, governments can eventually define the various aspects of criminal phenomena. In the long term, this joint imaging should lead to a joint approach of cross-border criminal phenomena.

However, an important precondition for an adequate monitoring of illicit drug trafficking is the willingness of all partners involved to contribute. The monitoring must in fact be carried out based on information from various government bodies and actors. Not only police and justice play a role, but also partners such as customs, the Federal Agency for Medicines and Health Products (FAMHP), Sciensano<sup>3</sup> and the National Institute for Criminalistics and Criminology (NICC) can take part.

**Highlighted:**

Belgium and the Netherlands can carry out joint crime image analyses that can eventually lead to a joint tackling of the cross-border drug trafficking.

#### **4.1.2 Recommendation 2: Adjust the investigation culture at national level**

The second recommendation relates to the investigative culture in the Netherlands and Belgium. As demonstrated by the analysis of the Belgian-Dutch police and judicial cooperation, this culture is quite different in both countries. Both countries should become more aware of each other's (investigation) culture and develop habits to deal with these differences.

##### **RECOMMENDATION 2a: Weaken the Dutch principle of 'weighing and steering'**

While criminal law enforcement in the Netherlands for some time has set clear priorities for the execution of extensive investigations and focuses on the performance of so-called 'short blows'<sup>4</sup> for other matters, Belgian police forces are more committed to a reactive approach for initiating an investigation (outside the general priorities in the NVP). In the Netherlands, there is a growing awareness that the current method of case selection is too rigid and in the southern region of Brabant-Zeeland, in some cases **the police already moved away from the so-called principle of 'weighing and steering'**.

##### **RECOMMENDATION 2b: Strive for better control and follow-up of the investigation in Belgium**

At the same time, part of the Belgian professional key figures felt that **better management of the investigation in Belgium would be highly desirable**. They are convinced that making clear priorities is not enough. In parallel with these priorities, there must be a willingness to work in this way and to tackle illicit drug trafficking, and sufficient resources must be made available to follow up the proposed phenomena in the light of the subsequent accountability of the police forces. After all, as is the case now, it is not feasible to keep the amount of available resources at an equal level, while the number of priorities is increasing.

---

<sup>3</sup> This federal research centre saw the light in 2018 and includes, among other things, the former Scientific Institute of Public Health (WIV).

<sup>4</sup> In this study, 'short blows' (a.k.a. *korte klappen*) are defined as 'quick and short interventions, in which police services attempt to intervene directly in criminal activities and thus tackle the bottom layer of the criminal chain. Short blows are ideally used as complementary to in-depth investigations.

**Highlighted:**

Belgian police forces should strive to follow up priorities and policies correctly. Via a clear systematic plan, periodic evaluations can be introduced per criminal phenomenon. This is not happening today.

In addition to the pursuit of a management culture, Belgian police services seem increasingly inclined to follow the above mentioned example of the Dutch strategy of 'short blows'. This strategy meets the abundance of information and the capacity constraints that criminal law enforcement faces. Due to the large number of interventions in a short period, investigation time can be kept to a minimum and, in a certain way, organized crime will be (financially) hit.

Ideally, police services should therefore strike a good balance between 'short blows' and extensive investigation. In addition, every 'short blow' must be evaluated, to ensure that one does not just push valuable information aside. Short blows are also a way of collecting information and thus contribute to the monitoring of a phenomenon. A correct selection of information is therefore necessary.

**Highlighted:**

The 'short blow' method can be introduced in all judicial districts in the context of cannabis cultivation, in order to avoid a shift (or expansion) of this criminal phenomenon to neighbouring regions where the strategy is not applied (the so-called waterbed effect). By implementing this strategy at national level, police forces will be able to identify their impact on the criminal phenomenon after a number of years.

### **4.1.3 Recommendation 3: Develop integrated collaborations with the public-private sector**

A third recommendation attempts to meet the limits of criminal law enforcement in dealing with the various drug markets. From the above, it appeared on the one hand that the police and the judiciary are limited in collecting information. On the other hand, the authorities clash with borders in the criminal law approach to illicit drug trafficking. That is why police and judicial key figures in Belgium are convinced that public and private partners can support them.

#### **RECOMMENDATION 3a: Explore cooperation opportunities with potential public-private partners and society in the fight against illicit drug trafficking**

Before the police and judicial authorities explore the possibility of increasing the involvement of public and private partners and entering into partnerships, the awareness of these partners must first be deployed. The focus is on sectors that are deliberately misused to facilitate criminal activities, such as cannabis cultivation. **Sectors that include utility companies, rental firms and real estate agencies must be informed of the opportunities criminal organizations are looking for and the modus operandi they use.** However, the necessary caution must also be taken into account and a good balance must be maintained with regard to the amount of information that is made available to such companies.

**Highlighted:**

Police and justice authorities can focus on sensitizing real estate agencies and rental firms of vehicles. These, consciously or not, play a prominent role in the rental of premises and vehicles for criminal activities, such as cannabis cultivation.

Companies whose activities relate to the necessary material for (the preparation of) drug production are also interesting partners. On the one hand can be considered producers of equipment for cannabis cultivation (lamps, carbon filters, food and fertilizers) and synthetic drug production (drug-sensitive chemicals and gases, (pre-)precursors and hardware). On the other hand, it concerns suppliers or distributors of such material that can be of service to criminal law enforcement, such as garden centres that may function as grow shops or do-it-yourself shops that sell the necessary chemicals. By sensitizing companies whose regular trade is being abused by illicit drug trafficking, governments can be preventive and try to paralyze the primary stages of illegal drug markets. However, it is necessary to determine in advance which policy one wishes to apply to the sectors and firms concerned: do we use the sectors / firms as information carriers or do we approach them as a facilitator of criminal activities.

In addition, it is recommended to intensify and expand the existing initiatives for cooperation **between criminal law enforcement and various public and private parties**, such as the real estate sector and the water and electricity companies.

Ideally, **covenants are concluded at national level**. In these covenants, on the one hand, agreements can be made about the contribution of these parties to the monitoring of criminal phenomena (e.g. a notification obligation. On the other hand, it must also be determined to what extent these parties, complementary to criminal law enforcement, can be used more concretely in tackling criminal phenomena (e.g. by supplying information in the framework of a criminal investigation).

Moreover, not only should these parties be sensitized, but also be convinced that the information they make available is not directly traceable to them, so that the parties concerned do not have to fear reprisals from the organized crime. The parties concerned must therefore be reassured that there is certainty about their anonymity and the protection of their information. In addition, the parties concerned must be convinced of the usefulness of their cooperation and collaboration. Feedback from the authorities to the parties involved plays a role here. If the authorities give an feedback on the consequences of the information received, even if it is only a numerical report on an annual basis, the parties who provide information will be informed of the importance of the information provided by them.

**Highlighted:**

Police and justice can explore the possibility to cooperate with the real estate sector. Real estate offices can, among other things, keep track of whether certain people on a regular basis are to check whether buildings are for rent and share this information on a structural basis with the police services.

It is also desirable for criminal law enforcement to engage in far-reaching cooperation with electricity suppliers and utility companies. These companies can contribute to the monitoring of criminal phenomena, such as cannabis cultivation, and they can take financial measures linked to electricity or water theft. This structured cooperation between criminal law enforcement and water and electricity companies should be regulated at national level, as in the Netherlands.

In order to tackle the import, export, and transit of illegal goods linked to drug trafficking, the involvement of postal and courier companies is also important. In the future, it is desirable for Belgian authorities to negotiate with postal and courier companies to explore the (legal) possibilities for more structural checks (by the customs or the companies themselves).

Furthermore, criminal law actors cannot only appeal to public and private partners, but also to society. For example, experiences in the Netherlands in the field of citizen participation show that **sensitization of citizens is an important step towards tackling criminal phenomena**. One can focus both on the general population and on specific vulnerable groups that often play a role of facilitator unconsciously, such as property owners of buildings.

**Highlighted:**

Owners of properties that are for rent, such as persons from the agricultural sector, can be informed (like the real estate sector) of the presence and modus operandi of criminal organizations in the drug production market. In addition to sensitization, one can also try to prevent these vulnerable groups from falling prey to criminal organizations in a more repressive manner. Governments can decide to try these vulnerable groups, who then act as facilitators, as co-perpetrators. Through an adjustment of the lease legislation, the cash payment of the rent (or guarantees) can for example be seen as an indicator of possible crime. One can also decide to close premises in the light of public health, after which the owner of the building must re-set the condition of the building at his own expense.

In Belgium, an anonymous reporting point for society can also be introduced, analogous to the Dutch notification point "*Meld Misdaad Anoniem*". Prior to the introduction of such a reporting point, it is important to verify to what extent the authorities will be able to manage and process this information.

#### **4.1.4 Recommendation 4: Strengthen the role of administrative enforcement**

A fourth recommendation relates to the non-criminal approach of criminal phenomena via so-called 'administrative enforcement'. The problems outlined in this report require an integrated approach with a judicial and administrative component. An integral and integrated safety policy is not limited to a criminal law approach, but in parallel also opts for a fiscal and administrative approach, making optimal use of the legal possibilities of administrative authorities to act not only reactively but also preventively and proactively against organized crime.

The fight against organized crime is not only a concern of the police and the judiciary. Where the illegal underworld and the legal upper world meet, local authorities and tax and inspection services can play an inhibiting role by obstructing organized crime as much as possible. Tackling the organized crime phenomena in an administrative and judicial way may not be two separate worlds. An effective tackling of illicit drug trafficking therefore requires an organized government that uses all the means and instruments at its disposal. Each partner (police, public prosecutor, municipalities, and tax authorities) can contribute to this approach. Although the Dutch government is already ahead of Belgium, Belgium is now also responding to this strategy, as evidenced by the recent development of the ARIECs<sup>5</sup>.

---

<sup>5</sup> In Belgium the "Arrondissementale Informatie- en Expertisecentra (ARIEC's)" have been recently established in Antwerp, Hasselt and Namur. These centers were established as a counterpart to the Dutch RIEC's.

#### RECOMMENDATION 4a: Raise awareness among professional actors and authorities about the possibilities of administrative enforcement in the fight against illicit drug trafficking

Now, Belgium lacks an integral administrative approach to criminal phenomena and this approach is not part of the common good of governments. The **cultural change** that is being pursued in Belgium with regard to the application of administrative enforcement, following the example of the Netherlands, **must continue to be encouraged by all government parties involved** (police, justice and administration). It should be emphasized here that it is not only the government parties themselves that are responsible for the application of administrative enforcement who should acknowledge its usefulness, but also all parties in the chain of criminal law enforcement.

Moreover, governments in Belgium and the Netherlands must be informed optimally about the possibilities they have at their disposal to intervene in certain situations at administrative level. The adage '*unknown makes unloved*' is appropriate here. Therefore, it is a matter of **increasing the knowledge of Belgian and Dutch authorities regarding the application of administrative enforcement**, so they are encouraged to apply measures within the existing (or renewed) legislative framework. Currently, in Belgium, a new draft law is on the table to give the local authorities more possibilities to tackle organized crime. For example, a new government body will shortly give municipalities advice based on which they may or may not refuse permits.<sup>6</sup>

#### RECOMMENDATION 4b: Strive for an integrated criminal and administrative information collection and exchange

Before making effective use of administrative measures in tackling (cross-border) crime, essential conditions must be fulfilled: having a sound imaging and a high-performing information management system. Belgian and Dutch governments must be able to rely on a solid information position, with clear and fully developed regulations. However, this information position, the backbone of international cooperation, needs to be improved urgently.

Previous recommendations called for a joint, cross-border monitoring of illicit drug trafficking. The imaging of a crime phenomenon is essential. It is the starting point for every approach, including the administrative enforcement. It shows criminal processes, shows where barriers can be raised and indicates blind spots. Crime images today are often limited to Belgian or Dutch territory. There is too little of a proactive approach to cross-border crime in which criminal activities and / or networks become visible through structured information exchange and joint crime image analysis. Due to the lack of it today, there is too little of a shared urgency. In other words, there is an urgent need for a joint imaging of cross-border crime: a Belgian-Dutch crime picture. In this way, Belgian and Dutch authorities can eventually define the various aspects of cross-border criminal phenomena and proceed to a joint approach.

The monitoring of criminal phenomena is ideally established based on a **high-level information exchange between both administrative and judicial authorities from Belgium and the Netherlands**. Such an integrated exchange of information can only be achieved if bottlenecks in the laws and regulations are eliminated and concrete support is provided in the field. Cross-border information exchange is not a blank page, because it is already regulated by different treaties. Nevertheless, it has to deal with problems concerning its use for administrative purposes.

For the cross-border exchange of administrative information, there is no **legislative framework** yet, although this should be less problematic in view of the equal finality for which this data would then be processed. Consequently, it must be stated that there is a large and urgent need for an **agreement framework** (covenant, treaty or agreement) within which the various partners can share their administrative and legal-police information for administrative purposes in a cross-border manner.

---

<sup>6</sup> *De Morgen*, "Louche' cafés en nachtwinkels moeten eruit", 12 mei 2018.

Subsequently, Belgian and Dutch governments must examine which administrative information can be exchanged nationally and bilaterally, in combination with information from criminal law enforcement. Therefore, **a clear overview must be developed of the (legislative) frameworks and possibilities that management and criminal law enforcement have in place to exchange administrative information between Belgium and the Netherlands.**

**Highlighted:**

Over the years, infringements that were previously dealt with under criminal law were transferred to the administrative settlement via the GAS legislation. As a result, administrative information about these infringements no longer ends up in the national police database, unlike before. As a result, the police services lose their view on phenomena they previously monitored. It is advisable to investigate how both information flows, administrative and criminal, can be integrated with each other.

It is also recommended to further develop the role of the ARIEC's as so-called 'information nodes', where all knowledge and expertise on administrative information collection and exchange is centralized.

**RECOMMENDATION 4c: Strengthen the possibilities for administrative enforcement in the fight against illicit drug trafficking, complementary to criminal law**

The administrative approach can stand as a strategy on its own, but works mainly complementary to the judicial settlement. Currently, however, Belgian administrative authorities do not have all the possibilities to intervene in certain criminal phenomena. For example, in Belgium it is not possible to intervene administratively in the event of abuse of a private home for cannabis cultivation.

It may be interesting to examine to what extent the available measures in Belgium and the Netherlands differ per criminal phenomenon. This may include a role for an 'international information and expertise centre', which can be responsible for **the rollout of a cross-border administrative approach to organized crime**, in close collaboration with national and local authorities, police forces and judicial authorities. Such a pilot project could help local administrations to develop standard work processes for an administrative approach and their structural anchoring.

Recently, on May 17<sup>th</sup> 2018 in Maastricht, a declaration of intent was signed by the competent ministers of Belgium, the Netherlands and Germany to establish a *Euregional Development and Expertise Centre* (EURIEC). This centre should make it possible for mayors in the border region to share knowledge and information more quickly. By providing legal expertise and new insights, the centre will play a supporting role in the fight against cross-border crime for organizations on both sides of the border.<sup>7</sup>

**Highlighted:**

In accordance with the possibilities in the Netherlands (e.g. laws Damocles and Victor), it is desirable to provide Belgian legislation with the possibility of intervening administratively in private houses after the detection of objects and / or substances that indicate cultivation or preparation of drugs, or in case of sale, delivery or dispensing of narcotics.

<sup>7</sup> *Het Nieuwsblad*, "België, Nederland en Duitsland slaan handen in elkaar voor strijd tegen internationale misdaad", 17/05/2018.



In addition, the desirability of introducing administrative fines or carrying out administrative coercion (e.g. the dismantling and removal of a synthetic drug lab in a home at the expense of the convicted person) should also be investigated.

#### 4.1.5 Recommendation 5: Simplify the (national and international) recovery of criminal assets

A fifth recommendation is, to a certain extent, an extension of the integrated cooperation outlined above, which emphasized the financial approach to criminal phenomena. In order to offer a counterweight to the possibly limited criminal consequences for criminal actors in the form of detention, but also complementary to this, the police and judiciary in Belgium try to focus on the financial aspect during an investigation to a greater extent. It follows the example of the Netherlands, which has focused strongly on the recovery of criminal assets since the intensification of its approach to some criminal phenomena.

Illicit proceeds of drug trafficking are not only reinvested in the illegal economy, but also end up in the legal economy, such as real estate, sports clubs and luxury goods. Before this financial approach can be used more strongly, all possible actors involved must be prepared to cooperate and provide full support. This commitment is primarily the responsibility of the competent ministers, who must assume their responsibilities in this area and ensure that actors do not drop out after expressing their commitment.

##### RECOMMENDATION 5a: Raise awareness among relevant actors of the importance of a financial approach

Despite the possibilities offered by Belgian legislation for the financial approach to criminal phenomena, the questioned professional key figures are convinced that more coordination is needed in this area within the police and judiciary. Today, police and judicial actors are still insufficiently aware of the possibilities, the usefulness and the effectiveness of a financial approach. Despite the intentions of police forces to focus on the financial investigation, the decision to extend the scope of the criminal investigation remains with the magistrate concerned. More efforts should therefore be made to **raise the awareness of the judiciary and to exchange best practices between all judicial districts**, in order to ensure that there is a level playing field. It is important here that all parties involved show the will to be informed and attend information sessions (e.g. organized by the police).

##### RECOMMENDATION 5b: Strengthen the possibilities to recover criminal assets

If the police and judicial authorities use a financial approach, they can choose to go down this road **at the start of the criminal investigation**. In that case, both the criminal investigation and the financial investigation take place simultaneously, instead of only starting the financial part after the judicial part has started. Tax audits can be used for this purpose, for example through the accounting system. Exploratory investigations into the assets of the criminal actors involved are also possible, with a view to seizure and confiscation at the end of the criminal investigation.

##### Highlighted:

Following this recommendation, to tackle the phenomenon of grow shops, authorities may choose to have tax audits, i.e. on the accounts, carried out instead of focusing solely on the criminal aspect.

However, within the criminal law approach, there is currently insufficient time and capacity to fully invest in an 'extra-judicial approach', while the described forms of drug trafficking are driven by rapid

money gain. Therefore, the (local and/or federal) police should invest in specialised investigation teams ('*kaalplukteams*') to carry out financial investigations, in addition to only extend their knowledge. Given the time-consuming nature of financial investigations, the capacity of these teams should be available over a longer period.

Subsequently, at the end of criminal investigations, **investments must be made in simplifying the recovery of criminal assets, both domestic and international**. In both cases, it mainly concerns the follow-up and execution of pronounced confiscations. In order to meet the grey zone that currently exists, it must be made clear which (national and international) professional actors are given the responsibility for this follow-up and implementation. Moreover, it is desirable to engage in more intensive collaborations with other member states and countries in order to enable the recovery of criminal assets abroad, not only on paper but also in practice. In this context, the recently signed letter of intent between Belgium and Morocco for a better cooperation in seizures and confiscations can be seen as a step in the right direction.

#### **4.1.6 Recommendation 6: Stimulate Belgian-Dutch operational cooperation**

The results of this study showed that drug markets are expanding rather than shifting, particularly in professional cannabis cultivation, synthetic production and the cocaine middle market. This means that Belgium and the Netherlands must join forces in order to tackle the illegal drug markets jointly and across borders. The results of this study should therefore be the starting point to improve operational cross-border cooperation between Belgium and the Netherlands, not only in the context of both countries, but preferably within a larger European context.

In this light, the professional key figures agreed that the improvement and the facilitating of **cross-border cooperation between Belgium and the Netherlands is only possible if one starts from the idea that both countries are full partners and that the sum of their efforts are one important whole that extends over two countries**. Different recommendations can be formulated in this context.

##### **RECOMMENDATION 6a: Strive for a common investigation policy between the Netherlands and Belgium**

**Firstly, a common (investigation) policy between the Netherlands and Belgium is necessary**. The credibility and reliability of cross-border cooperation are currently in dispute when it comes to files where much time and investigation capacity have been invested in Belgium, but which cannot be tackled jointly because of divergent policy priorities. Belgium demands more than the Netherlands can offer. This also means that the follow-up of mutual legal assistance requests in the Netherlands is under pressure.

Consequently, there is a need for a Belgian-Dutch system of operational priorities, which consists of a structure with shared topics or elements. In the long term, this should gather the right partners around the table for each of these elements. One could think of the barrier method from the Netherlands. Although this method also has its limitations, determining the most important axes within criminal phenomena can be a good starting point for an integral and integrated approach.

To determine a joint investigation policy, both countries must first agree on a feasible strategy that will be followed, in order to optimize the willingness to cross-border cooperation. The bottom-up elaboration of a strategy seems to be preferred.

Furthermore, it must also be established which capacity will be linked to this common policy in both countries. The joint priorities must not only exist on paper, but must actually be implemented this time. This is exactly why Belgium and the Netherlands need a common policy whose implementation is realistic, so that professional actors are motivated to contribute.

**Highlighted:**

The capacity that is provided in the joint investigation policy can possibly be linked to targets that stimulate bilateral cooperation. For example, both countries can jointly determine that x-number of mirror examinations or JIT's must be started and carried out per year.

**RECOMMENDATION 6b: Expand the cross-border information exchange between the Netherlands and Belgium**

After establishing a common investigation policy, secondly, it is necessary to focus on **cross-border information exchange**. The Belgian-Dutch cooperation must in fact be based on a solid, shared imaging that will reveal priorities, opportunities and obstacles. This imaging must be fed by two investigation levels, namely investigation (1) at national level and (2) at international level. In that case, international investigation is based on joint investigation priorities and is started based on information from the first (national) level.

In this exchange of information, searching and finding the right contact persons on both sides of the border is seen as a bottleneck. The identification of persons and / or services that recognize and acknowledge the mutual interest of extensive information exchange and are also prepared to cooperate, remains difficult. As such, there is a need for a clear overview of the contact or reference persons in Belgium and the Netherlands, who are responsible for tackling a particular phenomenon. In addition, these reference persons must also have the opportunity to get to know each other. One is convinced that good informal contacts - with the necessary respect for the circumstances and the legislation in force - are not only a basic condition for a proper exchange of information, but (subsequently) also for successful mutual legal assistance. Nevertheless, it should be emphasized that one must always keep the balance between the use of informal contacts and official cooperation.

**RECOMMENDATION 6c: Strive for joint implementation of the joint investigation policy**

Thirdly, the joint operational investigation policy should lead to a **joint implementation of this policy** by (1) working more closely together in specific investigations or (2) on a more systematic (rather than project-based) basis through joint investigation teams. These teams could be based upon the structure of *Joint Investigation Teams* (JIT), which focus on a thematic or phenomenon-oriented approach (rather than case-oriented). 'Lighter' variants of this structure are also possible. During the focus group, Belgian respondents suggested that a combined Belgian-Dutch task force that is allowed to operate across borders could mean an improvement, because this working method for cross-border cooperation generates resources that are lacking in both countries. In addition, a Belgian-Dutch task force can transcend the legal implications that often play in cross-border cooperation (delays, administrative burdens). However, some of the Dutch respondents seemed to be more in favour of the idea of a thematic JIT, which is organized systematically (and not project-based). The feasibility and interpretation of both ideas (Belgian-Dutch task force on the one hand, thematic JIT on the other) requires further research.

However, the **real operational needs in the field must be taken into account** when establishing joint investigation teams in any form whatsoever. Often, the gap between these needs and what is considered 'higher up' in the organization is still too big. The legal barriers that occur during cross-border detection (beacons, observation, depriving criminal assets) can be considered an example. This causes frustration and demotivation among the police services involved, which are undesirable side effects that should not be underestimated and that should be reversed in the future. After all, some police officers have lost faith in international cooperation and question the functionality of agencies such as Europol and Eurojust, what could be an obstacle to potential future collaborations. Notwithstanding, these agencies can provide the necessary tools and the necessary financial and logistical support.

**Highlighted:**

For the implementation of a joint investigation policy, it seems appropriate to start on a small scale initially, through the regular organization of structural consultation moments about specific phenomena. During these consultation moments (such as those already existing for the tackling of cocaine import and cannabis cultivation), operational matters can be discussed and officials from both countries can learn from each other by exchanging *best practices*. It is important to note that these consultation moments are not only attended by persons who practice at national level, but who are also especially at local (or district) level firmly rooted in practice. For example, Belgian reference magistrates for drugs can be brought together with the Dutch prosecutors.

Then, the necessary capacity must be mobilised on both sides of the border. This is because international investigation ideally takes place through flexible investigation teams, which start in the initial phase via pilot projects. This entire chain of cross-border recommendations must be guided through concrete, operational guidelines, which are laid down for a long period (ten to twenty years).

#### **4.1.7 Recommendation 7: Strengthen social safety nets for vulnerable groups**

From the results, it became clear that criminal organizations often appeal to young people and socially vulnerable persons in activities of drug production and trafficking. In line with an integral and integrated policy, not only should repressive measures be used, but attention should also be paid to prevention and assistance. For example, the focus must be on addressing social and societal problems and on tackling these problems at the roots by further expanding and investing in various social safety nets, such as education, employment and social security. All this requires closing the cracks in our social safety net, as well as strengthening the social capital to promote inclusion of people in vulnerable situations.

##### **RECOMMENDATION 7a: Invest in social safety nets for young, vulnerable people**

Initially, it was indicated that criminal organizations often use young, vulnerable people in drug trafficking, for example as drug couriers. For many young people, drug trafficking can offer a view of a luxury life and quick money. With regard to this group, **efforts must be made to prevent dropout within education, to increase their social involvement and to expand their pro-social networks.** A crucial role can be reserved for pro-social members of their family, youth workers, teachers who enjoy the confidence of the young person and can intervene, or signal, when the young person slips to crime.

##### **RECOMMENDATION 7b: Invest in social safety nets for problem drug users**

Secondly, problem drug users who are used (or abused) by criminal organizations to play a role in drug trafficking and thus been exposed to the law, should, as far as possible, be eligible for alternative processing. Various policy documents indicate, after all, that persons who have a drug problem at the root of their committed offenses are preferably referred to the drug assistance. Within the emergency services, work can be done on the core of their problem: recovery from problematic drug use. **Alternatives referring to the provision of assistance should therefore be encouraged at all levels of the criminal justice system.**

**Moreover, investments must also be made in a sufficiently extensive and diverse range of assistance.** In addition, attention should also be paid to **aftercare** and **the strengthening of various life domains**, in addition to the drug problem. Successful recovery is a personal process that takes place within a social context. After clinical recovery, and therefore the focus on the drug problem,

attention should also be paid to **social recovery, inclusion and reintegration into society**. In order to carry out the recovery process of a person, the society must be prepared to accept these persons back as full members and to combat discrimination and stigma. However, studies indicate that drug users, even in recovery, are often confronted with discrimination from employers, property owners and neighbours, which can compromise their recovery process and promote relapse.

**Finally, making society more aware and raising the awareness of vulnerable groups are also part of the government's tasks.** The blurring of standards is, after all, perpetuating the drugs problem. If society does not invest sufficiently in this, a parallel society can develop in which different norms and values apply that affect the socio-economic structure.

## 4.2 Specific policy recommendations

In addition to the overall recommendations, we can also formulate recommendations for specific aspects within each drug market separately.

However, we want to emphasize that making a distinction between different drug markets is not always appropriate. In discussions with professional actors, for example, the fear was expressed that if more attention were paid to one specific market, there was a risk that the tackling of the other drug markets would disappear. This may have adverse consequences. We can see, for example, that cannabis trafficking is often the basis to gather financial capital for other criminal activities. It is therefore necessary to tackle all drug markets. Nevertheless, due to the specific nature of some phenomena, and in line with the overall recommendations, we would nevertheless like to put forward a number of explicit recommendations for each drug market.

Specific policy recommendations	
<b>Cannabis</b>	Address the grow shops
<b>Synthetic drugs</b>	Strengthen the monitoring of trade in chemicals
<b>Cocaine</b>	Tackle all smuggling methods

### 4.2.1 Recommendation 8 – Cannabis: address the grow shops

The role of the grow shops in professional cannabis cultivation is increasingly coming to the fore in Belgian police security policy. Grow shops must be seen as an essential link against which various barriers can be raised. Within DJSOC/Drugs, an exploratory study was carried out into this current problem (January-April 2018). Based on the findings of the present study, supplemented by the study carried out by DJSOC/Drugs, it is possible to outline a number of specific recommendations.

A first recommendation concerns the legal framework for criminalising grow shops. Like the Netherlands, Belgium has had legislation in place since 2014 to criminalise preparatory acts for cannabis cultivation (art.2bis §6 of the Drugs Act). Nevertheless, at present, it appears that this legislative provision is still insufficiently used to tackle the phenomenon. This is partly due to the rather vague wording of the relevant article in the Drugs Act, which subdivides grow shops into:

*“those carrying out (...) preparatory acts for (...) the cultivation of plants from which such substances may be drawn.” (Art.2bis, §6 of the Drugs Act)*

**A more concrete wording of the above legislative provision is therefore necessary.** Analogous to Dutch legislation, the Belgian section of the law must explicitly determine when it concerns a grow shop and not a bona fide garden centre. This can be done by drawing up a list of materials that can be used to identify a grow shop. In this way, not only the grow shops themselves, but also their suppliers - namely the wholesalers of cannabis accessories - can be addressed.

### Highlighted:

Practice has shown, for example, that assimilation lamps are still only used in cannabis cultivation, since regular horticulture uses other lamps. It may also be possible to use the suppliers of these assimilation lamps as a source of information.

The DJSOC/Drug research cited the possibility of developing legislative provisions at European level in order to standardise the tackling of grow shops in Europe. However, this route was quickly set aside in view of the major differences in philosophy and approach between the various European member states. In the future, **better cooperation** will therefore be established **between European countries** in order to prevent the possible relocation of grow shops from a country with stricter legislation and/or approach to other countries.

It could also be an option for the police and judicial authorities to abandon a purely criminal approach to the phenomenon of grow shops. As indicated under the overall recommendations, there is a greater chance of success if an integral, integrated approach is adopted, including, for example, **administrative enforcement**. In the future, for example, mayors will ideally have the power to close premises where objects and/or substances intended for cannabis cultivation can be found. At present, under Article 9bis of the Drugs Act, mayors can only act in the case of publicly accessible establishments where there are serious indications of the use or sale of drugs and where public order and peace are threatened. In addition, administrative action can also be taken by carrying out so-called 'flexcontrols'. Such controls bring together administrative, criminal and fiscal forces, and flexibly composed control teams from urban services, inspectorates, police and fire brigades carry out concrete actions. The purpose of these controls is to identify irregularities in the areas of land use planning, housing, fire safety, social and economic legislation, and urban regulations and decrees. In this way, the existing administrative possibilities and powers are used to their maximum. Under the guise of these flexcontrols, authorities can, for example, pay attention to accounting, compliancy with economic legislation via registration in the Crossroads Bank for Enterprises, and compliancy with federal legislation on the use of pesticides and plant protection products via the so-called "phytolicence".

Finally, the online activities of (former) grow shops should not be overlooked. In the Netherlands, it appeared that both the online dissemination of information and the dissemination of growth material came about strongly because of the ban on preparatory acts. Nevertheless, no **(systematic) research** has yet been **carried out into online sales** in Belgium or the Netherlands, which reduces the authorities' perception of these sales. It would therefore be logical for online sales to become even stronger in the future, as long as the authorities do not adapt their investigative activities.

#### 4.2.2 Recommendation 9 – Synthetic drugs: strengthen the monitoring of trade in chemicals

With regard to the production of synthetic drugs, an important role is reserved for the source countries that are involved in the trade in (pre-)precursors and chemicals worldwide. Belgium, following the Netherlands, has to **cooperate at national level with those countries that are responsible for the supply of the most important (pre-)precursors and hardware**, rather than just blaming them. For example, China (next to India) is the main supplier of (pre-)precursors and hardware, and members of criminal organizations can even go there for training on the conversion of (pre-)precursors. Without China, synthetic drug production would not be what it is today. However, Belgium does not have a liaison officer in China and does not even have a partnership with China to exchange information in a systematic way, to share *best practices* or to take action. Nevertheless, China must be regarded as an essential partner, among other things in the monitoring of the phenomenon of (pre-)precursors. The Belgian

authorities should (at least from the police, the magistracy and the competent ministers) attempt to initiate and develop cooperation with the Chinese authorities.

Authorities are aware of the role Belgium plays as a country of origin, and as an import and transit country for such chemicals. The monitoring of these transport movements is of great importance for customs and the FAMHP. However, additional efforts can be made **to monitor trade in the (regular) chemical sector**. The sensitization of companies from the chemical sector can contribute to this. After all, according to European legislation, there is a duty to report suspicious orders and transactions for regulated substances. Operators are obliged to report unusual or suspicious transactions or orders to the FAMHP. Although suspicious actions have been reported constantly for a number of years, it must be ensured that all operators are aware of this duty to report, so as not to miss any segment of the market. It has been noticed that it is necessary to increase sensitization especially at intermediate companies - namely the lower levels of wholesale (e.g. do-it-yourself business) - or even at the retail market (e.g. paint manufacturers). This sensitization must also take place on the entire Belgian territory, in order to avoid that manufacturers of synthetic drugs for the purchase of chemicals move to regions where one is less strict.

In addition to the regulated substances just mentioned, the other, non-regulated (but drug-sensitive) substances do not have a notification obligation, but the operators are asked to report suspicious transactions and orders on a voluntary basis. In the future, therefore, it should be considered how authorities can meet the lack of a notification obligation for non-regulated substances even more. Opportunities, here again, lie in the sensitization of operators to report suspicious transactions of legal products also to the FAMHP, without a formal duty to report.

#### **Highlighted:**

In 2017, FAMHP launched the sensitization program *Awareness*, with the aim of making distributors of drug-sensitive, but unregulated, chemicals aware of the importance and necessity of reporting suspicious price requests and orders for these chemicals. Given the importance of this program, a further expansion of this program is required.

With regard to this duty of notification, it should also be pointed out that Belgium currently has two **hotlines for suspicious orders and transactions involving drug-sensitive chemicals**. In addition to the FAMHP reporting centre, there is also a registration point at the federal police. Despite the generally smooth collaboration, it has been shown in the past that reports at one registration centre are sometimes not passed on to the other, which may lead to incomplete imaging. Therefore, it must be investigated which method is the most efficient: the current situation with two hotlines or the merging of both hotlines into one hotline. If there is a single registration point, this can also be advantageous for the cooperation with the Dutch authorities, which then have one Belgian point of contact. In addition, it is also desirable to consider a legislative framework for the cross-border exchange of information on reports of suspicious transactions and orders for chemicals between the Netherlands and Belgium.

In order to return to the monitoring of the trade in (pre-)precursors and other chemicals, there is also a role for the customs services. Now, measures are already being taken to monitor incoming goods flows through risk analyses. One may wonder to what extent these risk analyses are 100% conclusive, because smugglers often use incorrect names to mask the actual chemical. Nevertheless, **additional measures could be taken with regard to the identification of certain actors**. Criminal actors often use the identity of regular companies or fictitious addresses when ordering the necessary chemicals. To prevent the shipment from arriving at the wrong recipient, couriers pick up the shipment upon arrival at the courier service depot. However, couriers remain without risk at that time, because no identification obligation applies to the collection of such shipments. In the future, this gap could be met by requiring courier services or transport companies to request a valid identity card when collecting the chemicals.

### 4.2.3 Recommendation 10 – Cocaine: tackle all smuggling methods

Due to the (legitimate) focus on counterterrorism and items such as the tackling of cocaine trafficking, there is a danger that criminal organizations that engage in other drug-related forms of crime, such as cannabis cultivation, reign. Moreover, the shortage of investments in other criminal phenomena may in time lead to a backlog in the tackling of these phenomena, which in turn has consequences for the imaging. Authorities should therefore always pay attention to this possible repercussion.

In February 2018, the federal government launched the Antwerp '*Stroomplan*': an action plan for tackling both the import and transit of cocaine via the port of Antwerp and the associated (secondary) crime phenomena. The port of Antwerp is, after all, geographically an important distribution point for legal and therefore illegal goods. Within the *Stroomplan* four axes are identified, in which integral and integrated cooperation is central, namely a thorough cooperation between customs, maritime police, federal police, local police, inspection services and public prosecution.

Despite these legitimate efforts, however, one must be vigilant about the consequences of the increased attention for cocaine smuggling via the port (of Antwerp). Because of this specific focus, there is a chance that **attention to other smuggling methods** will weaken. Authorities should continue to pay attention to this, such as the so-called *general aviation*, small marinas, inland navigation and railways. The control of these modes of transport rarely, if ever, takes place, so the chance of being caught is almost nil. That is why partnerships need to be established within these sectors, just as is the case, for example, within the port of Antwerp.

#### Highlighted:

In order to prevent a waterbed effect, additional attention must be paid to other transport options than maritime transport, such as general aviation, small marinas, inland navigation and railways.