



Brussels, 5 December 2017  
(OR. en)

10544/2/17  
REV 2

LIMITE

COSI 148  
ENFOPOL 327  
CRIMORG 127  
ENFOCUSTOM 163  
GENVAL 66  
FRONT 287  
CYBER 100  
JAI 626

**NOTE**

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From: Presidency  
To: Standing Committee on Operational Cooperation on Internal Security  
(COSI)

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No. prev. doc.: 8810/2/17 REV 2

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Subject: EU Policy Cycle Terms of Reference

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Delegations will find in the Annex the **draft revised** Terms of Reference for the EU Policy Cycle 2018-2021. **The previous version has been revised following discussions which took place at the COSI Support Group meeting on 1 December 2017 and is put under informal silence procedure until 6 December, 16h00. If no objections are made by that deadline, the document will be considered adopted. Changes compared to the initial version (page 5) are underlined.**

The Terms of Reference for the EU Policy Cycle 2018-2021 has been prepared in line with action 10 of the EU Policy Cycle 2018-2021 (7704/17). The document first recalls the key features, steps and other relevant general elements of the EU Policy Cycle, in particular the European Multidisciplinary Platform Against Criminal Threats (EMPACT), the Operational Action Plan (OAP), the Joint Action Days (JADs), training, the involvement of non-EU partners and the roles and responsibilities of the different actors involved.

## TERMS OF REFERENCE OF THE EU POLICY CYCLE 2018-2021

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## EU Policy Cycle

### 1.1. Introduction

On 27 March 2017, the Council decided to continue the EU Policy Cycle for organised and serious international crime for the period 2018-2021<sup>1</sup>.

This multi-annual Policy Cycle aims to tackle the most important threats posed by organised and serious international crime to the EU in a coherent and methodological manner through improving and strengthening co-operation between the relevant services of the Member States, EU institutions and EU agencies as well as third countries and organisations, including the private sector where relevant.

Its key features are:

- The intelligence-led approach based on a future-oriented and targeted approach to crime control, focusing upon the identification, analysis and ‘management’ of persisting and developing ‘problems’ or ‘risks’ of crime.
- The integrated character: best using and aligning the complementary contribution of all multi-disciplinary and multi-agency actors from Member States, EU institutions and agencies, relevant third countries and organisations (public and private) in a partnership approach.
- The multi-disciplinary, integrated and integral approach: addressing all levels by which the phenomenon can be influenced by using measures and actions both of a preventive and a repressive nature, as well as proactive and reactive measures, both of a strategic (trying to impact the threat) and operational (trying to impact the organised crime groups/networks and criminals) nature.

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<sup>1</sup> Council Conclusions on the continuation of the EU Policy Cycle for organised and serious international crime for the period 2018-2021 (7704/17)

## 1.2. Steps

The Policy Cycle consists of four steps, set out below:

### Step 1

- Policy development on the basis of a European Union Serious and Organised Crime Threat Assessment<sup>2</sup> (EU SOCTA) which must provide for a complete and thorough picture of criminal threats impacting the European Union.
- Considering the rapidly evolving nature of crime, Europol in cooperation with Member States and relevant EU agencies, should prepare in the course of 2019 a mid-term review of new, changing or emerging threats, paying particular attention to the EU crime priorities decided in 2017, through the production of an interim report to the Council.

### Step 2

- Policy setting and decision-making through the identification by the Council of a limited number of priorities<sup>3</sup>, on the basis of a Policy Advisory Document drafted by the Presidency and the Commission.
- COSI invites the Member States to participate in the relevant crime priorities<sup>4</sup> and in the next steps, as set out below, in cooperation with the relevant EU Institutions and Agencies.
- For each of the priorities a four-year Multi-Annual Strategic Plan (MASP) needs to be developed in order to achieve a multidisciplinary, integrated and integral approach to effectively address the prioritised threats.

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<sup>2</sup> 6886/17 + ADD 1 EU RESTRICTED + ADD 2 EU RESTRICTED

<sup>3</sup> It is however obvious that Member States maintain the possibility to start multilateral operational projects in order to face local priorities.

<sup>4</sup> As identified on the basis of the "Member States' profiles" contained in annex III of the EU SOCTA Executive summary (6886/17 ADD 1 EU RESTRICTED)

- To that end, and following action 11 of the Policy Cycle and under coordination of the Commission, ad hoc expert groups draft the MASPs, including the measurement of achievement of strategic goals, to address the crime priorities. Common horizontal minimum strategic goals are identified in advance in the MASP "Master" workshop in order to strengthen the consistency and facilitate the drafting of the MASPs.
- These MASPs are to be adopted by COSI / **COSI Support Group**.
- Following action 13 of the Policy Cycle, representatives of the Member States, the EU Institutions and agencies<sup>5</sup> convert each MASP into annual Operational Action Plan (OAP) using the OAP template<sup>6</sup> developed by Europol for this purpose in line with action 7 of the EU Policy Cycle and agreed by COSI / **COSI Support Group**.
- The OAPs can contain actions that, where necessary and justified, would last longer than a year. Some actions may address more than one strategic goal.
- COSI / **COSI Support Group** validates the annual OAPs.

### Step 3

- Implementation and monitoring of annual OAPs on the basis of the MASPs.
- The relevant Member States integrate the actions developed in the OAPs into their national planning and allocate appropriate resources to support a common EU approach.
- The relevant EU agencies commit in their annual work programmes to implement the actions developed within the EU Policy Cycle and make the specific budgetary provisions.

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<sup>5</sup> There should be minimal changes between the representatives of Member States, Institutions and Agencies participating in the strategic goals definition and those participating in the OAP phase, although some might occur as a consequence of certain directions chosen for a specific priority. In case of change, the necessary communication flows should be insured in each Member States. To this end, the specific MASP workshops could be organised back-to-back to the OAP workshops for the first OAPs of the cycle.

<sup>6</sup> 10242/17

- The relevant Member States and EU agencies implement the joint actions developed in the Operational Action Plans, using the framework of the European Multidisciplinary Platform Against Criminal Threats (EMPACT).
- COSI monitors the progress of the OAPs every 6 months inter alia on the basis of Europol's findings on the implementation of OAPs, reports by the Drivers and the National EMPACT Coordinators meeting<sup>7</sup>. Europol's findings on the implementation of OAPs will take into account the independent monitoring by the EMPACT Support Team (EST) and will include a summary of operational highlights and an illustrative table of the status of and participants in the actions.
- In addition, COSI will carry out both a mid-term and final assessment of the results of the actions to measure the achievement of the strategic goals.

#### Step 4

- At the end of the Policy Cycle, an independent evaluation will be conducted and will serve as an input for the next EU Policy Cycle. The results will be transmitted to the Council.
- The development by the Commission in consultation with the Member States' and EU agencies in COSI, of the mechanism of the independent evaluation will take into account past experiences.

### 1.3. Definition of EMPACT

EMPACT is an ad hoc management environment to develop activities in order to achieve pre-set goals. It is a structured multidisciplinary co-operation platform of the relevant Member States, EU institutions and agencies, as well as third countries, international organisations and other (public and private) partners to address prioritised threats of organised and serious international crime.

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<sup>7</sup> Pursuant to action 18 of the EU Policy Cycle, OAP Drivers will report twice a year: a lighter reporting in September and a comprehensive one in March of the following year.

#### 1.4. Managing an OAP

In order to run the activities of the OAPs in an efficient and effective manner, it is necessary for the participants of the OAP, led by the Driver to:

- start with a state of play of the crime phenomenon and of the existing initiatives to address the phenomenon;<sup>8</sup>
- if required, whenever intelligence gaps are identified in the available relevant strategic material, have Europol (or the most relevant EU agency) formulate a focused EU Intelligence Requirement to fill the gaps;
- following the guideline on designing SMART Key Performance Indicators (KPIs) set out in action 7 of the EU Policy Cycle<sup>9</sup>, set tangible and measurable operational objectives/targets (KPIs) before starting activities;
- agree on the tasks and responsibilities of all participants;
- ensure the actions are run within their timeframe and are followed up in a proper manner;
- ensure proper reporting to the NEC meeting, following the templates and the reporting collection mechanism (action 15 of the EU Policy Cycle);
- raise awareness in the Member States on how the actions are run;
- properly address interdependencies between linked priorities and OAPs;
- where appropriate, ensure that contacts are made with Eurojust at an early stage, to safeguard that necessary actions are taken in order to create the best conditions for a successful prosecution;
- ensure that the necessary contacts are made with relevant third countries, International Organisations and partners about common objectives in the implementation of the OAPs.

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<sup>8</sup> The EU SOCTA and the documents produced by the workshops defining the strategic goals/MASPs may be used as a basis or starting point.

<sup>9</sup> 10244/17

It is strongly recommended that Member States, the Commission and the EU agencies make specific budgetary provisions for the planning and implementation of the OAPs in their respective budget planning cycles.

The number of OAPs per EU crime priority will be the one determined in the Council conclusions setting up the EU priorities.

### **1.5. JADs**

Joint Action Days (JADs<sup>10</sup>) target criminal networks affecting the EU by addressing one or two strategic, horizontal or geographic aspects of crime related to multiple priority crime areas as defined in the EU Policy Cycle for organised and serious international crime.

JADs are a Member States-led initiative supported or coordinated by Europol and whenever appropriate by other JHA agencies, and take place within the EU Policy Cycle framework, in particular in implementation of the Operational Action Plans (OAPs). Therefore, JADs are linked to operational actions of the OAPs but not every operational action in an OAP could be qualified as a JAD.

Europol together with the media contact points from Member States prepares annually a draft media strategy for discussion and approval by COSI / COSI Support Group. Where appropriate, and building upon this media strategy for the JADs, broader results of the EU Policy Cycle (i.e. beyond JADs) could be made available to the media.

### **1.6. Fact sheet of results**

On the basis of the experience gained from the 2014-2017 EU Policy Cycle from, it can be assumed that this methodology to fight organised and serious international crime phenomena has improved law enforcement co-operation between Member States, has led to enhanced sharing of information, intelligence, and good practices, and has served to launch a number of joint investigations and operations.

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<sup>10</sup> JADs definition is set out in 5167/17



Furthermore, co-ordinated activities within the EU Policy Cycle have led to operational results in countering the activities of Organised Crime Groups and other criminal networks, for example, launching investigations and arresting suspected perpetrators, seizing goods or identifying victims<sup>11</sup>.

These positive results deserve to be highlighted and made available both at national and EU level in order to give visibility to the benefits that the EU Policy Cycle is generating in reducing levels of organised and serious international crime.

To this end, an annual fact sheet will be prepared by Europol to show the main operational results of the different OAPs. The fact sheet will follow specific guidelines provided by COSI and will be based on structured and relevant data collected in the Drivers' reports according to the reporting collection mechanism.

### **1.7. Training**

Pursuit to action 9 of the EU Policy Cycle, a training and awareness package about the EU Policy Cycle framework will be developed and delivered by CEPOL.

Training activities aim at:

- increasing knowledge of the EU Policy Cycle mechanism and the role and responsibilities of relevant actors;
- contributing to specific OAPs with relevant training actions (with residential and online training events, exchange programme and similar).

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<sup>11</sup> See 5652/16 (final report of the evaluation study on the EU Policy Cycle for serious international and organised crime 2013-2017, prepared by the independent external evaluator (Ernst & Young and RAND Europe))

The main activities promoting the EU Policy Cycle mechanism will be:

- workshop for Drivers and Co-Drivers. Among other objectives, this event would allow Drivers and co-Drivers to meet with each other and the relevant stakeholders;
- online module for law enforcement personal in Member States;
- information material for Member States to be used at national level (for translation);
- train the trainers course for Member States to prepare their national trainers for cascading the knowledge;
- collection of "best practices" from Member States and EU agencies already identified in the previous cycle(s).

Content of activities will cover:

- better nomination of participants (right profile);
- improving the quality of the process (formulation of strategic goals and operational actions);
- better project management (reporting, communication);
- raising awareness about available EU financial resources and the use of the funding opportunities information package;
- thorough knowledge of the relevant EU Policy Cycle documents and their implementations, in particular the Terms of Reference; templates and the guideline on designing SMART KPIs.

Each OAP participant, prior to attendance to OAP workshop, will have an opportunity to familiarise him/herself with the EU Policy Cycle via the online module.

## **2. Actors involved, roles and responsibilities**

### **2.1. COSI**

Next to its role in the policy setting, implementation and monitoring of the EU Policy Cycle (see chapter 1.2), COSI will closely evaluate the implementation of the OAPs, including the participation of Member States and other actors in order to ensure commitment and the required allocation of human and financial resources.

The Council conclusions on the continuation of the EU Policy Cycle 2018-2021 (7704/17) also set out the framework of responsibilities for COSI related to its role in the EU Policy Cycle.

### **2.2. National EMPACT Coordinators (NECs)**

#### **(a) Nomination**

Every Member State appoints a “National EMPACT Coordinator” (NEC) under its national competence and depending on the structure of its law enforcement authorities. The appointment is notified by the Europol Liaison Bureau of the respective Member State to the EMPACT Support Team that prepares a regularly updated list of NECs. If the position becomes vacant, the respective Member State appoints without delay a new representative as NEC.

Each NEC shall have an alternate one who shall be appointed taking into account the same criterion. The alternate NEC shall represent the NEC in his or her absence.

#### **(b) Profile**

The NEC is a senior officer with strategic command who has the authority to ensure the implementation of the EU Policy Cycle in his/her country. This person must remain fully informed and retain overall responsibility for the Member State’s commitment to the EU Policy Cycle. As national coordination is a key success factor for the OAPs, it is recommended that the NECs are in the position to dedicate a significant part of their working time to EU Policy Cycle matters and get sufficient support at national level.

(c) Task and responsibilities

The National EMPACT Coordinator has a horizontal coordination function at national level since he/she is responsible for aligning the Member State's involvement and contributions to all OAPs in which the Member State participates, and for promoting multi-disciplinary cooperation between law enforcement authorities and non-law enforcement partners, including other public authorities and the private sector. In addition, he/she has to ensure that the national authorities are regularly informed about all OAPs, including those in which the respective Member State does not participate.

Each National EMPACT Coordinator has to ensure the implementation of COSI decisions and recommendations about the EU Policy Cycle and particularly EMPACT in their Member State, and has to coordinate the allocation of the required human and financial resources and ensure the empowerment of the OAP participant(s) of the Member States.

Before the announcement at COSI or COSI Support Group by a Member State that it intends to join an OAP, the NEC of that Member State ensures that:

- the threat is indeed a problem which deserves specific attention in his/her Member State;
- the possibility to allocate the adequate human and financial resources is assessed positively;
- the right person can be found to participate in the OAP, that is a person having the necessary expertise who is in the position to represent the Member State and has the authority to decide to take operational initiatives, the possibility to gather all relevant data to contribute to Europol's Analysis Projects and to identify investigations/cases which are relevant to the OAP.

During the implementation of the OAP, the NEC ensures that:

- the OAP Drivers, Co-Drivers, Action (Co-) Leaders and other participants from the respective Member State have the time and the resources needed for fulfilling their role;
- the role of the above mentioned actors is duly recognised at national level;
- there are solid communication possibilities between himself/herself and all OAP participants from the respective Member State, so that problems can be discussed and solved as soon as possible (e.g. obstruction by a higher level, lack of commitment or co-operation from other national authorities, etc.);
- the required awareness about the EU Policy Cycle and their benefits to the EU and the Member States is raised at national level, including with the bilateral liaison officers posted in the targeted areas and with the judicial and other relevant national authorities;

(d) Meetings

Every six months the Presidency organises meetings of the National EMPACT Coordinators which are facilitated and hosted by Europol.

The objectives of these meetings are to:

- monitor the progress of OAPs based on the reporting by the Drivers and Action Leaders;
- assess the draft OAPs before submitting them to COSI / COSI Support Group for approval;
- address, discuss and solve problems identified by the Drivers or through the regular monitoring by the EMPACT Support Team;
- consider issues of general relevance for the successful implementation of the OAPs, in particular with regard to multi-disciplinary cooperation and coordination across OAPs including Joint Action Days (JADs);

- recommend, based on the monitoring, actions to COSI in order to improve EMPACT processes or adjust individual OAPs;
- prepare, based on the reports from the Drivers and strategic input from COSI and according to the reporting mechanism foreseen in action 15 of the EU Policy Cycle, after two years of implementation of OAPs, an assessment of the results of the actions to measure the strategic goals for consideration by COSI;
- address any other issue as instructed by COSI.

The monitoring by the NECs is organised on behalf of COSI and therefore the outcome of these meetings is reported every six months by the Presidency to COSI (see step 3 under chapter 1.2 above).

The meetings of the National EMPACT Coordinators are chaired by the Presidency. The following actors are invited to attend these meetings:

- the National EMPACT Coordinators;
- the Drivers of the OAPs;
- the Chair of the COSI Support Group;
- the General Secretariat of the Council;
- the Commission;
- the EEAS;
- Europol, in particular the EMPACT Support Team facilitating the meeting;
- other JHA EU agencies participating in the OAPs.

The Presidency may decide to invite Co-Drivers, representatives of other Union bodies and Council structures (e.g. COSI Support Group, CCWP), and Member States' experts on specific topics to relevant parts of the meetings.

### 2.3. OAP Driver

#### (a) Nomination

A representative of the leading Member State chairs the OAP. After agreement by COSI on the Member State leading an OAP, the respective Member State appoints a representative to chair the OAP as Driver. The appointment is notified by the Europol Liaison Bureau of the respective Member State to the EMPACT Support Team that maintains a regularly updated list of Drivers. If the position becomes vacant, the leading Member State appoints a new representative as Driver without delay.

#### (b) Profile

The Driver needs to have strong leadership and communication skills and sufficient competences to manage an OAP. It is important to consider the time demands which such a role will entail and takes into account that Drivers are seldom in the position to deal with EU Policy Cycle matters on a full-time basis.

#### (c) Tasks and responsibilities

It is the responsibility of the Driver to:

- draw up, together with the OAP group, the OAP;
- coordinate and manage the OAP supported by Co-Drivers;
- implement, together with the OAP group, the OAP;
- delegate the leadership of specific Operational Actions to the Action Leaders;
- monitor the implementation of Operational Actions;
- organise and chair the meetings of the OAP group;
- contact the relevant NECs in case of different interpretations between participants in an OAP;

- keep close contacts with participating Member States, in particular the NECs, and EU agencies on the integration of the Operational Actions developed in the OAPs into their national planning and the EU agencies' annual work programs;
- liaise, where relevant, with Drivers/Co-Drivers of other relevant OAPs, to streamline the coordination on cross-cutting issues, including on the planning of Joint Action Days (JADs);
- coordinate the data collection mechanism for operational results with support from Europol;
- report, in line with action 18 of the EU Policy Cycle<sup>12</sup> and the reporting mechanism to be established by the end of 2017 (action 15), about the progress of the OAP via the EMPACT Support Team to the NECs. This report will cover the state of play of Operational Actions, their results and will assess the achievement of Key Performance Indicators (KPIs) based on the reports received from the Action Leaders and making use of possible IT functionalities, including automated reporting tools, further developed for this purpose. The deadline for the reports is set out in the document "Timeline for the EU Policy Cycle" which is regularly issued by the General Secretariat of the Council;
- coordinate requests for funding in support of the implementation of operational actions;
- take into account the relevant cooperation with third countries and parties and involve them in meetings and actions under the operational action whenever appropriate.

(d) Meetings of the OAP group

The Driver organises the meetings of his/her OAP group. At least two meetings, the OAP kick-off meeting in January or February, and the OAP drafting meeting in September or October, take place every year. In addition, the Driver may convene up to 2 strategic meetings at Europol every year.

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<sup>12</sup> lighter reporting in September and comprehensive one in March of the following year.



The meetings of the OAP group are as a rule chaired by the Driver. In case of his/her absence, the Driver may nominate a representative of his/her own Member State or a Co-Driver to chair a meeting on his/her behalf. The following persons are invited to attend these meetings:

- one representative per participating Member State including Co-Drivers and Action Leaders. In exceptional cases, additional participation could be considered, taking into account possible limitations in funding;
- Europol, in particular the EMPACT Support Team facilitating the meeting and the EMPACT Support Manager;
- representatives of the European Institutions and other Agencies participating in the OAP.

The Driver may invite representatives of other Union bodies or Council structures (e.g. CCWP) and Member States experts on specific topics to relevant parts of the meetings.

#### **2.4. OAP Co-Driver**

##### **(a) Nomination**

A Member State or an EU agency participating in an OAP may decide to appoint a representative as Co-Driver. The appointment is notified by the Europol Liaison Bureau of the respective Member State or by the agency to the EMPACT Support Team that informs the Driver of this appointment and maintains a regularly updated list of Co-Drivers. The recommended number of Co-Drivers is from 1 to 3, and if possible, at least one of them should be from a Member State.

##### **(b) Profile**

As the Co-Driver can temporary replace the Driver in case of his or her absence, he or she needs to have similar skills and competences to manage an OAP.

If needed, the Co-Driver is expected to be willing to lead and/or co-lead, at least one Operational Action of the OAP.

(c) Tasks and responsibilities

Where a Co-Driver or several Co-Drivers is/are appointed in an OAP, it is their responsibility to:

- liaise with, and support the Driver with all issues related to the successful implementation of the OAP together with the Action Leaders and the OAP group;
- chair and coordinate meetings on the Driver's behalf;
- support to draw up the OAP together with the OAP group;
- support the Driver to keep close contacts with the participating Member States and EU agencies on the integration of the Operational Actions developed in the OAPs into their national planning and the EU agencies' annual work programme;
- liaise, where relevant, with or on behalf of the Driver on cross-cutting issues with Drivers/Co-Drivers of other relevant OAP including on the planning of Joint Action Days (JADs);
- assist the Driver in his/her responsibility to report via the EMPACT Support Team to the NECs within the deadline and in line with the reporting mechanism to be established by the end of 2017;
- carry out specific tasks on behalf of the Driver such as dealing with funding issues, multi-disciplinary cooperation or managing specific parts of the OAP, including to supervise certain types of actions or arrangements or groups OAs.

## 2.5. OAP Action Leaders

### (a) Nomination

For every Operational Action an Action Leader from a volunteering Member State or an agency participating in an OAP shall be appointed in agreement with the Driver. The Driver may also agree to appointing the Commission as Action Leader, under the responsibility of the Driver.

The Commission shall not lead operational activities supporting investigations or specific cases such as gathering of evidence, action days or investigative measures.

Drivers and Co-Drivers can be Action Leaders at the same time. The appointment is notified by the Driver to the EMPACT Support Team that maintains a regularly updated list of Action Leaders. If the position becomes vacant, the respective Member State / EU agency / COM appoints without delay a new representative as Action Leader in agreement with the Driver. If operational needs require it and all participating Member States agree, the Driver may delegate the leadership of a specific Operational Actions to a third country/party under the responsibility of the Driver.

Action Leaders may be supported by Action Co-Leaders from Member States, Agencies / COM or third countries/parties associated to the OAP. The Action Co-Leader is assisting the Action Leader and can take over the responsibility of the Action Leader if he/she is not available. It is recommended that Action Co-Leaders' specific role is reflected in the Plan which develops the concerned action. This is not a mandatory function; it is up to the OAP group to decide if Action Co-Leaders are required.

### (b) Profile

The Action Leader should demonstrate strong leadership and get sufficient support at national level or from the agency to safeguard the execution of the activities under the Operational Action. He/she should have sufficient skills and competences to lead an Operational Action. High quality reporting from Action Leaders to the Drivers is a key tool to measure the progress made and to assess the impact of the Operational Actions.

(c) Tasks and responsibilities

On behalf of the Driver, it is the responsibility of the Action Leader to:

- draft Plans for Operational Actions, which will include activities for the development of the operational action;
- ensure the implementation of the activities under the Operational Actions, including financial management when funded and with regard to the achievement of KPIs/goals;
- follow up/monitor timelines and deadlines of the Operational Actions;
- maintain communication with the participants and relevant stakeholders in the operational actions;
- organise and chair meetings in relation to the Operational Actions;
- provide, following the Action leader template developed under action 15 of the EU Policy Cycle, input for the Driver’s reporting in line with the reporting mechanism to be established by the end of 2017 including operational results, an assessment of the operational actions against KPIs and information about follow-up activities in the participating Member States and EU agencies.

## **2.6. OAP Participants**

(a) Nomination

The decision of a Member State or an EU agency to join an OAP is notified by the JHA counsellor of the respective Member State or the equivalent representative of an EU agency to COSI or the COSI Support Group. The General Secretariat of the Council issues a regularly updated list of Member States and Agencies participating in the OAPs which indicates the role of the relevant actor (Driver, Co-Driver, Action Leader and Participant). Member States joining an OAP should join the relevant Europol Analysis Project at the same time if not already a member.

The Commission may also join an OAP notably where, it would bring added value in identifying legislative and policy developments to be pursued and in raising awareness about existing possibilities for financing and action. The Commission shall not be involved in operational activities supporting investigations or specific cases such as gathering of evidence, action days or investigative measures. The Commission shall notify the GSC.

Every Member State, Agency or COM) participating in an OAP appoints a representative as OAP participant. If the position becomes vacant, the respective Member State, agency or COM appoints a new representative as OAP participant without delay.

(b) Profile

The OAP participant represents his/her Member State in the OAP. The participant has to be an expert who is committed and empowered by his or her national authorities to actively contribute to the implementation of the OAP. If needed, the Member State or agency OAP participant is expected to be willing to lead and/or co-lead, at least one Operational Action of the OAP.

It is crucial that:

- there are communication lines between the competent national authorities (e.g. Police Chief, Chief Prosecutor, Customs Director) and the participant, so that problems can be discussed and solved as soon as possible (e.g. lack of commitment or co-operation from other national authorities);
- the participant is supported by his/her management to follow up at national level on what was agreed during the meeting of the OAP group;
- the participant can access to Europol's Secure Information Exchange Network Application (SIENA) and is fully aware of all existing relevant communication tools to ensure a swift flow of information with the other participants and Europol;

- there is continuity in the participants, who take the learning back home and use the experience. If the participant has to be replaced in exceptional cases, he/she has to make sure that his/her successor is fully briefed about the OAP's past.

With the support of the National EMPACT Coordinator, the OAP participant:

- is in a position to ensure proper implementation through the competent authorities (being able to steer operations, to collect the relevant information about ongoing investigations and send it as contribution to the Europol Analysis Project, to start operational initiatives, etc.); and
- can engage the required human and financial resources.

(c) Tasks and responsibilities

It is the responsibility of the OAP participants to:

- contribute to the OAP drafting and coordinate the OAP implementation at Member States / EU agency / COM level;
- inform the NECs and relevant national units, the Driver and Europol about initiatives, responsibilities at national level and developments relevant to the OAP; and
- inform the Driver and the EMPACT Support Team about what is being done at national / ~~EU~~ agency / COM level to implement the Operational Actions.

## **2.7. EUROPOL**

### **2.7.1. EMPACT Support Team**

The EMPACT Support Team is established at Europol and composed of Europol staff and of at least one member seconded by the Trio Presidency for 18 months (Seconded National Expert). Additional national experts may be seconded by Member States to Europol to provide support to Drivers, in particular with regard to cross-priority coordination, Joint Action Days and data collection.

The EMPACT Support Team has two main tasks:

1) Administrative, logistical and financial support to the OAPs facilitating the tasks of the Drivers, including:

- supporting the OAP groups when drafting the OAP;
- supporting the Driver when preparing the agenda for the OAP drafting, kick-off and strategic OAP meetings;
- drafting of meeting invitations and minutes of strategic EU Policy Cycle meetings;
- providing supporting documentation;
- providing methodological project support including on drafting and assessing Key Performance Indicators (KPIs);
- acting as permanent depositary for the OAPs and the reports from Action Leaders and Drivers that can be consulted by OAP participants to check the status of the operational actions;
- ensuring regular contact and liaison with the Drivers and Co-Drivers;
- ensuring regular contacts and information with concerned EU Institutions, Agencies and bodies;
- briefing new participants on the OAP;
- maintaining and keeping updated EMPACT platforms at the Europol Platform for Experts (EPE);
- managing the EU Policy Cycle funding from the Europol Budget following the strategic guidance of COSI;

- preparing a funding opportunities information package together with the Commission, the EEAS and other relevant actors to inform the Drivers;
- organise possible meetings for Drivers to ensure a better coordination among OAPs, preparation of JADs, exchange of best practice and the implementation of common initiatives and horizontal strategic goals;
- facilitate the NEC meeting.

2) To monitor the OAPs' progress:

- coordinating, supporting and aligning the progress reports by the OAP Drivers which are based on the reporting by Action Leaders;
- submitting these reports for discussion in the six-monthly meeting of the National EMPACT Coordinators;
- preparing the annual fact sheet about the results of the OAP based on the reporting collection mechanism;
- providing Drivers with a comprehensive overview of geographical or other areas covered by more than one OAP in order to allow them, supported by Co-Drivers, to assess whether there is scope for coordinated or joint actions or other joint activities, including learning;
- informing the National EMPACT Coordinators about issues of general relevance for the successful implementation of the OAPs, in particular with regard to multi-disciplinary cooperation and coordination across OAPs including Joint Action Days (JADs);
- encouraging and facilitating communication and collaboration between the OAPs having common goals and/or interdependencies, also with a view to support the identification of possible Joint Action Days (JADs).



### 2.7.2. Other Europol support

Each OAP group is to be supported by a designated Europol official who should act as the EMPACT Support Manager (ESM), especially regarding the operational co-operation issues such as the effectiveness of the information and intelligence flow. Ideally, this designated Europol official is working for the concerned Analysis Project at Europol or is a senior expert with sufficient expertise in the concerned area at Europol.

In close contact with the Driver and the Co-Drivers, the ESM should:

- bring their expertise and advise on the relevant crime area, and present the overall crime picture according to intelligence-led findings at Europol;
- contribute with concrete cases to the OAP;
- be proactive and help to steer and facilitate the process;
- support the OAP group by making available a state of play of the crime phenomenon and of existing initiatives to address it;
- support, in close cooperation with the Strategic Analysis Team at Europol, the sending out of intelligence requirements where necessary;
- be proactive in establishing direct contacts with the relevant investigation teams;
- address the Driver about Member States who fail to provide information to the relevant Europol Analysis Project;
- contribute to the planning of JADs, in particular through its involvement in the preparations of the common risk analysis/threat assessment and other relevant documents along with the Action Leader;
- support the Driver in the management of the data collection mechanism.

## **2.8. EU INSTITUTIONS, BODIES, AGENCIES**

All relevant EU institutions, bodies and agencies (e.g. EUROPOL, EUROJUST, FRONTEX, CEPOL, OLAF, EMCDDA, eu-LISA and EUIPO) should fully play their respective roles aiming at a genuine inter-agency approach with all relevant actors.

The Council conclusions on the continuation of the EU Policy Cycle 2018-2021 (7704/17) also set out the framework of responsibilities for the EU Agencies related to their role in the EU Policy Cycle, in particular by committing in their annual work programmes to implement the actions developed within the EU Policy Cycle.

## **2.9. THIRD COUNTRIES AND INTERNATIONAL ORGANISATIONS AND PARTNERS**

A successful operational implementation of the EU Policy Cycle must take into account the external dimension of internal security. Further developing cooperation with relevant third countries, in particular with Schengen Associated States and international organisations and partners provides an added value to the operational implementation of the Policy Cycle and contributes to raising awareness of the Policy Cycle beyond the EU.

An important element to take into account for the involvement of the third countries and international organisations and partners (hereinafter 'non-EU partners') is the existence of agreements on operational cooperation with Europol. The involvement of non-EU partners should comply with the applicable rules on exchanges of data, as set out notably in the Europol Regulation.

### **A) OAP meetings**

Representatives of relevant non-EU partners, notably Schengen Associated States, may participate in drafting, kick-off and strategic meetings of the OAPs (including those hosted by Europol), where relevant according to the identified threats and operational needs. They will be invited by the Driver who will indicate for which part(s) of the OAP workshops their presence is requested for the discussion and implementation of the operational actions.

B) NEC meetings

1. Discussions at the NEC meetings in relation to the functioning of the Policy Cycle, funding, Europol reporting, templates etc. will take place in a "Member States/EU agencies only" setting.
2. Discussions for other topics will take place as follows:
  - Representatives of the Schengen Associated States will systematically be invited for Schengen related matters of the agenda. They will also be invited for topics that relate to the implementation of operational actions in which they participate and which belong to police and security cooperation measures which accompany the absence of controls on persons at the internal borders.
  - Representatives of non-EU partners can participate as observers in the NEC meeting on a case by case basis where there is a clear justification for their doing so. In these cases, the decision to invite representatives of non-EU partners will be taken by the Presidency following consultation with the COSI Support Group / COSI. Furthermore, the NEC meeting agenda will have to indicate for which agenda items representatives of non-EU partners are invited.

In this context, the Commission and the EEAS should also promote awareness of the EU Policy Cycle in EU security dialogues with third countries and facilitate, also through EU delegations, EU CT/ Security Experts and European Migration Liaison Officers, the participation of third countries in the operational implementation of the EU Policy Cycle, where appropriate according to the identified threats and needs.