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#### NOTE

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From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	12666/2/20 REV 2
Subject:	Operational Action Plan 2022: Synthetic drugs and new psychoactive substances (NPS)

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Delegations will find attached the Operational Action Plan 2022 on *Synthetic drugs and new psychoactive substances (NPS)* developed under the responsibility of the PL driver. The draft OAP was shared with National EMPACT Coordinators (NEC) and brought to the NEC meeting for discussion on 27-28 October 2021 and adopted by COSI SG on 17 November 2021.

Since the adoption of the 2022 OAPs in November 2021, some modifications have been introduced including those following the ‘mobilisation of the EMPACT community’ as a response to the war in Ukraine<sup>1</sup>.

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<sup>1</sup> Changes compared to the previous version are marked in ~~strikethrough~~ or **bold and underlined**.



## Operational Action Plan

### 1. Aim

This Operational Action Plan (OAP) has been created within the EMPACT framework and corresponds to the following priority:

*Drugs trafficking: the production, trafficking and distribution of synthetic drugs and new psychoactive substances (NPS)*

The aim of this sub-priority is “to identify and target the criminal networks involved in the production and global supply of synthetic drugs and NPS in the EU”.

This OAP outlines a list of all the operational actions that will be carried out during the year 2022 as means to implement the following strategic goals:

- CHSG 1 - Criminal intelligence picture
- CHSG 2 - Investigations and judicial response, with a specific focus on high-risk criminal networks (HRCN) and key individuals
- CHSG 3 - Coordinated controls and operations targeting the online and offline trade in illicit goods & services
- CHSG 4 - Criminal finances, money laundering and asset recovery
- CHSG 5 - Document fraud
- CHSG 6 - Capacity building through training, networking and innovation
- CHSG 7 - Prevention and harm reduction, assistance to victims, awareness raising
- CHSG 8 - External dimension: cooperation with non-EU partners
- ATSG 9 - Administrative approach

## 2. Context

### 2.1 EU Intelligence contributions

*The compilation on intelligence contributions will be provided by EUROPOL based on the data and analysis for the European Union Serious and Organised Crime Threat Assessment (SOCTA) 2021. Intelligence contributions can be used as potential guidance when developing the operational actions.*

#### **Definition of criminal activity/crime area:**

The trade in synthetic drugs in the EU is unique compared to other substances as the production of these drugs in most cases takes place in the EU and they are subsequently distributed on a global level and on European markets.

#### **Policy developments:**

The recently launched EU Drugs Strategy 2021-2025 (2021/C 102 I/01)<sup>2</sup> and the related action plan (adopted 21th June by the Council) include links to EMPACT.

The recently launched EU Strategy to tackle Organised Crime 2021-2025 (COM (2021) 170 final) also sets out relevant initiatives in the fight against illegal drugs.

#### **Key threats:**

- The criminal networks involved in the production of synthetic drugs have demonstrated their resilience and capacity to adapt to changes such as the banning of specific (pre-) precursor substances and essential chemicals by adjusting their production processes. (Pre-) precursors and essential chemicals are either diverted from legal supply in the EU or smuggled to the EU.
- The new political situation in Afghanistan will require special attention of the EU Law Enforcement agencies on the phenomenon of methamphetamine production with use of ephedra plants.

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<sup>2</sup> [EUR-Lex - 52021XG0324\(01\) - EN - EUR-Lex \(europa.eu\)](#)

- The large-scale production of synthetic drugs in the EU relies on the availability of industrial-grade equipment and hardware, which is diverted from the legal chemical industry in Europe or imported from the so-called “source countries”.
- Synthetic drugs and NPS are widely traded online via surface and dark web platforms and supplied to the consumer using postal and parcel services.
- Synthetic opioids have been present on European drug markets for some time. The distribution and availability of synthetic opioids, particularly fentanyl and carfentanyl, does not appear to constitute a major security or health risk in the EU at the moment. However, the potential for substantial harm means there should be close monitoring for a more pronounced emergence of synthetic opioids in the EU.
- Synthetic drug production in the EU generates significant amounts of chemical waste, which is frequently dumped by producers in public places and has a highly negative impact on the natural environment.

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## 2.2 Potential overlaps and synergies with other OAPs

The priority crime area which this OAP addresses, could potentially have an overlap/synergy with the following other OAPs:

- OAP HRCN: OA 6.1 (Training I) – for the following reasons: due to the similar scope of the activities we can expect the overlaps in the Operational Actions dedicated to the OTF/HVT and operational support.
- OAP CCH: OA 1.4 (ERISSP), OA 1.5 (Drug Market Report), OA 3.1 (Patrol I), OA 3.2 (Postman I), OA 6.1 (Training I), OA 8.1 (Programmes I).
- OAP Migrant Smuggling: OA 2.3 (Latin I).
- OAP CFMLAR: OA 3.1 (Patrol I), OA 4.1 (Money I), OA 6.1 (Training I)
- OAP Environmental Crime: OA 6.1 (Training I)

This potential overlap/synergy with other OAPs will be subject to the Driver's attention. The coordination with other OAPs will be facilitated by the EMPACT Support Team.

## 3. Structure

The OAP is essentially a coordination overview presenting the general outline of OAs, rather than the specific detail of each OA and does not include sensitive nor classified information. These details will be found in the related OA planned implementation document based on the Planning and reporting template<sup>3</sup>.

An overview of the OAs within this OAP, that should be updated whenever relevant, can be seen below.

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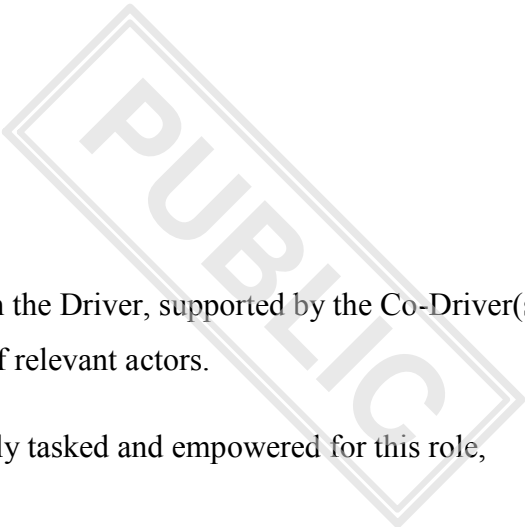
<sup>3</sup> 5002/1/20 REV 1 section II. Planned implementation

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## 4. Management, Coordination & Support

### 4.1. OAP Management

Overall management responsibility for this OAP lies with the Driver, supported by the Co-Driver(s) of the OAP as identified by COSI and set out in the list of relevant actors.

Each OA of this OAP has a designated Action Leader duly tasked and empowered for this role, assisted if required by a Co-Action Leader.

Management responsibility for each operational action is outlined in the list of operational actions.

The management of the OAP shall be in line with the EMPACT Terms of Reference<sup>4</sup>.

### 4.2. OAP support

In order to allow the Driver to focus on OAP management, EUROPOL shall provide the support to the OAP in line with the EMPACT Terms of Reference.

Furthermore, the Coordinator(s) of CHSGs, in line with the tasks and responsibilities set out in the EMPACT Terms of Reference, will support the various Drivers/Co-Drivers with all issues related to the successful implementation of CHSGs, together with the Action Leaders and the OAP group.

### 4.3. Information management

The EUROPOL Analysis Projects shall be the primary means by which operational data emanating from the operational actions within this plan shall be processed. Other EUROPOL tools may also be used where appropriate.

It is recommended that all operational information exchange within the OAP shall be done using the Secure Information Exchange Network Application (SIENA), which provides a quick, secure and auditable means of communication between all competent authorities and EUROPOL. Proper access to SIENA should be ensured as necessary for the implementation of OAs.

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<sup>4</sup> 8436/1/21 REV 1 (will be updated following the final version of ToR)

## 5. Methodology

### 5.1 OAP drafting process

The OAP drafting process has recently been modified to adapt to changing circumstances and a continuous increase in the number of participants. The details on the OAP drafting process for EMPACT 2022+, including the engagement of the Partners in the drafting and implementation, the release of the OAP to the Partners as well as the specific steps of the OAP development can be found in the EMPACT Terms of Reference<sup>5</sup>.

The scope of the OAs included in the OAP corresponds to the EU SOCTA 2021 and additional intelligence contribution gathered by the OAP groups.

When available, the actions should also include administrative measures. Wherever possible, due use will be made of opportunities and processes for a wider inter-agency approach.

The OAP will be validated by COSI SG/COSI.

### 5.2 Implementation

The OAP will be implemented via the set of OAs and timescales contained in the OAP. The Driver, assisted by the Co-Driver, will be the authority to execute or delegate the management/leadership of a specific OA to the Action Leader, who then has the responsibility for initiating and reporting on each action to the Driver.

Member States are invited to integrate the relevant OAs developed in the OAP at the appropriate level into their national planning and to allocate resources to support a common EU approach. Similarly, the agencies and relevant EU networks, should commit the actions developed into their annual work programmes pursuant to the Council conclusions on the permanent continuation of the of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+ and the EMPACT Terms of Reference.

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<sup>5</sup> 8436/1/21 REV 1 (will be updated following the final version of ToR)

### 5.3 Monitoring and reporting

The reporting is composed of three steps: 1. Light reporting on the progress of the OAP, 2. Comprehensive reporting on the results of the OAP and 3. Annual fact sheets on the results of OAP.

Monitoring and reporting shall be done in line with and using the template set out in the reporting mechanism<sup>6</sup>.

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<sup>6</sup> 5002/1/20 REV 1 - Reporting mechanism



## Operational Action Plan 2022

### Synthetic drugs and new psychoactive substances

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