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NOTE

From:	Presidency
To:	Delegations
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Subject:	Draft Council conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022 +



The Standing Committee on operational cooperation on internal security (COSI) agreed on 5 October 2010 to establish an EU Policy Cycle for organised and serious international crime (EU Policy cycle) and defined the different implementation steps¹. An initial and reduced EU Policy Cycle (2012-2013) was followed by two fully-fledged four-year EU Policy Cycles (2014-2017 and 2018-2021).

¹ 15358/10

At the end of the EU Policy Cycle/EMPACT², an independent evaluation is conducted that serves as an input for the next cycle. The last independent evaluation study was contracted out by the European Commission, to an independent external evaluator (Ernst & Young and RAND Europe). The final evaluation study was distributed to COSI delegates on 19 October 2020³.

The independent evaluation concluded that the EU Policy Cycle for organised and serious international crime/EMPACT 2018-2021 is relevant, effective, increasingly efficient, coherent and provides EU added value.

In order to further strengthen EMPACT, the independent evaluation also formulated several recommendations. Following discussions at COSI SG and COSI, as well as a written consultation, most of the recommendations were included in the implementation roadmap endorsed on 17 December 2020⁴.

One of the agreed recommendations is to make EMPACT a permanent instrument. Despite the fact that EMPACT is continuously growing and provides substantial operational results, it still remains a somewhat ‘humble project’ after 10 years of existence. Establishing EMPACT as a permanent EU cooperation instrument to fight organised and serious international crime has the potential to bring sustainability and increased visibility for EMPACT, which could lead to additional funding and increase the involvement of relevant stakeholders who may contribute to more successful joint operational results.

Pursuant to discussions at COSI and COSI SG and in line with delegations requests, the transformation of the EU Policy Cycle/EMPACT into a permanent EMPACT cycle will not drastically change the current procedure. EMPACT will continue to be a four-year cycle, with the same sequence of planning, implementation, monitoring and evaluation.

² European Multidisciplinary Platform against Criminal Threats

³ 11992/20 + ADD 1 EU RESTRICTED

⁴ 13686/2/20 REV 2

An additional important change outlined in the roadmap is the removal of the thematic Multi-Annual Strategic Plans (MASPs), that is to say the individual MASPs dedicated to the OAPs, and the establishment of one, ‘General MASP’ which will gather common horizontal strategic goals (CHSGs) for all OAPs. It will be designed during a workshop in June. These mandatory CHSGs will have to be implemented within each OAP. This approach will strengthen the consistency and coherence between the OAPs, as well as the multi-disciplinary and multi-agency approach. In order to ensure flexibility, the CHSGs could be tailored to the specific needs of the OAP and, if relevant, additional strategic goals could be added. In addition, some strategic elements currently included in thematic MASPs will be added to the OAPs.

Following the recommendation of the independent evaluation, delegations also agreed to replace the name ‘EU Policy cycle for organised and serious international crime’ with the sole acronym ‘EMPACT’, accompanied by an official logo, as outlined in the branding style guide. This change better reflects the overall objective of EMPACT and will simultaneously improve media communication.

Based on the above, the Presidency prepared this set of draft Council conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+.

Delegations will find in the annex the draft Council conclusions on the continuation of the EU Policy Cycle: EMPACT 2022+, having been prepared at COSI SG level (5119/2/21 REV 2). COSI delegations are invited to approve this document for subsequent adoption by the Council in March.

**Draft Council Conclusions on the permanent continuation of the EU Policy Cycle for
organised and serious international crime: EMPACT 2022+**

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING the Council conclusions of 8-9 November 2010 on the creation and implementation of an EU Policy Cycle for organised and serious international crime (EU Policy Cycle)⁵, which established a multi-annual EU Policy Cycle and clear methodology for setting, implementing and evaluating priorities in the fight against organised and serious international crime,

RECALLING the initial reduced EU Policy Cycle implemented between 2012 and 2013, followed by two fully-fledged EU Policy Cycles between 2014-2017⁶ and 2018-2021⁷,

NOTING that in line with the EU Policy Cycle methodology, a thorough independent evaluation was conducted as the fourth and last step of the cycle and served as an input for the upcoming EMPACT⁸ cycle,

TAKING NOTE of the final report of the evaluation study, prepared by an independent external evaluator in cooperation with an advisory group composed of EU Member States representatives, which was established to provide detailed and expert advice on the implementation of the EU Policy Cycle. The evaluation study covered the period between March 2017 and September 2020 and was submitted by the Commission and distributed to COSI delegates on 19 October 2020⁹,

⁵ 15358/10

⁶ 12095/13

⁷ 7704/17

⁸ EMPACT: European multidisciplinary Platform against criminal threats

⁹ 11992/20

ACKNOWLEDGING that the independent evaluation concludes that the EU Policy Cycle/EMPACT is achieving its objectives in improving cooperation in the field of the fight against organised and serious international crime, that it is proving to be relevant, effective, increasingly efficient and coherent and is providing EU added value to Member States, providing them with structures for strengthening their cooperation and contributions as well as creating trust amongst the relevant stakeholders,

NOTING that the independent evaluation study report contains a number of recommendations and recommended actions to make the EU Policy Cycle (EMPACT 2022+) more effective, efficient and streamlined, and to balance the burden placed on different stakeholders,

CONSCIOUS of the need to further develop the EMPACT process, building on the results of the evaluation and the experience gained by Member States, EU agencies, institutions and bodies, as well as relevant third partners, in the implementation of the EU Policy Cycle/EMPACT, with a view to making it more efficient and effective,

RECALLING that one important element in the efficiency of the EU Policy Cycle/ EMPACT is the active involvement and commitment of Member States, institutions and bodies, agencies and other relevant actors, including in leadership positions, to ensure a real operational implementation which requires sufficient human and financial resources, awareness and recognition,

HIGHLIGHTING the important role of Drivers and Co-Drivers and the need to actively pursue continuity in the performance of those roles,

CONSCIOUS of the need to increase the budget available for EMPACT activities and of the necessity for all actors involved to make the best use of all available funding opportunities,

EMPHASISING the integrated approach to EU internal security, involving measures spanning from external border controls, police, customs, judicial cooperation to information management, innovation, training, prevention and the external dimension of internal security, as well as, where appropriate public-private partnerships,

STRESSING the multidisciplinary and multi-agency approach of the EU Policy Cycle/EMPACT, involving the Member States' relevant authorities, according to national legislation, EU institutions and bodies, agencies and other relevant actors. Increased cooperation between police, border and coast guards, customs, judicial, administrative and tax authorities, as well as with EU institutions, bodies, agencies and relevant EU networks, is crucial. Special attention should be given to non-law enforcement partners, including other public authorities and the private sector, as well as third countries and international organisations,

HIGHLIGHTING the importance of effective national coordination between the relevant authorities and underlining the need to further enhance the role of the National EMPACT Coordinators (NEC) in ensuring the flow of information between participating stakeholders, continuity of roles of relevant actors, as well as multi-agency and multi-disciplinary involvement,

NOTING the need to improve awareness of EMPACT among decision-makers, law enforcement practitioners and other relevant stakeholders at national level, as this would also contribute to a better alignment of EMPACT with national planning,

CONSCIOUS of the need to strengthen the identity, visibility and communication of EMPACT in order to highlight the contribution of EMPACT in fighting organised and serious international crime,

STRESSING the external dimension of internal security and the importance of further developing cooperation with relevant third countries, international organisations and partners, taking into account EU external actions, in the operational implementation of EMPACT,

NOTING the increasing cross-cutting nature of criminality and the need to strengthen cross-priority cooperation and coordination,

NOTING the advantage gained from the use of modern technologies, in turn enabling enhanced information management, and facilitating possible key developments in the fight against organised and serious crime,

STRESSING the need to integrate EMPACT with relevant policies and strategies as well as ensure alignment and avoid duplications, including with other operational tools,

UNDERSCORING that a balance should be struck between preventive and repressive measures to tackle the threats to EU internal security posed by organised and serious international crime,

ACKNOWLEDGING the benefits of making EMPACT a permanent and key EU instrument in the fight against serious and organised crime in order to increase its sustainability and visibility, as well as potentially increasing funding and the participation of relevant stakeholders whilst respecting the well-established and efficient procedure based on the four-year cycle, including planning, implementation, monitoring and evaluation,

Recognising the benefit of removing the thematic MASPs and adopting one general MASP to define the common horizontal strategic goals in order to decrease the administrative burden and strengthen the consistency and coherence amongst operational action plans (OAPs). Noting the necessity to include some strategic elements from the thematic MASPs in the OAPs, while retaining the operational value of OAPs,

ACKNOWLEDGING the benefits that will derive from substituting the term ‘EU Policy cycle for organised and serious international crime’ for the sole name ‘EMPACT’,

AGREES TO

1. Substitute the term ‘EU Policy cycle for organised and serious international crime’ for the sole name ‘EMPACT’ (European Multidisciplinary Platform Against Criminal Threats);

2. Implement EMPACT as a permanent and key EU instrument for structured multidisciplinary cooperation to fight organised and serious international crime driven by the Member States and supported by EU institutions, bodies and agencies in line with their respective mandates, which would follow a four-year cycle and consist of four steps, namely;
- i)* Policy development on the basis of a European Union Serious and Organised Crime Threat Assessment (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 a mid-term review of new, changing or emerging threats, while paying attention to the agreed EU crime priorities, through the production of an interim report to the Council.
 - ii)* Policy setting and decision-making through the identification by the Council of a limited number of priorities. Furthermore, a General Multi-Annual Strategic Plan (MASP) with Common Horizontal Strategic Goals (CHSGs) needs to be developed in order to achieve a multidisciplinary, integrated and integral (covering preventive as well as repressive measures) approach to effectively address the prioritised threats. The OAPs may contain additional strategic goals tailored to the specific priority needs.
 - iii)* Development, implementation and monitoring of annual OAPs, that need to be aligned with the CHSGs as determined in the General MASP, to address the prioritised threats. 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 CHSGs and additional strategic goals that have been included in the OAPs. The priorities and strategic goals can be reviewed following the mid-term review of new, changing and emerging threats.
 - iv)* At the end of each EMPACT Cycle, an independent evaluation will be conducted to assess the implementation of EMPACT and its outcome, followed by an informed policy decision, and will serve as guidance for the next EMPACT Cycle.

The operational and governance framework of EMPACT is further developed in the EMPACT Terms of Reference, as approved by COSI.

INSTRUCTS COSI TO

3. Prepare, on the basis of the Policy Advisory Document (PAD) drafted by the Presidency and the Commission based on the EU SOCTA and considering other strategic papers, assessments and policies, draft Council conclusions setting the EU crime priorities.
4. Adopt the 'General MASP', and the annual OAPs and coordinate and monitor the implementation thereof. Special attention should be given to operational implementation and the multidisciplinary, integrated and integral approach to fighting crime.
5. Revise, as necessary, the relevant EMPACT documents, for instance, the EMPACT terms of reference, the OAP template or the list of relevant actors.
6. Monitor and endeavour to ensure that adequate funding is provided to effectively support the actions agreed upon within EMPACT.
7. Explore measures to strengthen the communication, visibility and identity of EMPACT, including by publishing and promoting operational results (including the factsheets).
8. Provide, on the basis of the Joint Action Day (JAD) definition, strategic guidance in the planning of the JADs which are carried out in the framework of EMPACT, and monitor the results.
9. Carry out both a mid-term and a final assessment of the results of the actions to measure the achievement of the strategic goals with a view to improving the operational implementation.

CALLS UPON THE MEMBER STATES TO

10. Actively continue to contribute to the further development of the SOCTA methodology through the SOCTA Advisory Group and strive to continuously improve the provision of quality data as part of the SOCTA data collection.
11. Develop, with the assistance of experts from relevant EU agencies, institutions and bodies, a General MASP, with CHSGs, as well as OAP(s) for each crime priority, defining the most suitable approach to tackle the identified issues.
12. Integrate the relevant actions developed within EMPACT into their national planning and allocate resources to support a common EU approach.
13. Actively support all the steps that constitute EMPACT, in particular by assuming the strategic coordination roles of driver, co-driver, the proactive coordination roles of Action leader or action co-leader and by providing a supportive role to experts and National EMPACT Coordinators in fulfilling their tasks, in a joint effort to implement a multidisciplinary approach at national level and establish effective national coordination.
14. Contribute to raising awareness of EMPACT, especially at national level, and actively commit to the implementation of the OAPs.
15. Make use of all available funding opportunities, for all the actors involved to ensure that funding is timely and made available to allow operational actions to start at an early stage.
16. Strengthen and contribute to the communication, visibility and identity of EMPACT and the OAPs, including by publishing and promoting the operational results (including the factsheets).
17. Foster the active involvement of all relevant stakeholders.
18. Invite relevant EU networks to commit, in their work programmes, to supporting and strengthening the EMPACT instrument and the implementation of the OAPs.

CALLS UPON THE COMMISSION TO

19. Support Member States with the assistance of experts from relevant EU agencies, institutions and bodies, in developing a General MASP, with CHSGs, as well as OAP(s) for each crime priority, defining the most appropriate approach to tackle identified issues.
20. Consider the possibility of enhancing the financing of the implementation of OAPs and other EMPACT activities.
21. Integrate and articulate the EMPACT instrument, whenever pertinent, with relevant EU security policies, and capacity-building programmes.
22. Invite relevant EU networks, financed by the Commission, to commit, in their work programmes, to supporting and strengthen the EMPACT instrument and implementation of the OAPs.
23. Conduct, taking into account past experience and in consultation with the Member States and EU agencies in COSI, an independent evaluation to assess the implementation of EMPACT and transmit the results thereof to the Council.

CALLS UPON EUROPEAN EXTERNAL ACTION SERVICE AND THE COMMISSION TO

24. Promote awareness of EMPACT in EU security dialogues with third countries, as well as in Common Security and Defence Policy (CSDP) missions and operations.
25. 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 EMPACT, where appropriate according to the identified threats and need.

CALLS UPON THE EU AGENCIES TO

26. Produce, with Europol in the lead and in close cooperation with Member States and relevant EU agencies, the European Union Serious and Organised Crime Threat Assessment (EU SOCTA), which must provide for a complete and thorough picture of criminal threats impacting the European Union.
27. Support the experts of the Member States and EU institutions in developing the General MASP as well as OAPs concerning the crime priorities in accordance with their mandate.
28. Provide through Europol, methodological, analytical and administrative support for the drafting of the General MASP and the OAPs including SMART Goals and Key Performance Indicators - KPIs.
29. Provide, in line with their respective mandate, continued operational and analytical support for operational actions, including the processing of crime related personal data, as well as specific support for, reporting and monitoring of the implementation of the OAPs.
30. Commit in their annual work programmes to implementing the actions developed within EMPACT.
31. Develop, with Europol in the lead and in cooperation with Member States and relevant EU agencies, an interim report on new, changing or emerging threats, whilst paying attention to the EU crime priorities decided and the EU SOCTA, both on the basis of the requirements endorsed by COSI, taking into account the recommendations of the independent evaluation and in close cooperation with the relevant experts¹⁰.

¹⁰ The interim report should be available Q2 of the second year of the EMPACT cycle, the EU SOCTA in Q1 of the last year of the cycle as outlined in the EMPACT timeline.

32. Contribute to the outline of all the different funding opportunities in order to effectively support the activities agreed upon within EMPACT and to ensure as much flexibility as possible within the limits of the financial rules (and contribute to the update of the funding opportunities information package prepared together with the Commission, EEAS and other relevant actors).
 33. Provide training packages and explore other awareness-raising measures.
 34. Promote actively the awareness and visibility of EMPACT in all communications on EMPACT related or financed activities, operations and results, in particular by systematically using the EMPACT logo, as well as the #EMPACT where appropriate.
 35. Contribute to the exchange of best practices and the sharing of experiences.
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