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From:	Europol
To:	JHA Counsellors / COSI Support Group
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Subject:	Major strategic changes identified for the next EU Policy Cycle for organised and serious international crime 2017-2021: contribution Europol

Delegations will find enclosed the contribution from Europol on possible strategic changes to the EU Policy Cycle for organised and serious international crime 2017-2021.



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Europol contribution on possible strategic changes to the EU Policy Cycle for organised and serious international crime 2017-2021

1. Background

Europol took note of the final report of the Evaluation Study on the EU Policy Cycle for serious international and organised crime 2013-2017 (5652/17) and of the Presidency's document "Major strategic changes identified for the next EU Policy Cycle for organised and serious international crime 2017-2021" (5653/17) presented and discussed at the meeting of the COSI Support Group on 8 February 2017.

Following the invitation by the Presidency to delegations to provide written comments by 13 February 2017, Europol contributes with this note to the discussion about the most effective functioning of the EU Policy Cycle 2017-2021 by commenting on the major strategic changes identified by the Presidency.

2. General comment on the role of Europol and information exchange

The EU Policy Cycle is based on the voluntary contributions from the Member States and Europol's role is to support their endeavours to strengthen operational cooperation in the fight against serious and organised cross-border crime.

Europol provides relevant support to the EU Policy Cycle through the EMPACT Support Team with regard to administrative, financial services and outreach, the EMPACT Support Managers linked to Europol's Focal Points with regard to supporting the operational work, and the Strategic Analysis Team preparing the EU SOCTA as a corner stone of the EU Policy Cycle and other strategic products. In particular through the bi-annual Director's reports, Europol has also provided significant contributions to the monitoring of the EU Policy Cycle going beyond the operational core tasks of the organisation.

Europol suggests that the tasks of the agency and in particular of the EMPACT Support Team should be reviewed and clearly defined in the revised EMPACT Terms of Reference.

The success of the EU Policy Cycle is built upon information provided and shared by Member States. In some priorities the Operational Action Plan (OAP) is used as a major tool to gather and share information through Europol, in other cases the provision of information to Europol's Focal Points still needs to improve in terms of quantity and quality. An important element for better communication would be the connection to SIENA of all Drivers, Co-drivers and Action Leaders representing Member States' authorities.

Europol is currently preparing the Integrated Data Management Concept (IDMC). Its features can be presented to COSI and the National EMPACT Coordinators in May 2017 to make aware of the new possibilities under the Europol Regulation.

3. Comments on the suggested major strategic changes

3.1 Designing a MASP template with common minimum strategic goals

The EMPACT Support Team could support the Commission in modifying the templates for the MASPs and in proposing possible common minimum strategic goals. The MASP workshops can take place at Europol HQ together with the OAP 2018 drafting workshops. It is recommended to have the same MASP drafting procedure for all priorities, be it "new" ones or not.

3.2 Allowing actions to last longer than a year

While the number of Operational Actions (OAs) planned per year has been decreasing, the total number of OAs to be implemented every year has increased continuously. 198 new OAs are planned for 2017. However, 101 funded OAs from 2016 and numerous non-funded OAs are continuing in 2017. Europol estimates that over 350 OAs are running in 2017.

Due to the complexity of cross-border investigations, it is challenging to start and finalise OAs within the time frame of one year. The time it took to make grant agreements up and running cannot be seen as the main or even only reason for delays in implementation. The fact that also a considerable number of non-funded OAs are prolonged indicates that the general timeframe for the implementation of OAs should be longer.

Drivers, Action Leaders and participants in OAs have repeatedly pointed out to the EMPACT Support Team that a time span of more than one year is needed for a thorough implementation in particular of OAs comprising various steps (e.g. collection of information, knowledge building and training, operational activities such as action days). This need for more time is currently addressed by including an OA from the previous year in the OAP of the following year which has resulted in some confusion in reporting.

While Europol welcomes the Presidency's proposal to allow a more flexible time span of OAs, Europol suggests having OAPs covering two years with the possibility to make changes in a flexible manner. This would better reflect operational reality, would allow Member States to have a more stable planning and funding environment with less bureaucratic burdens, and facilitate alignment with the 2-year CCWP-action plans and therefore operational coordination.

This means that in the next EU Policy Cycle there would be OAPs covering 2018 and 2019 followed by OAPs covering 2020 and 2021. There should still be the possibility to review and make changes to the OAPs in a flexible manner whenever requested by a participating Member State and agreed by COSI.

3.3 Streamline Driver's reporting

The current six-monthly reporting by the Drivers via the NECs to COSI is a cumbersome procedure that would benefit from streamlining. Moreover the reporting and meetings do not take place at the right moments with regard to operational realities and funding aspects.

While the first reporting by Drivers in April comes too early to give a clear indication of the progress of Operational Actions (in several priorities there are only 2 months between OAP kick-off and the first reporting), the second reporting in October does not include the final results of the OAs by the end of the year and comes too late to inform the drafting of the next OAPs.

Therefore, Europol welcomes the proposal by the Presidency to change the timeline of Drivers' reporting to September and the beginning of the following year respectively.

If it is decided to follow Europol's suggestion for 2-year OAPs, the proposed timeline described in ANNEX 1 could be applied.

3.4 Measuring the impact through impact indicators and KPIs

As recommended, the EMPACT Support Team could help identify Key Performance Indicators. However, the identification of overall impact indicators would go beyond the mandate of Europol.

3.5 Adopting a new level of monitoring exercise

The added value of a strategic monitoring every 2 years to assess the achievement of overall objectives is not entirely clear. It cannot be Europol's role to assess the performance of Member States in providing their voluntary contributions to the EU Policy Cycle. Therefore, a research institute tasked by the Commission would be in a better position to carry out such evaluation exercises.

An additional possibility could be that the NECs, based on clear indicators and a well-defined scope, prepare a national implementation report every 2 years to demonstrate the impact of the EU Policy Cycle in their Member State.

Instead of the current bi-annual Director's reports, Europol could provide COSI by March every year with an annual report on the results of the EU Policy Cycle with a factsheet as annex (linked to point 3.6 below).

In addition, Europol could prepare one mid-term report on new, changing or emerging threats in serious and organised crime replacing the interim SOCTA.

3.6 Harmonising the Action Leader reporting

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 OAs. More clarity is needed what exactly should be reported on, based on reviewed templates for the reporting by Action Leaders and Drivers. Europol fully supports the finding of the Evaluation Study that Action Leaders' reporting should include information about follow-up activities at national level.

Currently, there is no mechanism in place to collect the results (arrests, seizures, new investigations opened...) of the OAs in a systematic way. This makes it challenging to assess the impact of the actions on serious and organised crime. A data collection mechanism for operational results should therefore be established under the responsibility of the respective Drivers, supported by national experts seconded to Europol. Europol could be in charge of bringing together the information received from different crime areas.

This would also facilitate the drafting of a factsheet on the results of the EU Policy Cycle by Europol. The data collection mechanism should be clearly outlined in the revised EMPACT Terms of Reference.

3.7 Enhancing horizontal and cross-priority cooperation

Special attention should be given to cross-priority cooperation, including the possibility to consider the establishment of specific OAPs for horizontal priorities under the responsibility of a dedicated Driver.

Joint Action Days (JADs) have been an important activity based on operational cooperation across priorities. The planning and implementation of JADs could be further improved by nominating one coordinator per JAD from a volunteering Member State who would be the direct counterpart for the contact points from Europol's Operational Centre.

3.8 Addressing funding issues

The funding opportunities package proposed could be a good tool to inform Drivers of the possibilities to finance OAs beyond the dedicated funding available under the Europol Budget. The Commission and the EEAS might be best placed to identify the various other EU funding opportunities that should be aligned with the dedicated funding available under the Europol Budget.

3.9 Raising awareness of the EU Policy Cycle mechanisms and benefits at national level

Communication in Member States can be promoted in the most effective way by using the expertise of NECs, Drivers, Co-Drivers and Action leaders. They could provide useful input to their national communication teams.

Europol has already been organising an annual meeting of the media contact points of the Member States to prepare a draft media strategy for the Joint Action Days (JADs). This meeting could also be used for discussing an EU Policy Cycle media communication strategy.

For communication purposes, it would be recommendable to find a new name for the “EU Policy Cycle for organised and serious international crime”.

3.10 Enhancing recognition measures to relevant stakeholders

Action Leaders are key actors for the successful implementation of OAs. The **Co-Drivers** have an important role to play and should take up tasks in support of the Driver by dealing with e.g. cross-priority coordination and sub-clusters within the priority. Based on the definition of the Co-Driver and the Action Leader agreed at the meeting of the National EMPACT Coordinators from 24 to 26 May 2016 (9927/1/16), their roles and responsibilities should be clearly defined in the EMPACT Terms of Reference.

The **Driver**'s task is extremely demanding and the success of a priority is also linked to a strong and committed Driver. It would be helpful to design the job profile of a Driver, to consider their full time dedication to the Driver's task and to establish the practice of 5 or 6 Drivers' weeks per year at Europol, time when all the Drivers should be in the position to meet with each other, with their peers and the relevant Europol units.

Europol recommends that the **Drivers should be supported by one national expert per priority seconded to Europol**. Member States are invited to consider seconding national experts to Europol in support of the EU crime priorities of the highest relevance for them. This would stress the ownership of the Member States in the EU Policy Cycle and help strengthen the operational support capabilities of Europol.

In some priorities, multi-disciplinary cooperation between law enforcement, customs, border guards, judiciary and private parties has been established successfully. Coordination between authorities within a Member State should happen at the national level. **Participants in EMPACT meetings should represent their Member State in entirety**, not only their agency.

To support national coordination, the **National EMPACT Coordinators (NECs)** should be strengthened. Similar to the Drivers and following best practice, the NECs' full time dedication to Policy Cycle work should be considered by Member States. The NEC meetings could add more value by moving from an administrative/reporting focus towards a thematic focus. It would also be helpful to clarify the relationship of the NECs to the Drivers and COSI in the EMPACT Terms of Reference.

3.11 Developing a more structured approach towards third countries/parties involvement

Good practice has been established in cooperating with third countries and parties, in particular in the context of the JADs. Europol would welcome a further promotion of third country/party involvement throughout the Policy Cycle and a clarification of their role in the EMPACT Terms of Reference, including their possible participation in various meetings (see also 15932/16).

Their involvement, at whatever step, should be based on the strategic framework agreed by COSI taking fully into account the operational needs of the Member States. The Drivers should have some flexibility to decide whether the support from third countries/parties is needed and to what extent.

Proposed possible timeline with regard to OAPs having a life span of 2 years:

1. In December 2017, COSI would validate the OAPs covering 2018 and 2019.
2. In February 2018, the NEC kick-off meeting takes place.
3. In March 2018, COSI considers the report of the NEC kick-off meeting.
4. In September 2018, the first interim reports of the Drivers on the implementation of the OAPs are delivered.
5. In October 2018, the NEC meeting takes place.
6. In November 2018, COSI considers the report of the NEC meeting and could give strategic guidance to the Drivers on the further implementation/ possible review of OAPs.
7. In January 2019, the second interim reports of the Drivers on the implementation of the OAPs are delivered.
8. In February 2019, the NEC meeting takes place.
9. In March 2019, COSI considers the report of the NEC meeting and the Europol report on the results of the EU Policy Cycle activities of year 2018 with a factsheet as annex. In addition, the Europol report on new, changing or emerging threats in SOC replacing the interim SOCTA is presented.

Based on this information, COSI could draw conclusions on the progress of the EU Policy Cycle to the JHA Council and give strategic guidance to the Drivers on the implementation of the current OAPs and for the drafting of the new OAPs.

10. In September 2019, the third interim reports of the Drivers on the implementation of the OAPs are delivered.

11. In September and October 2019, the OAP drafting meetings take place.
12. In October 2019, the NEC meeting takes place.
13. In November 2019, COSI considers the report of the NEC meeting and would validate the OAPs covering the years 2020 and 2021.
14. In January 2020, the final reports of the Drivers on the implementation of the OAPs 2018/19 are delivered.
15. In February 2020 the NEC meeting takes place.
16. In March 2020, COSI considers the report of the NEC meeting and the Europol report on the results of the EU Policy Cycle activities in 2019 with a factsheet as annex.

Based on this information, COSI could draw conclusions on the progress of the EU Policy Cycle to the JHA Council.

17. The cycle is continued with point 4 above for a second term of 2 years with the only exception that Europol would present the EU SOCTA in March 2021.
