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Delegations will find in the Annex the approved EMPACT Terms of Reference

IMPACT TERMS OF REFERENCE

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1. EMPACT

1.1. Introduction

On 8 March 2021, the Council agreed on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+¹.

This multi-annual EMPACT cycle aims to tackle the most significant threats posed by organised and serious international crime to the EU in a coherent and methodological manner by improving and strengthening cooperation between the EU Member States, institutions, bodies and agencies as well as with 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 persistent and developing ‘problems’ or ‘risks’ of crime.
- The integrated character: best using and aligning the complementary contributions of all multidisciplinary and multi-agency actors from Member States, EU institutions, bodies and agencies, relevant third countries and organisations (public and private) in a partnership approach.
- The multidisciplinary, integrated and integral approach: addressing all levels at 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 nature (trying to impact the organised crime groups/networks and criminals).

¹ Council conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+ (6481/21). The term ‘EU Policy cycle for organised and serious international crime’ was replaced with the single term ‘EMPACT’ (*European Multidisciplinary Platform Against Criminal Threats*). Therefore, the remainder of this document refers solely to ‘EMPACT’.

1.2. Steps

EMPACT consists of four steps as set out below:

Step 1

- 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, further prepares a mid-term review of new, changing or emerging threats, whilst paying attention to the agreed EU crime priorities, in an interim report to the Council.

Step 2

- The Standing Committee on Operational Cooperation on Internal Security (COSI) prepares on the basis of the Policy Advisory Document (PAD), based on the EU SOCTA and considering other strategic papers, assessments and policies, a limited number of priorities, that are defined in Council conclusions.
- COSI invites the Member States to drive, co-drive and participate in the relevant crime priorities and in the next steps, as set out below, in cooperation with the relevant EU institutions, bodies and agencies.
- A General Multi-Annual Strategic Plan (G-MASP) containing Common Horizontal Strategic Goals (CHSGs) for all OAPs is developed in order to improve consistency and achieve a multidisciplinary, integrated and integral (covering preventive and repressive measures as well as training) approach to effectively address the prioritised threats.
- The G-MASP with CHSGs is adopted by COSI or the COSI Support Group.

Step 3

- Development, implementation and monitoring of annual operational action plans (OAPs), that need to be aligned with the CHSGs as determined in the G-MASP, to address the prioritised threats.
- The OAPs may contain additional targeted strategic goals (ATSGs) tailored to the priority's specific needs.
- The OAPs may contain actions that, where necessary and justified, would last longer than one year. Some actions may address more than one strategic goal.
- COSI / COSI Support Group validates the annual OAPs.
- The Member States should integrate the relevant actions developed in the OAPs into their national planning and allocate appropriate resources to support a common EU approach.
- The relevant EU agencies should commit to implementing the actions developed within EMPACT into their annual work programmes and to making specific budgetary provisions.
- The relevant EU networks should commit to supporting and strengthening the EMPACT instrument and the implementation of the OAPs in their work programmes.
- COSI monitors the progress of the OAPs every six months, inter alia based on Europol's findings on the implementation of the OAPs, reports by the Drivers and the National EMPACT Coordinators (NEC) meeting². Europol's findings on the implementation of OAPs will take into account the monitoring by the EMPACT Support Team (EST) and will include a summary of highlights, challenges 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 how far the CHSGs as well as the ATSGs included in the OAPs have been achieved.

² OAP Drivers report twice a year: a light reporting in September and a comprehensive reporting in March of the following year.

The priorities, CHSGs and, where relevant, also ATSGs included in the OAPs can be revised in the light of the mid-term review of new, changing and emerging threats.

Step 4

- At the end of each EMPACT cycle, an independent evaluation will be conducted to assess the implementation of EMPACT and its outcomes. The results will be transmitted to the Council, which then makes an informed policy decision, and will serve as guidance for the next EMPACT cycle.
- The Commission will consult Member States' and EU agencies in COSI on the development of the mechanism for the independent evaluation, taking into account past experiences.

1.3. Developing and managing an OAP

The purpose of the OAP is to provide an opportunity for relevant actors³ and partners⁴ to plan activities in a collaborative manner, within a multinational and multidisciplinary environment involving EU and non-EU parties as well as law enforcement and non-law enforcement actors. The OAPs are developed annually under the leadership of the respective OAP Driver, within a drafting process facilitated by the EST.

In order for action under the OAPs to be managed in an efficient and effective manner, the main points are listed below.

³ Relevant actors are the EU Member States, EU institutions, bodies and agencies.

⁴ Partners are third countries, international organisations and other partners (e.g. EU networks/groups, private companies).

1.3.1. General aspects

- start with a state of play of the crime phenomenon/threat and of the existing initiatives to address the phenomenon/threat;⁵
- if required, where intelligence gaps are identified in the available relevant strategic material, have Europol (and/or the most relevant EU agency) formulate a focused EU intelligence requirement to fill the gaps;
- following the guidelines on designing SMART key performance indicators (KPIs), set tangible and measurable operational objectives/targets before starting the actions;
- agree on the tasks and responsibilities of all participants;
- ensure clear nominations from all relevant actors and partners
- 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;
- guarantee a good coordination and integration of EU Funded projects within the OAP;
- 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 judicial response;
- ensure that the necessary contacts are made with relevant third countries, international organisations and other partners about common objectives in the implementation of the OAPs.

⁵ The EU SOCTA and the strategic element guiding the operational focus of the OAP may be used as a basis or starting point.

It is strongly recommended that Member States, the Commission, the EEAS 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 is determined in the Council conclusions establishing the EU crime priorities for EMPACT.

Where the mid-term threat assessment finds a significant change to the criminal landscape and Member States deem it necessary to introduce a new CHSG, ATSG, priority, or OAP, this will be brought to COSI for discussion/approval. If agreed upon, the new priority and/or OAP will be submitted to the Council for approval.

1.3.2. OAP development

On behalf of the Drivers, the EST sends invitations to the OAP participants, in order to propose operational actions (OAs) following the template with the identified CHSGs.

Proposals for OAs and volunteers for Action Leaders (ALs) are collected by the EST and subsequently reviewed by the Drivers⁶. Each Driver consolidates the proposals per OAP. Following the assessment of operational needs and with the agreement of all participating Member States, the Driver confirms whether an OA proposal received from a partner is accepted⁷.

The expressions of interest in participating in OAs are collected by the EST and presented to the Driver and ALs. The Driver and relevant AL subsequently confirm whether an offer from a partner to participate in an OA from a Partner is accepted.

⁶ At the request of the Driver, the EST can forward the Driver the initial ('raw') input for the respective OAP.

⁷ Chapters 2.1.7 and 2.4 outline further details regarding when a partner can assume the role of AL.

The EST can also involve the Europol partners⁸:

- In agreement with the Driver⁹, third countries with an operational agreement with Europol can be invited to propose OA(s).
- In agreement with the Driver¹⁰, third countries with an operational or strategic agreement or working arrangement with Europol can be invited to express their interest in participating in an OA(s).

Drivers or ALs (in agreement with the Driver) may invite other partners, for example the LEWP affiliated networks, third countries outside the Europol network of partners, public bodies, or international organisations, to propose and/or express interest in participating in OAs, whilst paying due attention to constraints regarding information sharing¹¹.

Drivers and Action Leaders ensure the completeness of all required elements of the OAs.

The Driver presents an OAP draft on behalf of the relevant actors in the OAP.

⁸ A list of Europol partners is available at www.europol.europa.eu, where the available infrastructure, in particular SIENA and a Liaison Bureau, will be taken into account.

⁹ When the Driver is not yet identified, the EST can invite all third countries with an operational agreement.

¹⁰ When the Driver is not yet identified, the EST can invite all third countries with an operational or strategic agreement or working arrangement.

¹¹ See paragraphs 2 and 3 of this chapter for details regarding when a partner can assume the role of AL and/or action participant, as well as chapters 2.1.7 and 2.4 for further information.

1.3.3. OAP follow-up and sharing with partners

Requests for changes related to participation in OAs are collected by the EST, which ensures that the relevant ALs and Drivers are informed, should a change be requested by a relevant actor. Their approval will also be sought if a partner is to be added.

The EST informs the General Secretariat of the Council of the European Union about the changes.

Europol can share an OAP with partners¹².

1.3.4. OAP meetings

Europol funds¹³ and provides support to the OAP fine-tuning meetings and OAP kick-off meetings. In addition, the Drivers may convene up to two additional strategic meetings at Europol every year or take advantage of the support offered to the Driver by other EU agencies.¹⁴ Additional OAP implementation meetings may be organised.¹⁵

1.3.5. Horizontal coordination drafting and execution of OAPs

To ensure coherence in the development and implementation of OAPs, the Drivers and ALs of the OAPs, in cooperation with the Coordinators of CHSGs and NECs, will use a cooperative and complementary working method aimed at ensuring a fluid exchange of information, solving possible overlaps and fragmentation of efforts and fostering synergies between actions under EMPACT priorities. It is important that the chosen way forward is based on mutual agreement between all stakeholders involved and the most effective common support to criminal investigations and operations is pursued.

¹² The rules for sharing OAPs with third countries are set out in 12126/17. The sharing of OAPs has to be done on a case-by-case basis and in compliance with the information management/data protection rules.

¹³ These meetings are funded by Europol's own budget.

¹⁴ Such meetings will be funded by Europol's or the volunteering Agency's budget.

¹⁵ Physical or online, the number of meetings depends on the available resources.

1.4. JADs

Joint Action Days (JADs¹⁶) target criminal networks affecting the EU by addressing one or more strategic, horizontal or geographic aspects of a crime related to multiple priority crime areas as defined in EMPACT.

JADs are a Member-State intelligence-led initiative supported or coordinated by relevant JHA agencies (in particular by Europol and Frontex) that take place within the EMPACT framework. OAs of the OAPs can be implemented as an EMPACT action day (when affecting only a particular EMPACT priority) or as another form of action day(s), should it not qualify as a JAD.

The JAD results are evaluated and reported within the EMPACT reporting mechanism.

The JAD concept is prepared annually by Europol in consultation with the EU MS, Eurojust, Frontex and OLAF (acting within its competence), after seeking strategic guidance from COSI.

1.5. Fact sheets of results and promotional materials

EMPACT has improved law enforcement cooperation between both EU relevant actors and partners. It has led to an enhanced sharing of information, criminal intelligence and good practices, and has fostered a number of joint investigations and operations.

Furthermore, coordinated activities within EMPACT have led to operational results in countering organised crime groups and other criminal networks and their activities, for example, launching investigations and arresting suspected perpetrators, seizing goods or identifying victims¹⁷.

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 EMPACT is generating in reducing levels of organised and serious international crime.

¹⁶ A definition of a JAD is set out in 5167/17.

¹⁷ See 11992/20 - Final report of the evaluation study on the EU Policy Cycle for serious international and organised crime/EMPACT 2018-2021.

Annual fact sheets per OAP, as well as a summary fact sheet covering all OAPs and one specific to JADs are prepared by Europol as public information, after consulting the respective Driver, to share the main operational results of EMPACT activities. The fact sheets are based on structured and relevant data collected in the Drivers' reports according to the EMPACT reporting mechanism.

EMPACT stakeholders are encouraged to publish the annual EMPACT factsheets of results on their respective official websites.

A promotional video and relevant infographics are prepared each year in order to enhance the visibility of the results achieved.

1.6. Training

In pursuing action 14 of the Timeline - EMPACT 2022-2025¹⁸, a training and awareness package about the EMPACT framework will be developed and delivered by CEPOL in cooperation with JHA agencies and other experts.

Training activities aim to:

- increase knowledge of the EMPACT mechanism and the role and responsibilities of relevant actors;
- contribute to specific OAPs with relevant training actions (with residential and online training events, exchange programme and similar).

¹⁸ 5120/2/21 REV 2

The main activities promoting the EMPACT mechanism will be:

- residential workshop(s) and webinars for NECs, NEC administrative units, Drivers, Co-Drivers and Action Leaders, related to the management of EMPACT priorities, focusing on funding and implementation of OAPs at different levels, depending on the actors involved;
- workshops for Drivers and Co-Drivers. Among other objectives, these events will allow Drivers and co-Drivers to meet with each other and the relevant stakeholders;
- an online module for law enforcement personnel in Member States;
- information material for Member States to be used at national level (for translation);
- a collection of ‘good practices’ from Member States and EU agencies already identified in the previous cycle(s).

The content of the activities will cover:

- better selection 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 EMPACT documents and their implementation, in particular the Terms of Reference; templates and the guidelines on designing SMART KPIs.

Each OAP participant, prior to attending an OAP workshop, will have the opportunity to familiarise him/herself with EMPACT via the online module.

1.7. Communication¹⁹

With the objective to raise awareness among law enforcement practitioners, other stakeholders and the general public about EMPACT, to strengthen its identity and to highlight its contribution to fighting organised and serious international crime, communication related to EMPACT will include, in particular, the following aspects:

- A single brand name ('EMPACT') and logo for EMPACT, including for the JADs, as well as the hashtag #EMPACT, where appropriate. These elements have to be used consistently in all relevant materials to promote and illustrate the impact of EMPACT in the fight against organised and serious international crime.
- The use of accessible language (avoiding jargon) and multilingualism, in major media communication campaigns. References to specific information about the role of all actors involved (e.g. Member States, agencies, etc.) in the actions taken within the framework of EMPACT.

Member States and JHA agencies, supported by GSC and Commission, where appropriate should actively promote the awareness and visibility of EMPACT in all communications on EMPACT-related or financed activities, operations and results, including by publishing and promoting the operational results (including the factsheets).

¹⁹ A more detailed communication strategy will be developed at a later stage and added to these Terms of Reference. Communication should take into account, for example, the 'Communication Blueprint on EMPACT communication' (12302/20).

2. Relevant actors and partners, roles and responsibilities

2.1. Relevant actors - EU Member States

The EU Member States are the core relevant actors of EMPACT. Their role is performed at various levels: COSI, NEC, OAP participant, Coordinator of CHSG, Driver, Co-Driver and OA Action Leader, Co-Leader or participant.

2.1.1. COSI

Alongside its role in policy setting, implementation and monitoring of EMPACT (see chapter 1.2), COSI closely evaluates 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. These tasks are facilitated by the regular input provided by Europol.

The Council conclusions on the permanent continuation of the EU Policy Cycle: EMPACT 2022+²⁰ also set out the framework of responsibilities for COSI with regard to its role in EMPACT.

2.1.2. National EMPACT Coordinators (NECs)

(a) Nomination

Every Member State appoints a ‘National EMPACT Coordinator’ (NEC) under its national competence. The appointment is notified by the Europol Liaison Bureau of the respective Member State to the EST which maintains a list of NECs. If the position becomes vacant, the respective Member State appoints, without delay, a new representative as NEC.

The other relevant actors (EU institutions, bodies and agencies) shall appoint an EMPACT Coordinator and notify the EST²¹. Moreover, partners are also encouraged to appoint an EMPACT Coordinator and notify the EST (see further details in chapter 2.4).

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

²⁰ 6481/21.

²¹ Where applicable, the same profile, rules and responsibilities as mentioned further in this chapter apply also for the EMPACT Coordinator from the EU institution, body or agency.

(b) Profile

The NEC is a senior officer with strategic command who has the authority to ensure the implementation of EMPACT in his or her country/~~institution~~. This person must remain fully informed and retain an overall responsibility for the Member State's commitment to EMPACT. 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 EMPACT matters and get sufficient support at national level.

(c) Task and responsibilities

The NEC has a horizontal coordination function at national level since he or she is responsible for aligning the Member State's involvement and contributions to all OAPs in which the Member State participates, and for promoting multidisciplinary cooperation between law enforcement authorities and non-law enforcement partners, including other public authorities and the private sector. In addition, he or 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 NEC has to ensure the implementation of COSI decisions and recommendations in relation to 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) from the Member States. Therefore it is important that the NEC is (in a position to be) in close contact with the hierarchy of competent national authorities (e.g. Police Chief, Chief Prosecutor, Customs Director), so that problems (e.g. lack of commitment or cooperation from other national authorities) can be discussed and solved as soon as possible.

Before the announcement at COSI or the 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 or her Member State;
- the possibility to allocate the adequate human and financial resources is assessed positively;
- national competent authorities, where relevant, apply for, use and manage EMPACT grants in a sound and efficient way;

- the right person can be found to participate in the OAP, i.e. someone with the necessary expertise who is in a position to represent the Member State and has the authority to decide on operational initiatives, and the possibility to identify investigations/cases which are relevant to the OAP, to gather all relevant data to contribute to Europol’s Analysis Projects and to access the Secure Information Exchange Network Application (SIENA).

During the OAP development, the NEC ensures that:

- proposals for OAs are coordinated at national level;
- participation in OAs is coordinated at national level;
- input and engagement of all relevant law enforcement and, where relevant, also non-law enforcement actors are coordinated at national level;

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 to fulfil their role as well as access to SIENA and other relevant communication or information exchange tools;
- the role of the abovementioned actors is duly recognised at national level;
- there are solid communication possibilities between the NEC and all national 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 cooperation from other national authorities, etc.);
- the national ALs provide the required reports on time;
- the required awareness about EMPACT and its 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;
- the national list of OAP participants and OA participation is maintained;
- there is communication with the media to raise awareness on EMPACT.

(d) Meetings

Every six months the Presidency chairs a NEC meeting which is facilitated and hosted by Europol. If agreed by the Presidency, the meeting can be also hosted by another JHA agency. Exceptionally and if agreed by the Presidency, the meeting can be organised via video conference.

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 EST;
- consider issues of general relevance for the successful implementation of the OAPs, in particular with regard to multidisciplinary cooperation and coordination across OAPs including JADs;
- based on monitoring, recommend actions to COSI in order to improve EMPACT processes or adjust individual OAPs;
- after two years of implementing OAPs, prepare, based on the reports from the Drivers and strategic input from COSI and according to the reporting mechanism, an assessment of the results of the actions to measure the degree in which the strategic goals have been achieved, for consideration by COSI;
- address any other issues 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.

A written procedure can also be part of a meeting.

The following actors are invited to attend these meetings:

- EMPACT Coordinators;
- Drivers of the OAPs;
- Coordinators of CHSGs;
- the Chair of the COSI Support Group;
- the General Secretariat of the Council;
- the European Commission services;
- the EEAS;
- Europol, in particular the EST to facilitate the meeting and Analysis Projects supporting the OAPs;
- other EU JHA 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, LEWP - police and customs format, networks of practitioners), and Member States' experts on specific topics to relevant parts of the meetings. Furthermore, where justified, partners might be invited to a dedicated part of the NEC meeting (for further details see chapter 2.4).

2.1.3. OAP participant

(a) Nomination

The decision of a relevant actor to join an OAP is notified by the COSI SG/JHA Counsellor of the respective Member State or the equivalent representative of an EU agency or institution/body to COSI or the COSI Support Group. The General Secretariat of the Council regularly issues an updated list of relevant actors (EU Member States, institutions/bodies and agencies participating in the OAPs), which indicates the role of these actors (Driver, Co-Driver) and OAP participation. In addition the EST provides a list of all entities participating in the OAP for the specific year, including their roles (Action Leader, Action Co-Leader, OA 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 to OAs, for instance in identifying legislative, policy and strategic developments to be pursued, in supporting the planning of operational actions or preparatory phases of JADs, in supporting cooperation with non-EU partners, in developing training or innovative solutions, or in raising awareness about existing possibilities for financing and actions (etc.). The Commission (with the exception of OLAF acting within its competence) shall nevertheless not be involved in investigative activities, entailing the exchange of personal information within the framework of specific investigations, or in specific cases such as gathering of evidence or investigative measures and consequently should not receive operational (investigative) information. The Commission shall notify the GSC of its interest to join an OAP.

Every relevant actor participating in an OAP appoints a representative as an OAP participant. If the position becomes vacant, the relevant actor appoints a new representative as an OAP participant without delay. The NEC coordinates and maintains the national overview of OAP participation.

(b) Profile

The OAP participant represents his or 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 development and implementation of the OAP. If needed, the 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 cooperation from other national authorities);
- the participant is supported by his or her management to follow up at national level on what was agreed during the meeting of the OAP group;
- the participant has 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;
- there is continuity in the participants, who take lessons back to the national level and use their experience. If the participant has to be replaced in exceptional cases, he or she has to make sure that his or her successor is fully briefed about the OAP's past.

With the support of the NEC, 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 a 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 development and coordinate the OAP implementation at Member State/EU agency/institution 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 EST about what is being done at national/agency/institution level to implement the OAs.

2.1.4. Coordinator of a Common Horizontal Strategic Goal

(a) Nomination

Following the design and endorsement of the CHSGs, an EU Member State or an EU agency or EU network participating in an OAP may decide to nominate a representative to act as ‘coordinator of an CHSG’. After agreement by COSI, the appointment is notified to the EST who in turn informs all Drivers and NECs of this appointment and maintains a regularly updated list of coordinators. There should only be one coordinator per CHSG, who may be assisted by one alternate.

(b) Profile

The coordinator of an CHSG should be able to liaise and provide consultancy/advice to the Driver/Co-Drivers/Action Leaders and NECs. The coordinators will be required to have specific skills and competence in the field of the respective CHSG, a long-term and ‘big-picture’ approach, as well as an overall sound understanding of how EMPACT activities and OAPs are performed. If possible, EU agencies or EU networks should be encouraged to be the coordinator of CHSGs, when appropriate taking into account their unique positioning.

- (c) The tasks and responsibilities of the coordinators would be to:
- liaise with and support the various Drivers/Co-Drivers on all issues related to the successful implementation of common initiatives and horizontal strategic goals, together with the ALs and the OAP group;
 - support the Drivers/Co-Drivers/ALs in keeping close contacts with the participating Member States and EU agencies on the integration of the strategic goals developed in EMPACT into their national planning and the EU agencies' annual work programmes;
 - advise and provide specialised knowledge to Drivers/Co-Driver on possible actions which could be developed in the OAPs to implement the CHSG;
 - advise Drivers/Co-Drivers/Action Leaders on the involvement of specialised and multidisciplinary/multi-agency expertise;
 - coordinate, where relevant, the implementation of the respective CHSG across all crime priorities in order to ensure coherence and alignment and avoid possible duplications;
 - identify and share examples of good practices in the implementation of CHSGs across the crime priorities;
 - contribute with the relevant stakeholders, to the mid-term and final assessment of the results of the actions to measure the strategic goals;
 - bring any important issues which might jeopardise the implementation of the CHSG he or she is overseeing to the attention of Drivers/NECs.

2.1.5. 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 NEC through the Europol Liaison Bureau of the respective Member State to the EST 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 such a role will entail and the fact that Drivers are seldom in the position to deal with EMPACT matters on a full-time basis.

(c) Tasks and responsibilities

It is the responsibility of the Driver to:

- draw up the OAP, together with the OAP group;
- coordinate and manage the OAP, supported by Co-Drivers;
- implement the OAP, together with the OAP group;
- delegate the leadership of specific OAs to the ALs;
- monitor the implementation of OAs and maintain the list of ALs;
- 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 OAs developed in the OAPs into their national planning and the EU agencies’ annual work programmes;
- liaise, where relevant, with Drivers/Co-Drivers of other relevant OAPs, to streamline the coordination on cross-cutting issues, including on the planning of JADs;
- coordinate the data collection mechanism on operational results, with support from Europol;
- report, in line with the reporting mechanism, on the progress of the OAP via the EST to the NECs. This report will cover the state of play of OAs and their results and will assess the achievement of KPIs based on the reports received from the ALs 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 ‘Timeline for EMPACT’ document which is issued every six months by the General Secretariat of the Council;
- coordinate requests for funding in support of the implementation of operational actions;
- consider the relevant cooperation with third countries and parties and involve them in meetings and actions under the operational action whenever appropriate.
- foster the involvement of different relevant actors and coordination with EU and international initiatives
- foster media communication on his or her OAP.

(d) Meetings of the OAP group

The Driver chairs the meetings of his or her OAP group as well as the meetings of ALs, facilitated by the EST.

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

- one representative per participating Member State including Co-Drivers and ALs. In exceptional cases, additional participation could be considered, taking into account possible limitations of space and funding;
- Europol, in particular the EST facilitating the meeting and the Analysis Project contact person;
- representatives of the Relevant Actors participating in the OAP;
- the Driver may invite representatives of other EU bodies or Council structures (e.g. LEWP – both police and customs format) and Member States experts' on specific topics to relevant parts of the meetings;
- where relevant according to the identified threats and operational needs the Driver may invite representatives of the partners²².

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

- ALs, Analysis Project contact person and the EST facilitating the meeting.

²² The Driver will indicate for which part(s) of the OAP meeting their presence is requested for the discussion and implementation of operational actions.

2.1.6. OAP Co-Driver

(a) Nomination

A Member State or an EU agency participating in an OAP may decide to nominate and appoint a representative as Co-Driver after agreement of COSI. The appointment is notified by NEC through the Europol Liaison Bureau of the respective Member State or by the agency to the EST that informs the Driver of this appointment and maintains a regularly updated list of Co-Drivers. The recommended number of Co-Drivers is between one and three, and if possible, at least one of them should be from a Member State.

(b) Profile

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

Co-Driver is expected to be willing to lead and/or co-lead, at least one OA 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 on all issues related to the successful implementation of the OAP together with the ALs and the OAP group;
- oversee, on behalf of the Driver, the implementation of (one or several) strategic goal(s) in order to ensure proper monitoring and timely reporting of the results by the respective ALs;
- chair and coordinate meetings on the Driver's behalf;
- support to draw up the OAP together with the OAP group;
- support the Driver in keeping close contacts with the participating Member States and EU agencies on the integration of the OAs 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 OAPs including on the planning of JADs;
- assist the Driver in his or her responsibility to report via the EST to the NECs within the deadline and in line with the reporting mechanism;
- carry out specific tasks on behalf of the Driver such as dealing with funding issues, multidisciplinary cooperation or managing specific parts of the OAP, including supervising certain types of actions or arrangements or groups OAs.

2.1.7. Action Leaders

(a) Nomination

For every OA, an AL from a volunteer relevant actor participating in an OAP shall be appointed and notified to the Driver.

The Driver may also agree to appoint the Commission as Action Leader, under the responsibility of the Driver. However, the Commission (with exception of OLAF acting within its competence) shall not lead investigative activities, entailing the exchange of personal information with the framework of specific investigations, or the gathering of evidence or investigative measures and consequently shall not receive any operational (investigative) information.

If operational needs require it and all participating Member States agree, the Driver may delegate the leadership of a specific OA to a partner.

Drivers and Co-Drivers can be ALs at the same time.

The overview of ALs (per country, agency, institution) is maintained by the NECs. The overview of ALs per OAP is maintained by the Driver. If the position becomes vacant, the respective relevant actor or partner appoints without delay a new representative as AL and notifies the Driver.

ALs may be supported by Action Co-Leaders from relevant actors or partners. The Action Co-Leader assists the AL and can take over the responsibility of the AL if he or she is not available. It is recommended that the Action Co-Leader's specific role is reflected in the OAP which develops the concerned action. This is not a mandatory function and it is up to the OAP group to decide if Action Co-Leaders are required.

Profile

The AL should demonstrate strong leadership and get sufficient support at national level or from the agency to safeguard the execution of the activities under the OA. He or she should have sufficient skills, expertise and competences to lead an OA. High-quality reporting from ALs to the Drivers is a key tool to measure the progress made and to assess the impact of the OAs.

(b) Tasks and responsibilities

On behalf of the Driver, it is the responsibility of the AL to:

- draft plans for OAs, which will include activities for the development of the OA;
- ensure the implementation of the activities under the OAs, including financial management when funded and with regard to the achievement of KPIs/goals;
- follow up/monitor timelines and deadlines of the OAs;
- maintain communication with the action participants and relevant stakeholders in the OA;
- organise and chair meetings in relation to the OAs;
- provide, following the AL template, input for the Driver's reporting, 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.

2.2. Relevant actors - Europol - additional specific support

Europol provides specific services for EMPACT through the EST, EMPACT grants and support from Analysis Projects.

2.2.1. EMPACT Support Team

The EMPACT Support Team is established at Europol and composed of Europol staff and seconded national experts. Additional national experts may be seconded by Member States to Europol to provide support to Drivers, in particular with regard to cross-priority coordination, JADs and the reporting mechanism.

The EST has the following roles and tasks:

- 1) To support the Drivers in the development and implementation of annual OAPs:
 - facilitating the OAP development process (such as distribution of invitations to submit proposals for OAs, on behalf of the Driver; processing of incoming proposals; distribution of pre-draft OAPs, facilitation of the OAP fine-tuning workshops);
 - coordinating the OAP-related meetings chaired by the Driver (agenda, invitation, minutes);
 - providing methodological project support including on drafting and KPIs;
 - acting as depositary for the OAPs;
 - ensuring release of OAPs to relevant partners;
 - ensuring regular contact and liaison with the Drivers and Co-Drivers;
 - organising possible meetings for Drivers to ensure a better coordination among OAPs and exchange of best practice;

- encouraging and facilitating communication and collaboration between the OAPs having common goals and/or interdependencies and the implementation of common initiatives and horizontal strategic goals;
 - supporting the identification of possible JADs and coordinating preparation of large-scale JADs;
 - preparing the ‘Guide for Drivers’ which will provide more detailed guidance on the Driver’s role, in order to assist in the structured handover procedure and continuity of the Driver’s position²³;
 - monitoring the OAPs’ progress;
 - coordinating the reporting of the OAP Drivers which is based on reporting from ALs;
 - preparing the annual fact sheet about the results of the OAP based on the reporting collection mechanism;
 - acting as depositary for the reports from ALs and Drivers that can be consulted by OAP participants to check the status of the OAs.
- 2) To facilitate the NEC meetings:
- facilitating the preparation of the NEC meetings (together with the Presidency);
 - collecting the Drivers’ reports for discussion in the meeting of the NECs;
 - drafting of Europol findings on the implementation of the OAPs;
 - informing the NECs about issues of general relevance for the successful implementation of the OAPs, in particular with regard to multidisciplinary cooperation and coordination across OAPs including JADs.

²³ Roadmap on the implementation of the recommendations of the independent evaluation of the EU Policy Cycle 2018 - 2021 (recommendation 4.3.), 13686/2/20.

3) To support the management of OAPs:

- maintaining an overview of participation in OAs including changes, and providing statistical information based on data collected in the OAPs;
- 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;
- ensuring regular contacts and information with concerned EU institutions, bodies and agencies;
- maintaining a contact list of NECs, Drivers/Co-Drivers and Analysis Project contact persons;
- briefing new participants on the OAP and providing input for awareness-raising and learning activities;
- maintaining and keeping updated EMPACT platforms at the Europol Platform for Experts (EPE).

2.2.2. EMPACT grants

Europol manages EMPACT funding from the Europol budget, following the strategic guidance of COSI. Taking into account the role of COSI in monitoring EMPACT funding, Europol regularly informs COSI delegates, as well as NECs and Drivers, about the financial situation, the availability of funds and expected unspent funds and their possible use. EMPACT budget may not be used for other purposes than EMPACT activities without prior consultation of COSI or the COSI SG²⁴. All relevant information should be provided well in advance in order to allow COSI to take timely and informed decisions.

²⁴ Unless duly justified, the unspent funds should be primarily reassigned to EMPACT activities.

Europol should, in line with the applicable rules, provide advice and guidance to the grant applicants. This concerns the administrative procedure, requirements, eligibility rules and reporting obligations.

Moreover, Europol contributes to and supports the preparation of a funding opportunities information package together with the Commission, the EEAS and other relevant actors²⁵.

2.2.3. Europol Analysis Projects

Each OAP group is to be supported by a designated Europol official who should act as the Analysis Project contact person (AP CP), especially regarding operational cooperation issues such as the effectiveness of the information and intelligence flow. Ideally, this designated Europol official should work for the concerned Analysis Project at Europol or be a senior expert with sufficient expertise in the concerned area at Europol.

In close contact with the Driver, Co-Drivers and ALs, the AP CP should:

- bring their expertise and advice on the relevant crime area, and present the overall crime picture according to intelligence-led findings at Europol;
- contribute to the OAP with concrete cases;
- be proactive and help and facilitate the OAP implementation 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;

²⁵ In this regard the new legal provisions linked to the EU Multi-annual Financial Framework (MFF) 2021-2027 relevant for EMPACT should be highlighted.

- 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 AL;
- support the Driver in the management of the data collection mechanism.

2.3. Relevant actors - EU institutions, bodies, agencies

All relevant EU institutions, bodies and agencies (e.g. Europol, Eurojust, Frontex, CEPOL, EMCDDA, eu-LISA, EFCA, EUIPO, etc.) should fully play their respective roles in order to achieve a genuine inter-agency approach with all relevant actors.

The Council conclusions on the permanent continuation of the EU Policy Cycle: EMPACT 2022+²⁶ also set out the framework of responsibilities for the EU agencies, institutions and bodies related to their role in EMPACT. In particular, the agencies should commit in their annual work programmes to implement the actions developed within EMPACT.

2.4. Partners - third countries, international organisations and other partners

A successful operational implementation of EMPACT must take into account the external dimension of internal security. Further developing cooperation with relevant third countries, in particular with Schengen associated states, international organisations and other partners who provide an added value to the operational implementation of EMPACT and contribute to raising awareness of EMPACT beyond the EU.

An important element to take into account for the involvement of partners is the existence of agreements on operational cooperation with Europol. The involvement of partners should comply with the applicable rules on exchanges of data, as set out notably in the Europol Regulation.

²⁶ 6481/21.

Partners can be invited to express their interest in becoming an OA participant, in particular the partners having an operational or strategic agreement or a working arrangement with Europol. Partners can also spontaneously express their interest in becoming an OA participant. Acceptance of their interest is to be confirmed by the relevant AL and OAP Driver²⁷.

Partners can be invited to propose an OA, in particular the partners having an operational agreement with Europol (including Schengen associated states).²⁸ Partners can also spontaneously express their willingness to lead or co-lead an operational action. Following the assessment of operational needs and with the agreement of all participating Member States, the Driver confirms whether an OA proposal received from a partner is accepted, and whether the Driver may delegate the leadership and/or co-leadership of a specific OA to a partner²⁹.

OAP meetings

Representatives of relevant partners, notably Schengen associated states, may participate in 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. Partners can participate in the whole meeting with exception of the governance or policy-making discussion and decisions.

NEC meetings

Whilst the discussions at the NEC meetings in relation to EMPACT governance, including funding and reporting or policy-making discussions and decisions take place in a ‘relevant actors only’ setting, partners might be invited to discussion(s) on other topics as follows:

1. Representatives of the Schengen associated states will systematically be invited for Schengen-related matters on 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 accompanying the absence of controls on persons at the internal borders.
2. Representatives of 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.

²⁷ See also chapter 1.3.2 on OAP development.

²⁸ See also chapter 1.3.2 on OAP development.

²⁹ See also chapters 1.3.2 on OAP development and 2.1.7 on the Action Leader.

In these cases, the decision to invite representatives of partners will be taken by the Presidency following consultation with the COSI Support Group or COSI. Furthermore, the NEC meeting agenda will have to indicate for which agenda items representatives of partners are invited.

In this context, the Commission and the EEAS should also promote awareness of EMPACT 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 EMPACT, where appropriate according to the identified threats and needs.

List of Abbreviations:

AL	Action Leader
ATSG	Additional Targeted Strategic Goal
CEPOL	European Union Agency for Law Enforcement Training
CHSG	Common Horizontal Strategic Goal
COM	European Commission
COSI	Standing Committee on Operational Cooperation on Internal Security
COSI SG	COSI Support Group
EEAS	European External Action Service
EFCA	European Fisheries Control Agency
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
EMPACT	European Multidisciplinary Platform Against Criminal Threats
EPE	Europol Platform for Experts
EST	EMPACT Support Team at Europol
EUIPO	European Union Intellectual Property Office
eu-LISA	EU Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice
Eurojust	European Agency for Criminal Justice Cooperation
Europol	European Union Agency for Law Enforcement Cooperation
Frontex	European Border and Coast Guard Agency

GSC	General Secretariat of the Council
JADs	Joint Action Days
JHA	Justice and Home Affairs
KPI	Key performance indicator
LEA	Law enforcement agency
LEWP	Law Enforcement Working Party
G-MASP	General Multi-Annual Strategic Plan
NEC	National EMPACT Coordinator
OA	Operational action
OAP	Operational action plan
OLAF	European Anti-Fraud Office
PAD	Policy advisory document
SIENA	Secure Information Exchange Network Application
SMART	Specific, measurable, achievable, realistic, and timely
SOCTA	Serious and Organised Crime Threat Assessment
ToR	Terms of Reference