



**COUNCIL OF
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REV 1**

LIMITE

COSI 2

NOTE

From: Presidency
To: Delegations
Subject: EU Policy Cycle process review: From OCTA to OAP

1. Background

The current document has been prepared in order to discuss and review the first experiences gained from the implementation of the first Policy Cycle in 2011. It sets out experiences from the Brussels based process and suggests areas where improvements can be made for the next fully fledged policy cycle starting in 2014.

It might also serve as input for the 2-year evaluation to be carried out in 2013, in line with action 20 of the EU Policy Cycle (doc. 15358/10). However, the current document does not focus on the future EU SOCTA methodology which is currently being developed by Europol for validation by COSI by mid 2012.

2. Review of the different steps

2.1 Choice of the priorities

In 2011, the Policy Advisory Document (PAD) was drafted by the Presidency, with the support of the Commission, on the basis of the OCTA and submitted for discussion to the COSI SG.

It is suggested that for the next cycle, the COSI SG discusses the recommended priorities as they will be set out in the SOCTA before the PAD is drafted. This will enable the inclusion and explanation in the PAD of any changes taken from the initial findings in the SOCTA to the proposed Council priorities, and thereby allow for more transparent decision-making.

It is recommended that when discussing the PAD, the COSI counsellors closely coordinate with all the different authorities involved (police, customs, border guards, immigration, judicial) in their capital, preferably via the national EMPACT coordinators or any other national coordination point/mechanism/measure in their capital.

In order to have efficient decision-making in Brussels, Member States should ensure that their national coordination mechanisms/meetings are planned in such a way as to provide input for the relevant meetings in Brussels and to improve communication and follow-up.

The PAD should explain the link between the newly proposed priorities and the 2011-2013 cycle, and between the new priorities themselves. Particular attention should be given to explain the reasons for not continuing some of the priorities of the former Policy Cycle and indicate for the priorities that are continued the degree to which they have changed and the extent to which the former Policy Cycle has impacted upon them.

Suggestions as to the desirable number of priorities can only be made after experience is gained with the implementation of the current OAPs. In any case, it will have to take account of the considerable commitment that the Policy Cycle requires in terms of financial and human resources for the Member States and agencies concerned. If the number of new priorities would increase compared to the 2011-2013 cycle, this should imply that the priorities are more specific and detailed than the current ones.

Where COSI in exceptional cases would suggest to the Council to diverge from the SOCTA recommended priorities, additional effort will be needed to ensure that sufficient background information on the exact grounds, origins and scope of the priority is available so that the experts can define the strategic goals and the OAPs at a later stage. When diverging from the SOCTA recommended priorities, COSI should clearly state the reasons for this. It is therefore recommended that - before holding the workshop on strategic goal setting - an additional assessment is made by Europol on the priorities that would diverge from the SOCTA.

2.2 Setting up of strategic goals

- *Participation*

When the priorities are chosen, series of strategic goals must be set by experts with different backgrounds. Most of these experts should come from the Member States. This raises the **question of the most relevant participation** for each priority, given that participation by Member States and Agencies will continue on a voluntary basis.

The most relevant participation could be reached on the basis of an assessment made by Europol of the Member States/geographical areas most affected by each phenomenon (which should appear from the detailed information in the restricted version of the SOCTA) combined with the assessment conducted at Member State level as regards expertise and resources available to address a particular priority in an appropriate way.

The discussion of the relevant participation should be done at COSI SG or through bilateral consultations of the Presidency with the Member States concerned.

Ideally, participation defined for the strategic goals (at Member State level, not necessarily the individual participants) should also be valid for the OAP, subject to some adjustments depending on the content of the strategic goals.

Given the time needed for such consultations, it is important for (all relevant authorities of) Member States to prepare their assessment as early as possible, using their national coordination means, and to inform their COSI counsellor of the outcome.

Of particular importance is the **early choice of the "Driver"** which will be responsible for and play a key role in the creation, implementation and reporting of the actions undertaken in each priority. The choice of this person should be based on his/her competence, availability and commitment to achieving results within a given time frame.

It could be considered whether Agencies should be eligible as Drivers, but for the time being, it is recommended to uphold that only Member States can be elected as Drivers whereas Agencies can act as co-Drivers. Given the crucial role of the Driver, the appointment of a substitute is recommended so as to avoid major interruption in the process, should the initial Driver become unavailable for any reason.

Ideally, the Drivers and co-Drivers for each priority should be identified as early as possible before the strategic goals are defined, and should participate in the Strategic Goals workshop for their priority. This is due to the fact that the choices made in the "Strategic Goals" phase will subsequently impact on the "Operational Action Plans". The presence of the Driver in the strategic goals workshops, even if it is not in a "leading" position, greatly helps ensure consistency in the process.

COSI counsellors should in conjunction with the national EMPACT coordinators play an **active role** in the phase of definition of Member States participation, in particular when their Member State is the Driver or co-Driver on a priority: ensuring timely delivery of information to the Presidency, consultation with the counterparts of other Member States wishing to provide the Driver or co-Driver, contact with and information for Drivers and other participants about their role and tasks in the strategic goals workshop (and the OAP seminar).

Such close involvement of COSI counsellors could help avoid difficulties related to late designation or last-minute changes, especially regarding the distribution of the information packages (see below).

Individual participants should have expertise in the field of the priority, including strategic knowledge of the problem. Knowledge of EU and international mechanisms and capacity to think on an EU-wide basis should also be considered to be an asset.

Depending on the national hierarchical and/or functional organisation, it is possible that the expert for strategic goals is different from the expert sent to the OAP phase but the latter expert should then have been properly briefed by the expert that attended the strategic goal workshop.

The limitation of sending only one expert per Member State in connection with the first Policy Cycle appeared initially to be quite restrictive but enabled efficient participation to the workshops.

Beside the Member States, **participation of other relevant actors** is also considered very important. The participation of the different EU agencies evidently brings additional expertise to the discussions and is therefore undisputed. The contribution of Interpol in the definition of the strategic goals for certain priorities was also considered useful. Involvement of the EEAS is expected for priorities having an external dimension. This would also be beneficial for ensuring a better (coordinated) use of EU funding.

Through its presence in the different workshops, **the Presidency can ensure continuity** and remind participants of the main objectives. This has proved to be beneficial for the discussions.

- *Organisation and preparation of workshops*

The Commission was tasked with **hosting and facilitating the workshops** for the determination of the strategic goals and this was done in a good way. It is therefore expected that the format will remain unchanged, making the necessary budgetary and meeting planning arrangements. It is suggested that the Commission, when hosting and facilitating the workshops, should act as guardian of the so-called "integral and integrated approach".

A **training/information session** could be considered for the facilitators, the Drivers, the Co-Drivers and Europol on the context and mechanism of the EU Policy Cycle and on group/meeting methods (brainstorming) so as to facilitate participation in debates and help generate constructive proposals. Training should as a general rule be provided by CEPOL, supported by Europol as relevant. For the first Policy Cycle, Europol gave a "methodological" presentation at the beginning of each workshop as no training had been scheduled.

The **format** of a 2-day workshop was considered satisfactory and should be maintained given, for instance, the fact that the result was final at the end of the workshop and no further written procedures were needed. The participants should, as far as is possible, act as experts in their domain [...]. This practice proved to be helpful and should be continued. In the future, advantage could be taken of the evening on site to organise some kind of social event to enhance teambuilding among participants (ice-breaking and brainstorming). Furthermore, it is recommended that preparatory work is done on the basis of the information packages before the start of the 2-day workshop which would allow a high quality strategic goal setting. This would also facilitate the drafting of concrete operational action plans.

Before the "strategic goals" workshops, two "**information packages**" were prepared and sent to the participants. One contained EU documents and policies (prepared by GSC and COM), the other contained the operational information (prepared by Europol and sent through secure channels). The identification of the most relevant documents and timely distribution to the participants are extremely important for good preparation. Owing to their different nature, the two packages were sent separately and at different times. The package composed by Europol should be based on a collation and exploitation of all relevant strategic and operational information existing at Europol and include relevant contributions of Member States, Agencies and other Europol partners to the OCTA on the concerned priority.

The following **recommendations** are therefore made:

- * Increased effort should be made to distribute these packages in a more coordinated and timely manner
- * the packages should be as tailored as possible,
- * the quality of the operational information provided needs to be improved as it should serve a cause-oriented approach based upon a complete analysis of the priority.

- Strategic goals template

The current "**strategic goals**" **template** was developed when very few elements of the new Policy Cycle were known and therefore contained very broad topics. It would seem that the template itself could generally be maintained as it is, but its use should be different so as to enable more informed and focused debates at the workshops:

- the contribution for point 1 "*Scope of the problem*", prepared by Europol, should be distributed in the information packages that are sent by GSC to the experts before the sessions. An important part of the problem scoping is to identify causes that have played a role in its development. It would then be debated at the workshop.
- the contribution for point 2 "*Existing activities and policies*", to be prepared in close cooperation with the Drivers of the current 2011-2013 priorities whenever relevant, should also be distributed in the information packages that are sent by GSC to the experts before the sessions. It is not certain that a debate at the workshop is required on this point
- the contribution for point 3 "*Identification of potential vulnerabilities*" could also be available and distributed before the workshop as this should be identified in the initial threat assessment prepared by Europol. This contribution should, where possible, include advice for the most effective intervention strategy. It would then be debated and completed during the workshop.

In the course of the discussions with the experts, the setting of strategic goals with additional remarks in the form of bullet points proved to be useful. These bullet points were removed at "COSI level" but served as a reminder and illustration of what the experts had exactly in mind when drafting the strategic goals. This proved extremely effective in delivering a faster consensus in the panels as regards the exact wording and the scope of each strategic goal, and/or in checking the link with the identified vulnerabilities. It would, however, seem advisable to increase the level of detail of the different strategic goals.

- *Adoption and tasking by COSI*

The **outcome of each workshop** was reflected in a document that followed the agreed template, a draft version of which was first sent to all participants. Following a cleaning up of the papers, essentially of point 2, the document was issued as a Council document by the CSG and made available to all participants and all COSI counsellors. If the contributions for points 1, 2 and 3 are prepared earlier and more thoroughly, it might not be necessary to “clean up” the paper and the result of the workshop should be available to all concerned within days.

Following discussions of the different documents (one per priority), a **compilation paper** was submitted to COSI, gathering only the strategic goals themselves but not the scope, existing activities and vulnerabilities for each of the priorities. This proved to be acceptable.

Throughout the different priorities, "**horizontal**" or **cross-cutting issues** have been identified and underlined in the compilation document submitted to COSI. Ensuring a timelier organisation of the different workshops should allow the COSI SG to prepare a better proposal on these issues, instead of a mere summing up.

2.3 Converting the strategic goals into OAP

- *Participation*

There should be minimal changes between the Member States (and Agencies) participating in the strategic goals definition and those participating in the OAP phase, although some might occur as a consequence of certain directions chosen for a specific priority.

The same recommendations apply with regard to participation in the strategic goals, i.e. close national coordination and involvement of the COSI counsellor.

As to the individual participants in the OAPs, registration should be done with Europol's EMPACT Support Unit as the host of the OAP seminars, but COSI counsellors should again be closely involved, assisting in ensuring that participants have the right profile and are well briefed on the tasks for the OAP seminars.

It is also crucial that all participants nominated by Member States and Agencies are fully informed of their national activities and, where possible, duly empowered to commit their Member State/Agency in the OAPs, allowing development of new initiatives with relevant participation, building upon the existing and planned activities at national (and multi-lateral) level. The participation of third countries and parties could be envisaged at OAP stage if needed for the success of the planned project(s).

- *Organisation and preparation of the OAP seminar*

The experience so far has shown that the **planning and timing** of the OAP seminars is vital. As such, it is recommended that the strategic goals are defined by mid-July in order to enable work on the OAP to start in mid-September. Accordingly, information on the planning of the OAP seminar(s) should be available by the end of June. Depending on the number of priorities chosen for the next cycle, it will have to be decided whether one common seminar is still possible or whether different sessions will be necessary. The latter would in any case require more coordination and planning, taking into account which priorities are more or less interdependent.

Europol **hosted the seminar** for the development of the OAP and it was generally felt that this was done satisfactorily, also allowing participation of a large number of Europol staff that would be involved in implementation. It is therefore expected that this format will remain unchanged, and Europol make the necessary budgetary and meeting planning arrangements for the next Policy Cycle .

The seminar in connection with the first Policy Cycle showed that more time should be allowed for defining the OAPs. At the 2011 OAP seminar, considerable time needed to be devoted to introductions and final presentations, leaving just one day and a half for the "real" drafting (as a consequence of the absence of adequate prior training). If everything has to be done in one session (introductory briefings, drafting sessions and plenary conclusions), it is strongly recommended that a full three-day session is organised. Also, some parts of the meeting could be dealt with differently: fewer introductions, shorter plenary sessions and more detailed preparations in advance. This would prevent unnecessary remote contacts between participants on the content after the workshops and enable clarification on controversial issues before the start of the seminar.

The **general organisation of a drafting session** should be agreed upon to ensure a better “flow” of the meetings and, where necessary and relevant, so that certain OAP groups could have a partial joint session to discuss overlaps. The presence of the "old" Drivers at these pre-meetings (and workshops) would be particularly beneficial to ensure continuity and transfer of expertise throughout the cycles.

A **pre-meeting and training** are considered very important **for the Drivers**, together with the Europol staff generally responsible for the Policy Cycle, the AWF (Focal Point) project managers and the EMPACT Support Unit, so as to prepare them in the best possible way to deliver the action plans in the right context and within the given time frame. Ideally, this should be done in early September and include all the Drivers. This was not possible in 2011 owing to time pressure. During this preparation, the role and expectations can be explained in detail, the Drivers and relevant persons at EU level would get to know each other and this would encourage the Drivers to prepare their workshop in advance, increasing the likelihood of obtaining results in the given time frame. These events should be prepared by CEPOL in close collaboration with Europol and a location should be commonly determined.

It would be very useful if CEPOL could develop a **training module** to allow **participants** to be better prepared for the Policy Cycle when starting the OAP seminar.

Similarly, **Europol** should continue to raise awareness on the general context of the Policy Cycle with all its **staff** involved in the OAP phase, through **preparatory meetings or training**.

Ideally, **contacts** should be initiated **between Drivers and participants beforehand** to establish a group dynamic as soon as possible. This could partially be reached through the future training sessions on the Policy Cycle or on specific priorities, if oriented towards the same audience. It does require that Drivers and participants are designated in a timely manner.

- *Production of Operational Action Plans through seminar(s)*

While differences between the OAPs are inevitable on account of the varying priorities they address, the overall quality level of the OAPs should become more equal and in general OAPs should be more operational. Also the terminology should be more uniform through the above-mentioned common preparation and training of the Drivers and supporting EU staff.

One point of improvement will continue to be the **links (inter-dependencies) between priorities**. In the current OAPs, such links are highlighted in the introduction (point 2 of the template) but beyond the simple fact of quoting them and encouraging contacts between the respective Drivers, the actions themselves (set out in the tables) should also address these dependencies more specifically.

This could be done by programming at the appropriate time during the OAP seminar some joint sessions between relevant priorities to discuss and take account of actions in the other OAPs. Another point of improvement would be to include more actions which are clearly and properly "operational" in their nature rather than "strategic" ones, which are currently present in the OAPs.

- *National EMPACT Coordinators meeting*

National EMPACT coordinators must be able to ensure the correct implementation of the priorities at national level and should also be able to "check" the OAPs for pre-validation (before COSI) in that context. Their specific tasks and role should be explained in detail in the EMPACT Terms of Reference. The current document only stresses that the timing and the agenda of their meeting in the second half of 2013 should take account of these requirements.

- *Validation of each OAP*

It is important to take into account overall timing as the final deadline of COSI approval must be met.

The distribution of the approved OAPs through secure channels inevitably creates a less rapid transmission of documents, which should be taken into account in national coordination measures and preparation for the COSI SG and COSI meetings.

Some practical problems encountered during the current cycle with documents' transmission to participants not linked to the Chiasmus system should be clarified for the next annual revision.

3. Global recommendations

3.1 General remarks

There is no doubt that the implementation of the first Policy Cycle in the course of 2011 generally has been a very good and efficient process. It has been characterised by hard work from various Member States, institutions, agencies, etc.

At the same time, it is of course important to bear in mind that lessons can always be learned from experience, especially when a process has been put in practice for the first time.

In view of the above, the following global recommendations could be made:

- **Investment of training and resources** in the decision-making process is vital (Member States, agencies, institutions, other bodies). Leading actors should be Europol and CEPOL. A document describing it should be submitted to COSI during the second half of 2012.
- The work so far with the implementation of the first Policy Cycle has shown how important it is that **COSI counsellors play an active role** in the definition of their Member State participation, ensuring timely information to the Presidency, maintaining contact with and information towards the Drivers and other participants in order to avoid difficulties related to late designation or last-minute changes.
- It is crucial that Member States provide **dedicated resources** as early as in the planning phase so as to facilitate and enhance the national relevance of the implementation phase.
- A **timelier organisation** should allow COSI to have a better basis to discuss interdependencies identified during the development of the strategic goals.

Eurojust should develop specific initiatives to ensure **proper prosecution** of the relevant cases and enhance the information on the EU Policy Cycle through the Consultative Forum of Prosecutors General and Directors of the Public Prosecution in Member States. Furthermore, a document describing this should be submitted to COSI in 2013.

Finally, **funding** has been identified as a crucial factor for the successful implementation of the OAPs. A proper allocation of human and financial resources to the implementation of the various OAPs is needed. The current funding possibilities have been described in doc. 18266/11 but for 2012 it has already proven to be difficult to find timely funding. For 2013, it seems that not all priorities will fall within the scope of the defined ISEC funding so the same problem is likely to occur for those priorities. The EMPACT Support Unit and the drivers should act pro-actively so as to identify possible funding possibilities and difficulties as soon as possible. Member States, Agencies and the Commission should try to accommodate these concerns within their respective means and competencies.

From 2014 onwards, funding should be made available for the activities of the Policy Cycle , e.g. through the Internal Security Fund. The Commission is asked to take into account the need for a swift and flexible manner of financing the activities of the Policy Cycle.

3.2 Planning / timing

All the steps of the Policy Cycle are being taken in a specific order and must fit into the calendar of the successive Presidencies, the participating agencies and COSI meetings.

The following is an abstract from the original timetable of the EU Policy Cycle with additions or changes in bold.

<i>Ref. no.</i>	<i>Action/activity</i>	<i>Responsible / leading actor</i>	<i>Other actors involved</i>	<i>Timing</i>
	Development of training modules	CEPOL + <u>EMPACT SU</u>	COSI	2nd half 2012
	Ensuring proper prosecution of relevant cases	Eurojust	COSI	End of 2012
26	New SOCTA	Europol		March 2013
	COSI SG meeting	Presidency		1 week after SOCTA
30.	Production of the Policy Advisory Document	COSI together with EC		April 2013
	Draft Council Conclusions on JHA crime priorities	COSI		
	COSI SG meeting	Presidency		Early April
	COSI meeting	Presidency		Mid-April 2013
	Planning SG workshops	COM		End of April 2013
31.	Political decision on JHA crime priorities	Council		May 2013
	COSI SG meeting about identification of actors	Presidency		End of April, early May 2013

<i>Ref. no.</i>	<i>Action/activity</i>	<i>Responsible / leading actor</i>	<i>Other actors involved</i>	<i>Timing</i>
32.	Identification of the relevant actors at EU and MS level to draft multi-annual strategic plans per priority crime area decided by Council	COSI	EC Agencies MS	May-June 2013
	Training for strategic workshops	<u>EMPACT SU</u> or CEPOL	COM Drivers Europol	May or early June 2013
33.	Elaboration of draft multi-annual strategic plans by elaborating concrete problem-oriented solutions	Expert groups of MS and agencies, coordinated by EC		June – July 2013
	COSI SG meeting(s)	Presidency		Sept 2013
34.	Discussion on and adoption of the multi-annual strategic plans, including tasking the relevant MS and agencies	COSI	MS EC Agencies	Mid-September 2013
	Pre-meetings (and training) for OAPs	<u>EMPACT SU</u> or CEPOL	Europol	Early Sep 2013
35.	Converting each multi-annual strategic plan into an annual operational plan according to the developed template	MS Agencies		October – December 2013
	OAP seminar(s)	Europol		Mid-Sept to end Oct 2013
	National Coordinators meeting			November 2013
	COSI SG meeting	Presidency		Nov 2013
	COSI meeting (approval of OAPs)	Presidency		End of Nov - Dec 2013