



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 24 May 2013**

**9996/13**

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**NOTE**

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From: Presidency

To: JHA Counsellors / COSI Support Group  
Standing Committee on operational co-operation on internal security (COSI)

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Subject: EU Policy Cycle: Implementation Monitoring

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As set out in the Council Conclusions on the creation and implementation of a EU policy cycle for organised and serious international crime, COSI shall every 6 months monitor the progress of the implementation of the operational action plans.

To that end, the Drivers have produced detailed reports, which are set out in addenda to this document (EU RESTRICTED)<sup>1</sup>. They were presented to and examined by the National EMPACT Coordinators, which met on 14-15 May 2013 (see document 10013/13 COSI 68 ENFOPOL 161).

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<sup>1</sup> Due to a change of Driver, the priority "Synthetic drugs" was not able to produce the progress report as requested by the Policy Cycle mechanism.

Taking into account these reports and the meeting, Europol has drawn up a summary of its experience so far with the implementation of the EU policy cycle, which is set out in annex.

**Delegations are invited to examine these findings together with the reports of the Drivers with a view to a debate in COSI.**

## EU Policy Cycle Implementation: Europol's findings

### 1. INTRODUCTION

This document provides findings from Europol and the EMPACT Support Unit in relation to the implementation of the EU Policy Cycle in the period between November 2012 and April 2013. During this period the 2012 OAPs were finalised and the implementation of the 2013 OAPs began. A summary for each OAP priority is attached at Annex 1, highlighting major developments and issues arising.

This report was presented to the meeting of the National EMPACT Coordinators at their meeting the 14 & 15 May 2013.

### 2. PROGRESS 2012-13

Progress has been made in all eight priorities of the 2012-13 policy cycle, although levels of support and activity by Member States are higher in some priority areas than others.

Positive aspects include:

- The majority of OAPs are facilitating and promoting operational activities
- Good examples of OAPs making good use of existing structures, such as Liaison Officers networks in Western Balkan and in West Africa, CCIC and TISPOL
- Successful application for funding, e.g. from ISEC and TAIEX programmes
- Action leaders empowered to implement actions in a small group of willing participants
- Multidisciplinary approach identified in more priorities, e.g. Containers, MOCG, THB
- Engagement with the private sector e.g. MOCG, THB, SYNTHETIC DRUGS
- Increased intelligence requests to Europol's Focal Points
- First use of Europol Platform for Experts (EPE)

Negative aspects include:

- Some OAPs are lacking concrete operational activities
- Intelligence flows to Europol need to be further improved
- Firmer commitment and involvement of some MS is needed
- Lack of financial investigation / asset recovery in the actions, despite being a horizontal priority
- Difficulties in finding action leaders; the majority of actions are led by Driver/co-Driver or Europol. Of a total of 110 actions, 13 are led by a MS not being Driver / co-Driver. Europol is action leader in 34 actions.
- Application for ISEC funding for THB project (ETUTU) rejected
- Kick-off meetings too late (Cybercrime had the kick-off meeting in April)

#### **Other specific issues:**

The **Illegal Immigration** priority experienced problems with the lack of action leaders nominated in four priority areas.

The Driver and EMPACT Support Unit raised this issue with the participants, the National EMPACT Coordinators and COSI. Two of the actions found leaders subsequently, whilst two did not and will be discontinued this year.

One reason for this was the very broad and non-specific nature of the planned activities.

As Illegal Immigration is suggested as a priority for the next cycle, this issue has to be addressed if the same or similar actions are included in the next OAP.

At its meeting on 11 February 2013 COSI recommended a higher involvement of **Eurojust** in the THB priority, as set out in document 6035/13. This document suggests revising the THB OAP 2013, in order to include the actions proposed in the Eurojust Action Plan against THB (16947/12, appendix II).

Following this recommendation, the practical approach for doing this was discussed between the driver, co-driver and Eurojust. However, it was agreed that the proposal could be carried out within the existing OAP, and no revision of the OAP was required.

**Interpol** is already participating in a number of the priorities. However, acknowledging that the policy cycle would benefit from further co-operation, the organisation was invited to participate in the Drivers / co-Drivers meeting 15 January 2013, at which a number of opportunities were discussed.

**CEPOL** is playing a major role, not only in some of the OAPs, but also in the training for the next policy cycle. CEPOL is preparing an e-learning module for this, as well as training to be provided in relation to the drafting sessions for the next cycle. CEPOL also support the National EMPACT Coordinators Meeting, with funding and facilitating workshops in co-operation with Europol.

### **3. EMPACT PROJECT PARTICIPATION**

The decision to join a priority should be based on firm conclusions, including those in the SOCTA; that the MS is affected by the criminal threat, as described in the final draft of the Council priority and that it is already a national priority to tackle this threat, or will become a national priority. Membership of a priority implies a readiness to be one of the active Member States who will work as a team to tackle the criminal threats described.

However, the level of participation is still a concern in some cases. There are still MS who are not a member of the relevant Focal Point. This is being addressed by Europol. There are also MS signed up as participants in the priorities without signing up for any actions.

There are examples of MS declaring their participation in a priority, but never attending the meetings. There are also still MS missing in some priorities, where according to the SOCTA and existing members they would be an asset for the priority. The EMPACT Support Unit is supporting the Drivers in contacting these MS in an attempt to get them to join.

#### **4. MEETINGS AND MEETING PARTICIPANTS**

The EMPACT Terms of Reference<sup>2</sup> contains a detailed description of the professional profile of an EMPACT participant. In particular a strong emphasis is put on the relationship between the participant and the National EMPACT Coordinator – through this relationship it is expected that the participant can play a full role in the project as the national representative and the initiator and leader of activities at the national level.

In practice the experience so far is that too many participants do not fit this profile. It is often the case that MS send different participants to the meetings, against the advice in the Terms of Reference that state there should be “continuity in the participants”.

This lack of continuity has an adverse effect on the engagement of the MS. Member States sending consistent representation to the meetings are the most engaged, contribute the most and have the best relationship with the driver / co-driver and other members of the group.

Some priorities got off to a quick start by scheduling a kick-off meeting early in the year. This practice is recommended and should be followed by all. Kick-off meetings in some cases have been seen as late as 3 months into the year.

#### **5. EUROPOL SUPPORT TO THE EU POLICY CYCLE AND EMPACT**

The structure of Europol’s Focal Points has been discussed widely with the Heads of the Europol National Units. The main conclusion was that the current structure of the Europol Focal Points is inconsistent and that the EMPACT priorities, as defined for the current policy cycle, have led to overlapping and increased coordination needs.

Due to this, Europol proposed to structure future activities related to the alignment of Focal Points to EMPACT priorities, into a short and a mid-term approach. The short-term measures should focus on increased operational support to the current Operational Action Plans and the preparation for the upcoming new priorities, whilst the mid-term actions should aim at creating dedicated teams for each identified priority under the policy cycle 2014 – 2017. This will be discussed further with the HENUs when the final decision about priorities is made available by the Council.

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<sup>2</sup> 14518/12

Europol will remain able to support high level operations outside of EMPACT, by keeping available knowledge, expertise and flexible operational capability for this purpose.

### **Europol Financial Support to EMPACT planning meetings in 2012 and 2013**

<b>EMPACT Priorities</b>	<b>Meetings 2012</b>	<b>Meetings 2013</b>
Drivers meeting / OAP drafting	1	1
A: Western Africa	5	1
B: Western Balkan	2	1
C: Facilitated Illegal immigration	3	2
D: Synthetic Drugs	3	2
E: Container Smuggling	2	3
F: THB	4	1
G: Mobile OCG	5	2
H: Cybercrime	2	0
<b>Total</b>	<b>27</b> [€205 000]	<b>13</b> [€75 000]

Europol's financial support to EMPACT is increasing. Records show that 13 EMPACT meetings were financially supported in Q1 of 2013 compared to 6 in the same period in 2012. In respect of Europol support to operational meetings, many of which are in the priority crime areas, 54 meetings have been supported in 2013 compared to 62 in 2012. The cost of this support in 2013 (Q1) is approximately €150 000.

### **6. EUROPOL PLATFORM FOR EXPERTS FOR EMPACT (EPE)**

Communication is still one of the fundamental challenges for EMPACT. Europol will propose a solution for the 2014-17 policy cycle: a dedicated EMPACT EPE.

A platform has already been established for the current MOCG priority and this was demonstrated during the January drivers' meeting. A general EMPACT EPE, in which each Priority would have a dedicated sub-community on the EPE but sharing one platform could build an EMPACT community in which drivers, action leaders and participants communicate and collaborate; e.g. using a shared calendar can enhance coordination.

The platform would also serve for exchange of best practice for Drivers, EMPACT Support Managers and EMPACT Support Unit.

## 7. CONCLUSIONS

The policy cycle is still a young process in implementation, with an expected mix of positive aspects and issues requiring further attention. This report highlights the participation and practical administration of the EMPACT projects, along with some practices to make the policy cycle more successful. These arguments are underlined by the success of priority G: Mobile Organised Crime Groups which has made substantial progress and has a real success story to report. This priority is supported by two focal points at Europol but the essential ingredient is the very strong support from the MS participants and those from Eurojust, CEPOL and INTERPOL. The driver and co-driver of this priority have shown a strong dedication in steering the project towards success, including a multi disciplinary approach.

## Priority A: West Africa

Introducing the new concept of a collective EU law enforcement initiative to the difficult environment of West Africa is very challenging. The work of the West Africa priority is almost all of a strategic nature or aimed at delivering better support, coordination etc. The coordination task in the region is of a massive scale and the driver points out that there are too many projects and initiatives operating in the same space. The driver considers it requires two full-time, dedicated posts (driver and co-driver) to deliver the necessary effort.

In 2012 the OAP planned 14 actions under 6 strategic goals; by the end of the year two actions were “met”, seven were “ongoing in 2013” and five were “not met” (based on driver’s reporting). The Operational Action Plan for 2013 has been substantially revised, introducing new actions; there are now 14 actions planned for implementation in 2013. During the year The Netherlands, the UNODC and the US DEA have joined the priority.

The driver’s determination to make better use of the resources that are already in place, including more than 100 EU liaison officers and build the links to other key stakeholders i.e. G8, Paris Pact and UNODC is taking the project in the right direction. The “Team Europe” approach is highly promising and the CEPOL training event held in December 2012 in Madrid was very important, allowing many liaison officers working in the same vast region to meet each other for the first time.

The driver points out that there needs to be a communication strategy to explain the EU EMPACT approach to the diplomatic missions in the region because at present there is too little awareness in a very confusing landscape which results in inconsistent messaging to the West African Law Enforcement partners. This is being addressed through the G8 Roma-Lyon Group forum and the recent meeting of the sub-group “Experts Meeting on West Africa” which was attended by the driver, EEAS and UNODC.

The OAP has no actions that involve explicit targets to initiate new operational activities, however there are a number of existing projects and initiatives that will be improved and extended by being joined-up as part of the “Team Europe” concept. One such project is Operation Westbridge which currently targets air couriers leaving Ghana for EU destinations, this will be extended to Francophone and Lusophone countries (although the current EU funding expires in September 2013).

The driver points out that the intelligence flow from MS to Europol is improving but remains poor. There is some frustration from the Europol side that intelligence from substantial drug seizures (e.g. 2 tonnes of cocaine in the area of Cape Verde involving PT, ES & UK, all members of the priority), has not yet been formally reported to Europol.

#### **Some key points:**

- + NL has joined the priority together with UNODC & US (DEA).
- + “Team Europe” concept is developing – linking more than 100 EU officers
- No operational activities planned in the 2013 OAP
- The same few countries volunteer to act as action leaders
- Intelligence flows to Europol need to be further improved
- +/- Communications strategy at political/diplomatic level has started, more work is required.

#### **B: Western Balkans**

The Western Balkans is a region where there is a rich mix of organisations, strategies and networks tackling organised crime threats. Against this background the driver has sought to coordinate the EMPACT activities with other key actors including MS Liaison Officers posted to the region. In engaging with the countries of the region where only a few countries have operational agreements with Europol, it is helpful that the driver is himself a member of that LO community.

The 2012 OAP contained 14 actions, 12 are completed, 1 was cancelled and one only started in 2013. In 2013 there are 8 actions and a total of 9 actions are in progress (7 originate in 2012). The three new actions under strategic goal (SG) 2 are much more operationally focussed and this is certainly a step in the right direction. There is strong support from all the involved agencies and from Interpol.

The kick-off meetings were held on 29 March 2012 and 20 March 2013 – which is too late. Some MS sent different participants to each priority meeting so the driver and co-drivers have had to work extra hard to establish the key relationships in the priority but this has eventually been achieved and a core group of action leaders take the project forward. The support of CEPOL, Frontex and Eurojust is evident and the work of CEPOL in implementing actions 6.1 & 6.2 was a significant contribution.

## Some key points:

- + Action 2.2: coordination meetings with EU bi-lateral liaison officers in the Western Balkans.
- + Action 3.1: a matrix of assistance measures created and key contact points identified.
- Action 4.2: financial investigation/asset recovery, did not progress in 2012 and there is no plan to develop it in the 2013 OAP.
- + Actions 6.1 & 6.2 – led by CEPOL addressing corruption were achieved
- + Detailed and specific driver reporting on all actions.
- + 2013 OAP has more operational content in actions 2.1, 2.2 & 2.3
- /+ In 2013 the group has resurrected action 4.2 from the 2012 OAP due the award of TAIEX funding for activity 2.1 of the 2013 OAP. No cohesion between funding and the policy cycle.
- + Access to TAIEX and ISEC funding
- + Involvement of WB states
- + Enhancing cooperation between LOs in WB

## C: Illegal Immigration

The illegal immigration priority has 17 MS participants and is led by Italy with Frontex as co-driver; Europol, Eurojust and CEPOL are also members and Croatia is a third state member. The first year saw important alignment activities to fit the EMPACT work into existing frameworks and the role of Frontex as co-driver was important, as was the role played by FP Checkpoint at Europol. The 2012 OAP contained 16 actions under 7 strategic goals. At the end of the year 10 were completed, 2 were cancelled and 4 were delayed and still active in 2013, although not all were formally included in the 2013 OAP.

The 2012 OAP had 2 actions that contained operational activities

- Action 2.1 is led by Italy and had the objective of organising a High Impact Operation (HIO) in the Western Balkans region; this was eventually implemented in March 2013.
- Action 2.2 is considered the most successful activity undertaken. Project FIMATHU involves a joint analytical and investigation team led by Hungary, Austria and Frontex and this team has delivered concrete operational results and attracted additional participants. This action continues in the 2013 OAP.

The Action 5.1 was highly promising in relation to addressing the financial side of OCGs involved in organised immigration crime. However this action was merged with the long-standing, much broader, JCO Athena III and whilst the action is considered to have been achieved no additional operational resource was invested and no separate results are available for the illegal immigration criminality which was a specific objective for the action as drafted.

In 2013 the OAP is more focussed – planning 10 actions under 6 strategic goals. This ran into difficulties in finding leaders for 4 of the actions. This led to Europol writing to MS to highlight the issue and discussions at COSI. In the end only actions 5.2 and 6.1 were left without action leaders and these will be formally struck out. The issue with 5.2 arises mainly from the drafting, it addresses bogus colleges and employment sponsors but the specific reference to ‘VIS’ deterred the law enforcement experts, few of whom have experience of VIS. Action 6.1 is a prevention initiative of very broad scope and no obvious leader – the lesson here is to only adopt actions where there is an action leader and willing participants.

The illegal immigration priority has developed significantly. It is now better focussed and has a core group of committed participants.

#### **Some key points:**

- Out of 17 MS participants only 7 are action leaders in 2013
- Some members of the priority are not listed in any of the planned actions
- + The success of FIMATHU – a model activity, generates its own support.
- + 2013 OAP is more operational see actions: 1.1, 1.2, 1.3, 2.1, 2.2 & 5.1
- /+ raising the lack of action leaders issue led to some good learning points
- /+ In 2013 there will only be 8 actions (half the number in 2012) – but 6 out of the 8 are much more operationally focussed.

#### **D: Synthetic Drugs**

On the 9 April 2013 the EMPACT Support Unit (ESU) was informed that a decision has been made to change the driver. The ESU did not receive a driver report despite reminders.

The comments below are therefore based on input from the EMPACT Support Managers and EMPACT Support Unit.

The Synthetic Drugs priority builds on strong foundations (including a COSPOL project) and was planned within the framework of the EU Drugs Strategy, EU Drugs Action Plan and other coordination mechanisms and is supported by one dedicated focal point at Europol (FP Synergy). With these substantial foundations already in place the Strategic Goals provide more scope to develop operational activity compared to the other priorities.

The 2012 OAP lists 23 planned actions including several with a strong operational content, others focussed on technical training and improving the forensic picture. There was no mention of the financial aspects of investigation or asset tracing. EMCDDA and CEPOL play a very active role in the priority. The 2013 OAP is substantially different with 10 actions, all are led by driver, co-driver or Europol/CEPOL/EMCDDA, none by participant MS.

**Some key points are:**

- + Good Strategic Goals – that support a variety of activities
- Too many actions are Driver/Agency led, no MS Action Leaders
- The kick-off meetings were too late – February in 2012, March in 2013.
- /+ Many actions are for ‘All MS’ (no delegation, but inclusive)
- +/- 5 forensic actions in 2012(+) are reduced to 1 in 2013 (-)
- No parallel financial activities are included in the OAPs
- Some MS participants are not active (lack of engagement) in the priority and/or in FP Synergy
- + Good inter-agency cooperation: Europol/Eurojust/CEPOL/EMCDDA
- + Good activity to identify and prioritise High Value Targets (HVTs)
- + Strong technical training component supported by CEPOL.
- +/- Although FP Synergy can list successful operational activity, links to the EMPACT Synthetics actions in the OAP are not clear.
- +/- Norway is a significant TS contributor but not a member of the priority.
- + There is a link to the West Africa Priority that can be developed

## **E: Containers**

The Europol reporting in November 2012 addressed the challenges facing the container smuggling priority and whilst there is no need to repeat those words the level of difficulty that was encountered in finding traction to get this priority started and the reasons for these difficulties should not be forgotten. The driver correctly draws attention to the fact that those people involved in drafting the Strategic Goals did not represent all the appropriate agencies, containers is principally a customs specialist area.

The 2012 OAP identified 8 actions to be progressed. Of these 2 were not developed (no action leader), 2 actions were completed in Q1 of 2013, 2 actions were postponed to 2013 and a further 2 actions saw substantial progress made in 2012 and the decision was taken to continue with them in 2013. There was no operational activity in 2012 but a lot of preparatory work including the drafting and submission of a bid for ISEC funding that failed, although a re-submission has brought success for 2013. Although there are 14 MS that are members of the Priority less than half are active participants. The fact that two actions were not developed due to a lack of action leaders is partly due to the fact that the actions themselves were poorly defined so no one wanted to lead them. The 2013 OAP combines 4 actions from 2012 with 3 new actions. New action 5.4 is specifically targeting cigarette smuggling in containers and aims to drive operational activity. The priority got off to a fast start in 2013 with a January kick-off meeting.

Within the Container priority some best practice has been developed in the way the driver has empowered action leaders to create small teams to work on their particular actions. This has addressed the situation, encountered to some degree in every priority, where larger meetings are held with all the contributions from just a few active participants. The priority steering meetings are only attended by the driver, co-driver, Europol Support Manager and Action Leaders. This approach is also cost effective. The opening of a dedicated sub-project in FP Smoke will help to further support relevant on-going work after the priority closes in December.

### **Some key points are:**

- + Empower Action Leaders to implement actions in a small group of willing participants
- + Involving only those MS that are active in the Priority as Action Leaders in priority steering and monitoring meetings.
- + Identifying opportunities for operational activities is essential to get buy-in from law enforcement agencies.

- + Opening up a sub-project within a relevant Europol Focal Point can help to manage the follow-on work if a priority project closes.
- Ensure the agencies that will implement the OAP are involved in setting the Strategic Goals and drafting the OAP
- When drafting actions, identify and involve the Action Leader

## **F: THB**

The THB priority continues to deliver strong performance and this is acknowledged by MS – the driver reports that three more MS joined the priority in 2013. The work of the priority is well coordinated with other THB frameworks and decisions and is making progress across a range of complementary strategic goals and is focussed on outcomes whether hitting project targets or delivering operational results.

The 2012 OAP contained 21 actions under 8 strategic goals and the 2013 OAP continues this pattern with 18 actions planned. The support from one dedicated, well established FP at Europol is a significant advantage and helps with KPI setting and monitoring. The THB priority is strong on setting KPIs and monitoring progress and significantly 16 of the 18 current actions will be developed and progressed by all the members of the priority. There is a small leadership group comprising just the driver, co-driver, 3 more MS and CEPOL as action leaders.

The issue of EU funding is also raised in the THB priority. This priority sought ISEC funding for the operational activity within 7.1 but received news that this had not been successful in February 2013, this is disappointing as a follow-up submission was already being prepared. The driver points out that such funding is essential to developing some of the quite ambitious and costly work required. This team has the energy and skills set to take these initiatives forward on behalf of the EU – such projects should be prioritised for EU investment.

### **Some key points are:**

- + a priority with a high level of ambition and energy that delivers good results
- + MS are seeking to join the priority, none have left.
- + participation in meetings is consistent (same names every time).
- + SG4 promotes each MS implementing a prevention strategy for THB

- + Multidisciplinary: SG5 & SG6 include cooperation with private sector the administrative approach and financial investigation in the planned activities.
- funding: the priority has been unsuccessful in accessing ISEC funding.

## **G: MOCG**

The MOCG priority is on a very positive trajectory. It started steadily in 2012 with 8 actions listed in the OAP and in 2013 this increased to 17. In 2012 the project established itself, built a good team and identified opportunities to initiate and support operational and multidisciplinary activities. In 2013 the plan is more ambitious with more operational activity planned and a greater multidisciplinary content.

### **Some key points are:**

- + A 20% increase in intelligence requests to FP Furtum & FP EEOC
- + Pioneering work in engaging with Private Sector partners
- + Involving networks such as CCIC & TISPOL to extend engagement
- + FP Furtum & FP EEOC identify opportunities to develop intelligence arriving at Europol and existing operational activity under the MOCG priority.
- + Prevention and disruption opportunities are included in the OAP.
- + First meetings in January each year, a fast start and a pro-active approach.
- Key MS are missing from the priority (DE, IT, PL & UK).
- + Driver reporting is comprehensive and detailed.
- /+ Addressing weaknesses – more emphasis on the financial aspects is planned in 2013
- \* This is an emerging phenomenon and unlike more established crime areas there is no established EU Strategy already in place
- No exploitation of forensic opportunities including PRÜM
- + This Priority can list its achievements both in terms of arrests and seizures and in the other milestones achieved.
- + MOCG has pioneered the use of the EPE as a communication tool.

## **H: Cybercrime**

The Cybercrime priority covers a broad spectrum of criminality but the Strategic Goals that provide the basis for the OAP are all high level and aimed at developing common approaches, legal frameworks or facilitating training. They provide relatively little focus on the criminals themselves or the initiation of, or support to, operational activities to combat the threats identified.

In 2012, the OAP included 21 actions and by April 2013, two are on-going, one is partially completed, the status of one is unclear and 17 are completed. During 2012 the European Cybercrime Centre (EC3) was established at Europol and the landscape and approach to Cyber priority started to become more orientated towards the cyber criminality and criminals themselves. The 2013 OAP reflects the new approach with the acknowledgement that Child Sexual Exploitation, on-line payment fraud and criminal misuse of the internet should be explicitly targeted as well as the 'pure Cyber' activities (e.g. Botnets, Ransomware, DDOS) and includes more operational activity in these areas under SG4. The 2013 OAP lists 17 actions, of which 12 are led by EC3 supported by FP Twins, FP Terminal & FP Cyborg.

Cybercrime features on the draft list of Council Priorities for the 2014-17 Policy cycle and the experience gained and foundations established in the 2012-13 Cycle will be important. The cyber priority will benefit from being integrated into the EU Cyber Security Strategy, alignment with the EU Cybercrime Task Force. Engagement with other agencies and organisations should facilitate the multi-disciplinary approach and importantly leave more space to initiate and support operational activities.

### **Some key points are:**

- + In April 2013 the way forwards is already clear towards 2014-17
- + 7 MS that belong to the priority are active in the actions,
- There is no co-driver, but EC3 strongly supports the priority
- The kick-off meetings were held too late – in April in both 2012 & 2013.
- 6 MS that belong to the priority are not active in the actions
- Key MS that have the right experts & experience are not members
- + The 2013 OAP will deliver more operational activity and results