



Council of the  
European Union

Brussels, 18 June 2015  
(OR. en)

9858/15

LIMITE

COSI 69  
ENFOPOL 148

## NOTE

---

From:	Presidency
To:	Delegations
No. prev. doc.:	15930/14
Subject:	Summary report of the National EMPACT Coordinator (NEC) meeting held at Europol on 28-29 May 2015

---

### 1. Introduction

This document is a summary of the proceedings of the National EMPACT Coordinators' (NEC) meeting that took place at Europol in The Hague on 28-29 May 2015, chaired by the Latvian Presidency. The meeting was attended by 100 delegates comprising the NECs, Drivers, CEPOL, CCWP, Council Secretariat, Eurojust, European Commission, Frontex, COSI Support Group and Europol staff members.

The first day was dedicated to discussing the progress, successes and practical issues related to EMPACT. Four workshop-style meetings were organised and moderated by Europol in cooperation with 4 selected NECs. During the 1st part of the workshops, the Drivers reported on the state of play of multiple activities conducted within their priorities with a particular focus on identified issues in the implementation of the OAP which have been brought to the attention of NECs.

The 2<sup>nd</sup> part of the workshops was mainly devoted to the NECs role, the access to resources needed for EMPACT, the structure of the NEC Office, the coordination available and their domestic legal framework. The second part of the meeting was also complemented by 4 NEC presentations given to the plenary by FR, SE, IE and IT on the organisational and managerial aspects of their NEC Offices. The day ended with a presentation of the Draft Europol Director's report "EU Policy Cycle for organised and serious international crime - Europol's Findings May 2015".

The second day of the meeting was opened by the Presidency with a debriefing of the first day. Europol thereafter presented 3 different topics:

1. Strategic analytical products released and/or planned for the year 2015 including a review of SOCTA Methodology and the main findings of SOCTA Interim Report,
2. Debriefing on updates and changes incurred since the last NEC Meeting among the EMPACT list of Actors
3. State of play on the implementation of the Delegation Agreement.

The morning session also covered the activities of Customs Cooperation Working Party (CCWP) and the strategic review prepared by Europol on the engagement of Customs within the EU Policy Cycle. Before lunch, a visit was organised to the Operational Room set up to support MS in Joint Actions Days (JADs) having a pan-European focus. The afternoon session was dedicated to the state of play of the JADs, results of previous meetings and the media strategy. The meeting ended with key findings and conclusions addressed by the Latvian Presidency and an introductory speech given by the incoming Luxembourgish Presidency.

The chair updated participants on the outcome of the discussions held at COSI level on the EU crime priorities and the EU Policy Cycle which will be evaluated by the Commission in 2016. The Presidency informed the participants about the extraordinary COSI meeting held after the Paris terrorist attacks, and stressed the importance of the EU Policy Cycle as a platform to strengthen the cooperation among MS. COSI agreed to maintain the current EU Crime priorities.

Europol underlined the general increase of EMPACT operational activities, the importance of implementing the Policy Cycle at national level and the efforts made by the MS and relevant EU Agencies to complete the articulated legal/administrative works related to the implementation of the Delegation Agreement. The entire Policy Cycle will be evaluated by the Commission in 2016.

## **2. Driver Reporting and Role of NECs**

The workshops were divided in two parts; 1<sup>st</sup> part) it was devoted to Drivers reporting to discuss the status of activities conducted within EU Priorities areas and identified issues to be brought to the attention of NECs. 2<sup>nd</sup> part) a discussion on the actual role of NECs, their Offices, competences at national level to prepare the plenary session and raise emerging affecting factors and best practices. The key emerging themes discussed during the workshops were:

- The need to increase the general awareness at National level of the EU Policy Cycle including actors and stakeholders;
- strengthening the information flow between specialized LE services to Europol under the coordination of NECs and Drivers;
- improving cross-cutting cooperation and links between priorities as well as the interconnection between investigations conducted by different domestic LE Agencies;
- MS are invited to be consistent in appointing Drivers, co-Drivers, Action Leaders and NECs. A period of adjustment is generally required following any change in roles. Delegates attending meetings should also be consistent and maintain contact with all relevant actors involved.
- Drivers agreed unanimously on the need to start the discussions on the preparations of the OAPs prior to the drafting meeting

- Although the Delegation Agreement was considered a very useful tool and funding is vital for the projects, the current process has proven to be complex and time-consuming resulting in delays in starting actions. Overall appreciation was shown for the work that has been carried out making the funds available. Overlaps in funding from other sources raised serious concerns (e.g. ISEC, Euromed).
- MS have increased the commitment to engage in emerging threats, e.g. firearms.
- A reduction in the number of actions, particularly in smaller MS, was considered in order to be more successful on the principle that “less is more”.
- The lack of financial investigations was a concern, particularly in relation to drugs related areas. Financial investigations and asset recovery should better focus on high profile OC groups. Financial investigations started in parallel to the traditional ones were considered very important for success.
- Most Drivers are not full-time and therefore ask for more involvement from other agencies. The percentage of time Drivers are able to dedicate to their tasks varies considerably. The Driver role requires a great deal of commitment and strong support. The lack or limited Human resources were overall seen as problematic.
- The law enforcement community needs to find a way of measuring success achieved via EMPACT.

### **3. NEC Presentations (FR, IE, SE, IT)**

Presentations were given by selected NECs from France, Ireland, Sweden and Italy. Each presented how the NEC Office operates at national level in coordinating multidisciplinary activities and the working methods used. It was evident from all the NECs, an increased need for ensuring horizontal and vertical coordination to involve competent services in these multi-agency efforts.

Regular coordination group/meetings organized by the NEC Office are recognized as being of best practice to monitor the progress made in the implementation of EMPACT activities and identify issues/impediments to be removed. While the majority of NECs are not appointed full time in their position, the Swedish NEC is performing this task full time along with other few countries like for instance Latvia and Germany. The NEC Offices - model /structure presented were well perceived due to their setup allowing good communication between the hierarchical Law Enforcement Agencies and other institutional partners like Customs and Tax Authorities. NECs also raised the need for domestic cross departmental coordination which is necessary to exploit the potential expressed by the EMPACT Platform to counter OC Groups. Examples could be given by the regular coordination with Anti-Drugs Police Directorates or by the ongoing cooperation between the Italian NEC Office with the Anti-Mafia Directorate (DIA) to align EMPACT to services provided within the Network @ON Project targeting Mafia Style OC Groups.

Generally speaking the NECs are facing various challenges such as the lack of appropriate resources to ensure coordination and comply with the stringent agenda of the Policy Cycle. The complexity of preparation of Grants was also mentioned as being one of challenges faced recently.

NECs hold common views on the importance of establishing close links with judicial authorities. There is a need to overcome the differences between jurisdictions and raise awareness of all matters relating to the EU Policy Cycle.

Other matters raised were the importance of a multi-agency, multi-disciplinary approach with an improved decision-making process at national level.

#### **4. Presentation and discussion of the draft Europol Director's Report on EU Policy Cycle & EMPACT**

The Draft Europol Director's Report and annexes were presented to the NEC meeting. In compliance with EMPACT Terms and Reference, the report contained Europol's findings in relation to the implementation of the EU Policy Cycle and contains annexes to better guide NECs and participants. The report provides an overview of country's engagement in EMPACT and brings to the attention of NECs and participants areas which need to be better exploited and coordinated.

The actions of the OAPs for which funds have been requested via the EMPACT Delegation Agreement are also indicated in the Annexes of the Report. Before illustrating the content of the report, Europol reminded relevant MS of the on-going discussion on the finalisation of the renewed Internal Security Strategy as a very important element of the EU Policy Cycle. The European Commission is going to prepare an evaluation of the EU Policy Cycle and EMPACT which should start in 2016.

The following key findings of the Report were illustrated:

- There were minor changes to the OAP to be reported via the EMPACT Drivers intermediate reports.
- The analysis reveals a general problem for most MS in exploiting the value of financial investigations and asset recovery techniques as an inherent part of existing EMPACT commodity based actions. This is a missed opportunity. It is necessary to enhance the cooperation in this specific areas also identified as a priority in the new EU Internal Security Strategy (ISS).
- The Draft Report identified those actions that generated funding applications as part of the €7m of EU ISF funding as part of the EMPACT Delegation Agreement. The funding of different projects should be synchronized in order to avoid overlaps and optimise available financial resources.
- The extensive use of questionnaires should be replaced with more practical methods in particular due to the lack of interest from the Group Members of the EMPACT project.
- A limited number of actions are more manageable and achievable for the Drivers. The OAP should better aim at quality over quantity. The OAP activities should be SMART.

MS suggestions for improvement and enhance participation:

- NECs should report on what extent EMPACT has influenced national activities and operational dynamics conducted by domestic LEAs. NECs should also monitor and ensure full commitment of MS experts/delegates participating/involved in EMPACT projects.
- There is a need for Drivers to have clear criteria for reporting over the reporting period and ascertain the correct meanings of operational activities to balance the planning of their OAPs. In general, Drivers are facing challenges due to the complexity of EMPACT Projects.
- Europol should continue to ensure the preparation of a timely, transparent and objective Report to reflect the status of the implementation of the OAPs.
- There is a need to improve cooperation with judicial authorities and prosecutors.

Council Secretariat stressed that deadlines are binding and set to best meet the time schedule of the policy Cycle. By the 10<sup>th</sup> of June the report should be received officially to prepare the document for the Council.

#### **5. Presidency debriefing on the 1<sup>st</sup> day of NEC meeting**

Chair – Welcomed all participants to 2<sup>nd</sup> day and showed appreciation that JHA Councilors were present. The presentations and the draft Director's Report were summarized. Dynamic discussions and constructive criticism on a range of issues was held as well as exchanges of ideas and good practices. The positive remarks and MS proposals on implementation of the OAPs were also noted. The Delegation Agreement as well as other funding sources is considered necessary for an effective operational planning. Some issues/challenges were also identified which include: the late reporting, too short-time periods between strict deadlines, low exploitation of financial intelligence, limited support received from prosecutors at national level and insufficient interconnection between priorities.

## **6. Europol Analytical Products – Strategic Analysis**

EUROPOL/ O21 SOCSA Team presented an overview of the analytical products, the timing and methodology of the SOCTA exercise and an outlook on the future of serious and organized crime. The analytical products delivered by the Europol Strategic Analysis Team are also tailored to EMPACT priorities such as Gap Analysis Reporting in the areas of counterfeit goods, illegal immigration, the report on cocaine couriers – profile and routes, the overall picture on trafficking in human being and the East African heroin trafficking route to name just a few.

## **7. EMPACT updates and changes**

EMPACT Support Unit (ESU) gave a short update on the changes of the relevant actors since last NEC meeting held in November 2014. The ESU also informed the participants on the increased use of the EPE where information such as the OAP Drafting calendar (6-30 October 2015) and the information package related to the DA can be found.

## **8. Implementation of the Delegation Agreement**

Europol presented the ongoing work and preparations for the implementation of the Delegation Agreement and the current status of the applications received.

A total of 19 applications were received, involving all priorities, for a total amount of more than €4M. All the applications have received the letter of award. Until now, 9 applications have already been finalized and funded while the remaining 10 are in the progress to be finalized as the Grant Agreement has been signed and sent back to the lead applicants.

## **9. Customs Cooperation Working Party (CCWP)**

The Chair of the Customs Cooperation Working Party (CCWP) gave a presentation on the progress made on the CCWP 7<sup>th</sup> Action Plan and the engagement of Customs with the EU Policy Cycle. The cooperation between Europol and CCWP entails both Intra-institutional relationship and coordination of operational matters.-CCWP is monitoring the full implementation of the 7<sup>th</sup> Action Plan and foresees the adoption of most final reports by the end of this year. Customs Officials already participate in some of the OAP actions/meetings and take part in the relevant action days.

However, CCWP stressed that there are still challenges relating to precise allocation of competences between the institutions, both at national and at EU level and that duplications still exist mainly due to unclear legislation at national level. Customs participation to OAP and Customs input in SOCTA drafting should also be enhanced.

Europol presented the Strategic Review on Europol and Customs endorsed by Europol's Management Board in May 2015 and echoed the importance of involving Customs in the Policy Cycle as stressed by some delegations earlier in the NEC meeting. Although of a broader scope than the Policy Cycle, the Strategic Review stresses the importance of Customs in this MS' driven process.

The general cooperation between Europol and Customs is already positive in many aspects and Europol has developed privileged partnerships with key stakeholders such as CCWP. As difficulties have however been identified by Europol in the overall cooperation with Customs administrations, the Strategic Review list 3 sets of Recommendations to deepen cooperation: 1) Recommendations which need national agreements/decisions to be implemented; 2) Quick wins recommendations drawing on activities that Europol already supports or participates in, not requiring significant extra resources from Europol; and 3) Recommendations deserving more detailed planning for their implementation by Europol. The implementation phase of the Recommendations has now started and coordination between the activities of the CCWP (under the future 8<sup>th</sup> Action Plan in particular) and the Policy Cycle should continue.

## **10. JAD – State of Play and Media Strategy**

Europol Deputy Director thanked the Latvian presidency and the rest of participants for their work and commitment. He provided an overview of the new strategies approved in relation to Internal Security and to tackling the phenomena of illegal immigration, both of which are directly connected to the planning prepared by EMPACT. He also presented the products and services available at Europol to support the preparation of the different JADs in connection with Operation Blue Amber.

Europol provided the meeting with a short presentation on the Media Strategy that had been agreed with the communication experts from MS at the meeting held at Europol HQ on 18<sup>th</sup> & 19<sup>th</sup> of May. Key points included:

Blue Amber is led by Member States/Third States where the activities take place, coordinated and supported by Europol. No press conference is foreseen at Europol, although supporting press releases and other AV material will be provided to support press conferences and media events in Member States (MS) and Third States (TS).

Relevant MS/TS are encouraged to provide Europol with photographs/ video etc. from their operations that can be used by Europol and other partners to put individual actions in the wider Blue Amber context.

Europol will also use social media and technical briefings for journalists where necessary. Europol plans to issue 3 Blue Amber press releases, in coordination with the participating MS/TS in June, October and December. MS and TS participating in EMPACT JADs are asked to ensure their press officers are in contact with Europol G14 Media experts.

## **11. Presidency Conclusions**

The Presidency expressed its appreciation for the results and fruitful discussions reached over the 2 days NEC meeting. Once more the Presidency wished to highlight the multidisciplinary aspects of the Policy Cycle which require additional efforts to raise the awareness on EMPACT among all involved parties and stakeholders. It is of utmost importance to reach a general consensus on what EMPACT can deliver and what should be the role of NECs to fully exploit the operational potential of EMPACT at national level.

All actors involved should begin to consider the next phase of the EU Policy Cycle to be better able to respond to current and emerging EU threats posed by OC groups. The revision of the Policy Cycle should be guided and aligned to the new EU Internal Security Strategy (ISS).

Besides the general topics of interest the following key findings were stressed by the Presidency:

- Illegal immigration and firearms remain high priorities areas and relevant to the EU strategic level.
- There are high expectations from key stakeholders on what EMPACT should and could deliver having in mind the central role played by NECs in the implementation of the EU Policy Cycle. NECs should have sufficient support in the fulfillment of their institutional tasks.

- It was noted a positive trend driven by an increased number of operational activities registered in the OAPs 2015. Relevant MS should benefit from the successful implementation of the Delegation Agreement to further enhance the level and quality of planned operational activities.
- The correct implementation of EMPACT implies recognition and broader understanding of such a multidisciplinary project. It is therefore important to raise awareness at national level on EMPACT. Identified shortcomings at domestic level should be removed by relevant MS.
- There is a need to improve the cooperation among EMPACT actors and competent Law Enforcement Services at national level to ensure the full exploitation of financial investigation avenues and the identification of illegal assets. In this respect, MS should make full use of existing networks and the specialised operational/analytical platforms (FPs) available within Europol.
- The involvement of Judicial Authorities and Prosecutors in planning EMPACT operations at national level is considered important.
- EMPACT projects are developing quite rapidly and often EU priority areas are establishing new cooperation lines with external partners within and outside the EU. It is necessary to promote and continue developing cooperation with Third States and Third Parties.

The meeting ended with a presentation given by Luxembourg focusing on the main areas for the next Presidency period being:

1. To continue the negotiations with EU Parliament on the Europol Regulation;
2. To support the ongoing activities dedicated to travelers and the establishment of EU passengers record database;
3. To support the implementation of the EU Internal Security Strategy
4. To assure the follow-up of OAPs for the current year and preparation of OAPs 2016.