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**NOTE**

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| From:    | Presidency   |
| To:      | Delegations  |
| Subject: | Activation of the EMPACT community to address and counter serious and organised crime threats linked to the war in Ukraine |

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*Courtesy translation*

The situation war in Ukraine remains highly dynamic and the war will be used as an opportunity by criminal networks and individuals. As a result, an increase in crime is to be anticipated in the short, mid- and long-term. Initial analysis already shows crime patterns in several crime areas, including trafficking in human beings, online fraud schemes and cyberattacks. Further forms of crime may potentially impact all 10 EMPACT priority crime areas addressed within the 15 different Operational Action Plans (OAPs).

It is therefore necessary to mobilise resources at national and EU level for continuous monitoring and analysis of the evolution of threats in order to anticipate developments and prepare for and implement a swift and coordinated operational response, as necessary. Enhanced information exchange for a comprehensive intelligence picture is key. Justice and Home Affairs (JHA) agencies, notably Europol and Frontex, should provide continuous analytical support to that end based on the input by Member States and other partners.

EMPACT is a framework for structured multidisciplinary operational cooperation in the EU to prevent and fight organised and serious international crime and can play a central role and must show responsiveness and flexibility in the present circumstances.

Initiatives have already been taken within the EMPACT community, notably by some OAP Drivers and Action Leaders. They must be reinforced, structured and supported where and when relevant.

*In view of the above and taking into account the Commissions input as well as the short term (cyberattacks, trafficking of human beings, etc.), mid-term (firearms trafficking, money laundering, etc.) and long term (evolution of criminal organisations and their scope) consequences of the war in the Ukraine, it is hereby suggested to activate the “EMPACT community” in order to assess, anticipate, prevent and counter existing or emerging serious and organised crime threats linked to or entailed by the war in Ukraine, with the support of JHA agencies, EU bodies and institutions along the following work strands:*

**1) Intelligence assessment and monitoring**

EU Member States, through the “Drivers of the OAPs” and with the support of the National EMPACT Coordinators (NECs), should work actively with Europol and relevant JHA agencies.

Europol, e.g. through the various analysis project contact persons (APCPs) for EMPACT, and other relevant entities at Europol should:

- a) liaise actively with the OAP Drivers to establish whether they have observed any changes in criminal activities in their respective crime areas following the Russian invasion of Ukraine;
- b) inform (together with Frontex) the Drivers about the ongoing activities to avoid overlaps and ensure complementarity (for instance joint Task Force, deployment of specialised officers in hotspots, joint teams with local authorities and awareness sessions for border guards);

c) invite the Drivers to actively monitor the situation and offer support for instance in the form of assessments of the situation;

d) invite Drivers and participating Member States to share available information and criminal intelligence with Europol and other partners (such as Frontex, Eurojust), where relevant.

The received information should be systematically cross-checked and analysed both on national and EU level with the support of JHA agencies, notably Europol and Frontex, and relevant EU institutions. Europol and Frontex should prepare analytical products, e.g. operational intelligence notifications, threat assessments and share with all relevant partners, in particular drivers and NEC, through the SIENA secured channel with an EMPACT label.

## **2) Operational response**

Drivers are invited to evaluate and inform Europol, if:

a) in the respective operational action plans (OAPs) there is (are) an operational action(s) (OAs) that can already address emerging criminal threats (abuse of the local situation by criminal networks or individuals);

b) there is a need to include new "emergency OA" that could be financed by low value grants<sup>1</sup> (LVG) in the OAP;

c) they would like to organise "emergency Joint Action Days", including the possible focus of such JADs;

d) other relevant actions that would need to be undertaken by EU institutions, bodies and agencies to support drivers.

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<sup>1</sup> EMPACT funding

The **above mentioned evaluation should be done by all drivers**. Based on these preliminary assessments, the evolution of crime in Ukraine could be taken into account in the following EMPACT crime areas:

- 1) Cyber-attacks** (malicious cyber activities mostly attack Ukraine, however several attacks against Member States were observed and represent a risk of spill-over);
- 2) Trafficking in human beings** (vulnerable groups among refugees entering the EU from Ukraine are at serious risk of being targeted by human traffickers and falling victim to sexual and labour exploitation);
- 3) Child sexual exploitation** (unaccompanied minors can be possible targets for criminals);
- 4) Trafficking of firearms and explosives** (the proliferation of firearms is likely to continue and intensify, including neighbouring countries);
- 5) On-line fraud schemes** (fraudulent e-mail and calls for donations);
- 6) drugs, cigarettes smuggling and illicit cigarette production** (persistent demand on EU market - new routes and/or on the shift of smuggling activities from Ukrainian ports to other (EU) ports in the Black Sea);
- 7) Migrant smuggling** (irregular migrants in transit in Ukraine, document fraud, possibility of falsified Ukrainian identity and residence documents to third country nationals, lack of document check);
- 8) Organised property crime** (archeologic sites in Ukraine - potential trafficking, Russian speaking organised crime groups under increased vigilance in medium term);
- 9) Criminal finances, money laundering and asset recovery** (risk of money laundering by organised crime groups).

The Presidency deems it necessary to coordinate all initiatives through an active partnership between Europol's EMPACT support team, the NEC France team, the EMPACT drivers, the General Secretariat of the Council, the JHA agencies and the Commission in order to rapidly obtain an objective and precise state of play so as to make use of a procedure for amending the OAPs along the way.

This state of play will take stock of the situation, the measures to be taken in the short, medium and long term in the light of the measures taken for each criminal priority.

To this end, the state of play referred to above could be produced by the Presidency and Europol and subsequently submitted to COSI Support Group to validate the recommended changes to the OAPs through an accelerated procedure.

### **3) External dimension**

Close cooperation of all relevant partners (especially customs and border guards) at the EU external borders is prerequisite for the efficient fight against cross-border crime. Frontex plays a crucial role in this area. The agency is invited to inform the drivers about the situation, the measures taken and the possible support in this regard.

EU institutions, agencies and bodies (notably JHA agencies, the European External Action Service and the Commission) are invited to provide support to EMPACT drivers, NECs, action leader and participants in order to facilitate their work with relevant neighbouring third countries (in particular Eastern Partnership countries and Western Balkan).

*Delegations are invited to present their views on the above suggestions and submit suggestions for modifications by 23 March 2022, noon to the Presidency ([edouard-l.schmidt@diplomatie.gouv.fr](mailto:edouard-l.schmidt@diplomatie.gouv.fr)) and the General Secretariat of the Council ([cosi@consilium.europa.eu](mailto:cosi@consilium.europa.eu)) with a view to presenting the set of measures as an input from the expert/operational level and a concrete deliverable to the extraordinary Council on 28 March.*