Council of the European Union

Brussels, 12 January 2018
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EXT 1**

**JAI 987
COSI 256
ENFOCUSTOM 235
CRIMORG 176**

PARTIAL DECLASSIFICATION

of document:	13866/17 RESTREINT UE/EU RESTRICTED
dated:	21 November 2017
new status:	Public
Subject:	Draft Operational Action Plan 2018 related to the EU crime priority "Criminal finances and money laundering and facilitate assets recovery"

Delegations will find attached the partially declassified version of the above-mentioned document.

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European Union**

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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9450/17, 12811/17
Subject:	Draft Operational Action Plan 2018 related to the EU crime priority "Criminal finances and money laundering and facilitate assets recovery"

Delegations will find attached the draft OAP 2018 regarding the EU crime priority: "Criminal finances and money laundering and facilitate assets recovery", developed under the overall responsibility **NOT DECLASSIFIED**. This draft was submitted to the NEC meeting on 16-17 November 2017 for discussion and will then be submitted to COSI for adoption.

NOT DECLASSIFIED

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Draft Operational Action Plan:

CRIMINAL FINANCES, MONEY LAUNDERING AND FACILITATE ASSESTS RECOVERY

1.   Aim

This Operational Action Plan (OAP) has been created within the framework of the EU Policy Cycle for organised and serious international crime[1]. This OAP corresponds to the following priority:

9) To combat criminal finances and money laundering and facilitate asset recovery in view of effectively confiscating the criminal profits of OCGs, especially targeting money laundering syndicates offering money laundering services to other OCGs and those OCGs making extensive use of emerging new payment methods to launder criminal proceeds.

This OAP contains a breakdown of all the operational actions that will be carried out during the year *2018* as the way to reach the various strategic goals chosen during the "MASP" workshop.

It also gives a general overview of the tasks and responsibilities of the Member States, the EU institutions, agencies and other possible entities involved in the delivery of the plan.

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[1]   7704/17

2. Context

Some of the operational actions (OA) of this OAP have potential for overlaps with several other OA in other OAPs. *(to be further elaborated as appropriate once all the OAPs are known)*

Any overlaps identified between OAPs will be the subject of careful management attention and coordination as described below (see end of paragraph 5.1).

3. Structure

The plan is essentially a coordination overview presenting the general outline of operational actions, rather than the specific detail of each. That detail will be found in the related activity documentation which is referenced within this plan. The activity documentation should include a description of the break down of the activity in "What, When, Where, Who and How" the activity will be carried out.

The Annex to the plan contains a table with all operational actions.

The table will facilitate:

- Cross-reference between different, but related, operational actions within the same priority

- Cross-reference between operational actions which also contribute to a different priority

- Reference to detailed project documentation for a given operational actions

- Identification of possible JADs.

4. Management & Project Support

4.1. Management

Overall management responsibility for this OAP lies with the Drivers and Co-Drivers of each OAP as identified by COSI and set out in the list of relevant actors regularly issued.

Every individual operational action of this OAP has a designated Action Leader duly tasked and empowered for this role, assisted if required by a Co-Action Leader.

Management responsibility for each operational actions is clearly shown in the list of operational actions.

The management approach shall be in line with the EU Policy Cycle Terms of Reference[2].

4.2. Project support

In order to allow the Driver to focus on project management (of the common actions), and to reduce the national responsibility for overall EU coordination, Europol shall provide the project support for this OAP in line with the EU Policy Cycle Terms of Reference.

4.3. Information management

The Europol Analysis Projects shall be the primary means by which operational data emanating from the operational actions within this plan shall be processed. Other Europol System may also be used where appropriate.

It is recommended that all operational information exchange, and progress reporting within the OAP shall be done using SIENA (Secure Information Exchange Network Application), which provides a quick, secure and auditable means of communication between all competent authorities and Europol.

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[2]   10544/17

5. Methodology

5.1. Planning

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The scope of operational actions included in the plan corresponds to the conclusions and recommendations emanating from the specific assessment of the problem which is central to the priority crime area.

When available, the actions should also include administrative measures. Wherever possible, due use will be made of opportunities and processes for a wider inter-agency approach. The MS are invited to integrate the relevant actions developed in the plan at the appropriate level into their national planning and to allocate resources to support a common EU approach. Similarly, the agencies should commit the actions developed into their annual work programmes pursuant to the Council conclusions on the continuation of the of the EU Policy Cycle for organised and serious international crime for the period 2018-2021 and the EU Policy Cycle Terms of Reference.

The OAP will be submitted for adoption by COSI and the tasking responsibilities contained in the plan are to be confirmed. That process has also identified actions contained in this plan which may be related to other plans, and vice versa. These issues will be included into the agenda of the OAP kick-off meeting in early 2018 and will be addressed by the Driver in conjunction with the Action Leaders, participants and Europol, in cooperation with the Drivers of the other OAPs involved.

5.2. Implementation

The OAP will be implemented according to the breakdown of operational actions and timescales contained in the OAP. The Driver, assisted by the Co-Driver, will be the authority to execute or delegate the management/leadership of a specific action to the Action Leader, who then has the responsibility for initiating and reporting on each action to the Driver.

5.3. Monitoring and reporting

Monitoring and reporting shall be done in line with and using the template set out in the reporting collection mechanism. This mechanism will be established following Action 15 of the Council conclusions on the continuation of the EU Policy Cycle for organised and serious international crime for the period 2018-2021[3].

This regime for on-going monitoring and periodical reporting[4] should include:

- Progress and results within the individual operational actions, including targets and key performance indicators (KPIs).

- Progress and results within the overall OAP, including the measurement of achievement as agreed at the MASPs meetings.

- Cross reporting between different strategic goals/OAP's as appropriate

5.4. Good practices

Experiences within the delivery of the OAP which provide examples of good (and bad) practice will be duly recorded. This will be a responsibility of the Driver to report them to the attention of the EMPACT Support Team and of the National EMPACT Coordinators for wider sharing.

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3   7704/17
4   Including possible reference to resources allocated and their use

DRAFT Operational Action Plan

(OAP)

CRIMINAL FINANCES, MONEY LAUNDERING AND FACILITATE ASSESTS RECOVERY

EU Crime Priority: Criminal finances and money laundering OAP 2018

List of actions

Strategic Goal 1: Intelligence Picture: Develop or keep updated the intelligence picture relating to criminal finances, money laundering and asset recovery, through the detection of intelligence gaps, the monitoring of trends and new developments, related to criminal value flows, criminal syndicates and [new] payment methods and the identification of links to other crime areas and disseminate it to relevant stakeholders.

NOT DECLASSIFIED

Strategic Goal 2: Operational activities: Prepare and conduct operations and investigations to detect and disrupt criminal syndicates and professional enablers involved in criminal finances and money laundering, and facilitate asset recovery.

NOT DECLASSIFIED

Strategic Goal 3: Prevention and Capacity building Objective: Prevent criminal financing and money laundering through awareness-raising amongst relevant public and private actors, and build the law enforcement capacity to tackle crime by improving knowledge, skills and expertise based on training and the sharing of best practices.

NOT DECLASSIFIED

Strategic Goal 4: Cooperation with non EU partners: Enhance cooperation with relevant non EU partners such as third countries, international organisations and networks, regional fora and private sector in order to prevent and combat criminal finances and money laundering and to facilitate asset recovery.

NOT DECLASSIFIED

Strategic Goal 5: Document Fraud: When money laundering and asset recovery investigations identify the use of false and fraudulently obtained genuine documents, the dedicated experts from the horizontal working group might be engaged.

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Strategic Goal 6: Financial Investigations: Combat criminal finances, money laundering, and facilitate asset recovery by providing specialised knowledge through guidance and support the implementation of actions, where relevant, in the other EU crime priorities.

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