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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 8 December 2022

To: Delegations

No. prev. doc.: 15193/22

Subject: EMPACT - sharing of Operational Action Plans with third countries and parties

– Approval

Delegations will find in the annex a document on the EMPACT - sharing of Operational Action Plans with third countries and parties, approved by the Council at its 3920th meeting held on 8 December 2022.

EMPACT - sharing of Operational Action Plans with third countries and parties

Since the establishment of EMPACT, the involvement of third countries and parties in the implementation of operational actions contained in the Operational Action Plans (OAPs) has been increasing¹.

In order to allow for these countries and parties to be fully involved in the implementation, in 2017 the Council authorised Europol, to release, under certain conditions, the OAPs (marked as ‘EU RESTRICTED’) with relevant third countries and parties².

Under the regime currently in place, OAPs can be shared with third countries and parties that are called upon to implement certain action in these OAPs and with which Europol has signed an operational agreement and where Europol deems there is operational need to release the relevant OAP.

One of the important changes introduced with the new EMPACT cycle 2022-2025 is that the OAPs are not marked as ‘EU RESTRICTED’ documents anymore. They are issued as Council ‘LIMITE’ documents.

In line with the agreed template³, each OAP includes general information about its aim, management, coordination, support and methodology. It also includes EU intelligence contributions, information about the overlaps with other OAPs and an overview of the operational actions. In the annex, the OAP indicates the leaders and co-leaders of each operational action, a brief description, key performance indicators, the type of operational action, the activities that will be organised, links to other OAPs and horizontal activities. The OAP does not include any personal or operationally sensitive data, in line with the current ‘LIMITE’ marking of the document.

¹ See document 8499/22 (p. 9). In 2021, the OAPs counted in total 30 third countries and 23 third parties, such as EU networks, international organisations and projects.

² 12126/17

³ 10595/22

In view of the increasing involvement of third countries and parties in operational actions under EMPACT and evolving operational needs, the OAP drivers have requested that the possibility to share OAPs be extended to include third countries and parties who have signed a strategic agreement or working arrangement with Europol.

The drivers are key actors responsible for implementing the OAPs and driving cooperation with third countries and parties in this context. Any decision to share the OAPs or parts thereof requires their direct involvement.

In view of the above:

Council authorises Europol to share OAPs with third countries and parties who have concluded operational or strategic agreements or working arrangements with Europol, while respecting the conditions and channels set out in these agreements or working arrangements ~~as well as respecting~~ and the following requirements:

- the sharing of OAPs should be limited to the third countries and parties that will or are expected to implement operational action(s) under the OAP;
- the assessment of the operational need to share an OAP should be done by its driver, together with Europol, after consulting the relevant action leaders. Following this consultation, the driver should decide if the OAP will be released fully or partially (for instance, only some operational actions)⁴ and subsequently inform the OAP participants;
- this decision should take into account any potential negative impact on the operational actions under the OAP.

⁴ The partial sharing of OAPs will be facilitated by the introduction of the EMPACT online tool.