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NOTE

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Delegations will find in the Annex the EMPACT Terms of Reference agreed by the COSI Support Group / COSI.

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EMPACT TERMS OF REFERENCE

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1. EMPACT

1.1. Introduction

On 8 March 2021, the Council agreed on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+1.

This multi-annual EMPACT cycle aims to tackle the most significant threats posed by organised and serious international crime to the EU in a coherent and methodological manner by improving and strengthening cooperation between the EU Member States, institutions, bodies and agencies, as well as with third countries and organisations, including other public authorities and the private sector where relevant.

Its key features are:

- The intelligence-led approach based on a future-oriented and targeted approach to crime control, focusing upon the identification, analysis and 'management' of persistent and developing 'problems' or 'risks' of crime.
- The integrated character: best using and aligning the complementary contributions of all multidisciplinary and multi-agency actors from Member States, EU institutions, bodies and agencies, relevant third countries and organisations (public and private) in a partnership approach.
- The multidisciplinary, integrated and integral approach: addressing all levels at which the phenomenon can be influenced by using measures and actions both of a preventive and a repressive nature, as well as proactive and reactive measures, both of a strategic (trying to impact the threat) and operational nature (trying to impact the organised crime groups/networks and criminals).

Council conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+ (6481/21). The term 'EU Policy cycle for organised and serious international crime' was replaced with the single term 'EMPACT' (European Multidisciplinary Platform Against Criminal Threats). Therefore, the remainder of this document refers solely to 'EMPACT'.

1.2. Steps

EMPACT consists of four steps as set out below:

Step 1

- Policy development on the basis of a European Union Serious and Organised Crime Threat
 Assessment (EU SOCTA) which must provide for a complete and thorough picture of
 criminal threats impacting the European Union.
- Considering the rapidly evolving nature of crime, Europol, in cooperation with Member States and relevant EU agencies, further prepares a mid-term review of new, changing or emerging threats, whilst paying attention to the agreed EU crime priorities, in an interim report to the Council.

Step 2

- The Standing Committee on Operational Cooperation on Internal Security (COSI) prepares on the basis of the Policy Advisory Document (PAD), based on the EU SOCTA and considering other strategic papers, assessments and policies, a limited number of priorities, that are defined in Council conclusions.
- COSI invites the Member States to drive, co-drive and participate in the relevant crime priorities and in the next steps, as set out below, in cooperation with the relevant EU institutions, bodies and agencies.
- A General Multi-Annual Strategic Plan (G-MASP) containing Common Horizontal Strategic Goals (CHSGs) for all OAPs is developed in order to improve consistency and achieve a multidisciplinary, integrated and integral (covering preventive and repressive measures as well as training) approach to effectively address the prioritised threats.
- The G-MASP with CHSGs is adopted by COSI or the COSI Support Group.

Step 3

- Development, implementation and monitoring of biennial² operational action plans (OAPs), that need to be aligned with the CHSGs as determined in the G-MASP, to address the prioritised threats.
- The OAPs may contain additional targeted strategic goals (ATSGs) tailored to the priority's specific needs.
- The OAPs may contain actions that, where necessary and justified, would last less or longer than two years. Some actions may address more than one strategic goal.
- COSI / COSI Support Group validates the biennial OAPs.
- Member States should integrate the relevant actions developed in the OAPs into their national planning and allocate appropriate resources to support a common EU approach.
- The relevant EU agencies should commit to implementing the actions developed within EMPACT into their annual work programmes and to making specific budgetary provisions.
- The relevant EU networks/expert groups should commit to supporting and strengthening the EMPACT instrument and the implementation of the OAPs in their work programmes.
- COSI monitors the progress of the OAPs, inter alia based on Europol's findings on the implementation of the OAPs, reports by the Drivers, CHSG Coordinators and the National EMPACT Coordinators (NEC) meeting³. Europol's findings on the implementation of OAPs will take into account the monitoring by the EMPACT Support Team (EST) and will include e.g. a summary of highlights, challenges and an illustrative table of the status of and participants in the actions⁴.

Covering 2 years.

There will be two Drivers light reports (usually in September of the first OAP implementation year and March of the second OAP implementation year) and one comprehensive report (usually in March of the year following the OAP implementation). The CHSG coordinators will report at the same time as the Drivers. The reporting templates are included in the EMPACT 2022+ reporting mechanism. The exact deadlines depend on the Presidency 'Timeline for EMPACT'.

⁴ For more details see "EMPACT 2022 reporting mechanism", doc. 12134/2/22.

The priorities, CHSGs and, where relevant, also ATSGs included in the OAPs can be revised in light of the mid-term review of new, changing and emerging threats.

Step 4

- At the end of each EMPACT cycle, an independent evaluation is conducted to assess the implementation of EMPACT and its outcomes, including the assessment of the achievement of CHSGs and ATSGs. The results are transmitted to the Council, which then makes an informed policy decision, and will serve as guidance for the next EMPACT cycle.
- The Commission is entrusted to conduct this evaluation and consults Member States' and EU agencies in COSI on the development of the mechanism for the independent evaluation, taking into account past experiences.

Emergency situations/threats

• In order to respond to the emergency situations/threats, the actions can be adjusted or new actions can be added during the implementation of the OAPs.⁵

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⁵ For additional details see the chapter 1.3.2 on OAP development.

1.3. Developing and managing an OAP

The purpose of the OAP is to provide an opportunity for core actors⁶ and partners⁷ to plan activities in a collaborative manner, within a multinational and multidisciplinary environment involving EU and non-EU parties as well as law enforcement and non-law enforcement actors. The OAPs are developed biennially under the leadership of the respective OAP Driver, within a drafting process facilitated by the EST.

In order for action under the OAPs to be managed in an efficient and effective manner, the main points are listed below.

1.3.1. General aspects

- start with a state of play of the crime phenomenon/threat and of the existing initiatives to address the phenomenon/threat;⁸
- if required, where intelligence gaps are identified in the available relevant strategic material,
 have Europol (and/or the most relevant EU agency) formulate a focused EU intelligence
 requirement to fill the gaps;
- following the guidelines on designing SMART key performance indicators (KPIs), set tangible and measurable operational objectives/targets before starting the actions;
- agree on the tasks and responsibilities of all participants;
- ensure clear nominations from all core actors and partners
- ensure the actions are run within their timeframe and are followed up in a proper manner;

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⁶ Core actors are the EU Member States, relevant EU institutions, bodies and agencies.

Partners are third countries, international organisations and other partners (e.g. EU networks/expert groups, CSDP missions, private companies).

The EU SOCTA and the strategic element guiding the operational focus of the OAP may be used as a basis or starting point.

- ensure proper reporting to the NEC meeting, following the templates and the reporting mechanism;
- guarantee a good coordination and integration of EU Funded projects within the OAP;
- raise awareness in the Member States on how the actions are run;
- properly address interdependencies between linked priorities and OAPs;
- where appropriate, ensure that contacts are made with Eurojust at an early stage, to safeguard that necessary actions are taken in order to create the best conditions for a successful judicial response;
- ensure that the necessary contacts are made with relevant third countries, international
 organisations and other partners about common objectives in the implementation of the OAPs.

It is strongly recommended that Member States, the Commission, the EEAS and the EU agencies make specific budgetary provisions for the planning and implementation of the OAPs in their respective budget planning cycles.

The number of OAPs per EU crime priority is determined in the Council conclusions establishing the EU crime priorities for EMPACT.

Where the mid-term review of new, changing and emerging threats finds a significant change to the criminal landscape and Member States deem it necessary to introduce a new and/or amend existing CHSG, ATSG, priority, or OAP, this will be brought to COSI for discussion/approval. If agreed upon, the new priority and/or OAP will be submitted to the Council for approval.

1.3.2. OAP development

On behalf of the Drivers, the EST sends invitations to the OAP participants, in order to propose operational actions (OAs) following the template with the identified CHSGs.

Proposals for OAs and volunteers for Action Leaders (ALs) are collected by the EST and subsequently reviewed by the Drivers⁹. Each Driver consolidates the proposals per OAP. Following the assessment of operational needs and with the agreement of all participating Member States, the Driver confirms whether an OA proposal received from a partner is accepted¹⁰.

The expressions of interest in participating in OAs are collected by the EST and presented to the Driver and ALs. The Driver and relevant AL subsequently confirm whether an offer from a partner to participate in an OA is accepted.

The EST can also involve the Europol partners¹¹:

- In prior consultation and agreement with the Driver¹², third countries with an operational or strategic agreement or working arrangement with Europol can be invited to propose OA(s).
- In prior consultation and agreement with the Driver¹³, third countries with an operational or strategic agreement or working arrangement with Europol can be invited to express their interest in participating in one or several OA(s).

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At the request of the Driver, the EST can forward the Driver the initial ('raw') input for the respective OAP.

¹⁰ Chapters 2.1.7 and 2.4 outline further details regarding when a partner can assume the role of AL.

A list of Europol partners is available at www.europol.europa.eu, where the available infrastructure, in particular SIENA and a Liaison Bureau, will be taken into account.

When the Driver is not yet identified, the EST can invite all third countries with an operational agreement.

When the Driver is not yet identified, the EST can invite all third countries with an operational or strategic agreement or working arrangement.

Drivers or ALs (in agreement with the Driver) may invite other partners, for example the LEWP affiliated networks/expert groups, third countries outside the Europol network of partners, public bodies, or international organisations, to propose and/or express interest in participating in OAs, whilst paying due attention to constraints regarding information sharing¹⁴.

Drivers and AL ensure the completeness of all required elements of the OAs.

The Driver presents an OAP draft on behalf of the actors participating in the OAP.

In case of emergency situations/threats the EST, following the invitation from COSI/COSI SG, requests the Drivers to consider the adjustment of existing OAs or proposals of new OAs. The Drivers consult the OAP group and send the proposals for amendments of existing OAs or new OAs to EST. In case of new OA(s) the template has to be followed and the Driver should also indicate the OA participants. COSI/COSI SG adopts the revised OAP, including the amended OAs/new OAs in fast-track procedure.

In case of emerging situation/threat seriously affecting a specific OAP, the Driver can in exceptional cases based on new intelligence¹⁵ and in agreement with the OAP group, propose amendments of existing OAs or the creation of a new OA(s). In case of new OA(s) the template has to be followed and the Driver should also indicate the OA participants. The proposals are sent to EST. COSI/COSI SG adopts the revised OAP, including the amended OAs/new OAs in a fast-track procedure.

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See paragraphs 2 and 3 of this chapter for details regarding when a partner can assume the role of AL and/or action participant, as well as chapters 2.1.7 and 2.4 for further information.

For example, threat assessment, early warning notification etc.

1.3.3. OAP follow-up and sharing with partners

Requests for changes related to participation in OAs are collected by the EST, which ensures that the relevant ALs and Drivers are informed, should a change be requested by a core actor. Their approval will also be sought if a partner is to be added.

The EST informs the General Secretariat of the Council of the European Union about the changes.

Europol can share an OAP (or part of it) with partners¹⁶.

1.3.4. OAP meetings

Europol funds¹⁷ and provides support to the OAP fine-tuning meetings and OAP kick-off meetings, in consultation with the Driver. In addition, the Driver may convene up to two additional strategic meetings every year or take advantage of the support offered to the Driver by other EU agencies.¹⁸ Additional OAP implementation meetings may be organised.¹⁹

1.3.5. Horizontal coordination drafting and execution of OAPs

To ensure coherence in the development and implementation of OAPs, the Drivers and ALs of the OAPs, in cooperation with the Coordinators of CHSGs and NECs, will use a cooperative and complementary working method aimed at ensuring a fluid exchange of information, solving possible overlaps and fragmentation of efforts and fostering synergies between actions under EMPACT priorities. Respecting the roles of all stakeholders, it is important that the chosen way forward is based on mutual agreement and the most effective common support to criminal investigations and operations is pursued.

The rules for sharing OAPs with third countries are set out in 15870/22. The sharing of OAPs has to be done on a case-by-case basis and in compliance with the information management/data protection rules.

These meetings are funded by Europol's own budget.

Such meetings will be funded by Europol's or the volunteering Agency's budget.

Physical or online, the number of meetings depends on the available resources.

1.4. JADs

Joint Action Days (JADs²⁰) target criminal networks affecting the EU by addressing one or more strategic, horizontal or geographic aspects of a crime related to multiple priority crime areas as defined in EMPACT.

JADs are a Member-State intelligence-led initiative supported or coordinated by relevant JHA agencies (in particular by Europol and Frontex) that take place within the EMPACT framework.

OAs of the OAPs can be implemented as an EMPACT action day (when affecting only a particular EMPACT priority) or as another form of action day(s), should it not qualify as a JAD.

The JAD results are evaluated and reported within the EMPACT reporting mechanism.

The JAD concept is prepared annually by Europol in coordination with Frontex and in consultation with the EU MS and other relevant EU agencies and bodies after seeking strategic guidance from COSI.

1.5. Fact sheets of results and promotional materials

EMPACT has improved law enforcement cooperation between both core actors and partners. It has led to an enhanced sharing of information, criminal intelligence and good practices, and has fostered a number of joint investigations and operations.

Furthermore, coordinated activities within EMPACT have led to operational results in countering organised crime groups and other criminal networks and their activities, for example, launching investigations and arresting suspected perpetrators, seizing goods or identifying victims²¹.

These positive results deserve to be highlighted and made available both at national and EU level in order to give visibility to the benefits that EMPACT is generating in reducing levels of organised and serious international crime.

See 11992/20 - Final report of the evaluation study on the EU Policy Cycle for serious international and organised crime/EMPACT 2018-2021.

A definition of a JAD is set out in 5167/17.

²¹

Annual fact sheets per OAP (mid-term and comprehensive), as well as a biennial summary fact sheet covering all OAPs are prepared by Europol as public information, after consulting the respective Driver to share the main operational results of EMPACT activities. In addition, Europol, in coordination with the respective JAD Coordinators, prepares the annual fact sheet dedicated to JADs. The fact sheets are based on structured and relevant data collected in the Drivers' reports and JAD Coordinators' reports according to the EMPACT reporting mechanism.

EMPACT stakeholders are encouraged to publish the annual EMPACT factsheets of results on their respective official websites.

A promotional video and relevant infographics are prepared in order to enhance the visibility of the results achieved.

1.6. Training

In pursuing action 14 of the Timeline - EMPACT 2022-2025²², a training and awareness package about the EMPACT framework will be developed and delivered by CEPOL in cooperation with JHA agencies and other experts.

Training activities aim to:

- increase knowledge of the EMPACT mechanism and the role and responsibilities of involved actors;
- contribute to specific OAPs with relevant training actions (with residential and online training events, exchange programme and similar).

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The main activities promoting the EMPACT mechanism will be:

- residential workshop(s), e-lessons and webinars for NECs, NEC administrative units, Drivers,
 Co-Drivers and Action Leaders, related to the management of EMPACT priorities, focusing
 on funding and implementation of OAPs at different levels, depending on the actors involved;
- workshops for Drivers and Co-Drivers. Among other objectives, these events will allow
 Drivers and co-Drivers to meet with each other and the relevant stakeholders;
- an online module for law enforcement personnel in Member States;
- information material for Member States to be used at national level (for translation);
- a collection of 'good practices' from Member States and EU agencies already identified in the previous cycle(s).

The content of the activities will cover:

- better selection of participants (right profile);
- improving the quality of the process (formulation of strategic goals and operational actions);
- better project management (reporting, communication);
- raising awareness about available EU financial resources (information package) and access to funding opportunities (for instance drafting an application);
- thorough knowledge of the relevant EMPACT documents and their implementation, in
 particular the Terms of Reference; templates and the guidelines on designing SMART KPIs.

Each OAP participant, prior to attending an OAP workshop, will have the opportunity to familiarise him/herself with EMPACT via the online module.

1.7. Communication

The EMPACT Joint Communication Strategy²³ (strategy) aims to set out the main elements for a joint communication approach to raise awareness of EU efforts to fight organised and serious international crime and to strengthen the visibility of EMPACT.

Other objectives of the strategy are to improve communication, to contribute to the visibility of the operational results (including the factsheets), to strengthen the identity of EMPACT as the EU flagship instrument against serious and organised crime, and to support active involvement of stakeholders in its activities.

Communication contact points were appointed for each EU Member State, EU agency, and institution and form the EMPACT Communicators' Network that meets annually²⁴.

The strategy will be evaluated annually and at the end of the EMPACT cycle.

EMPACT communication will use a common set of messages and include references and links to information about the role of all stakeholders involved. It is digital and audio-visual. All stakeholders will always use a single brand name ('EMPACT') and logo, including for the JADs, as well as the hashtag #EMPACT, where appropriate. These elements must be used consistently in all relevant materials to promote and illustrate the impact of EMPACT.

The language must be accessible (avoiding jargon and abbreviations) and wherever possible be multilingual. The communication should be focused on having an impact by highlighting EMPACT activities, where human stories are linked to operational performance and success.

Each stakeholder at EU and national level, will devise their own communication planning considering their level of activities in EMPACT and main audiences.

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The meetings are hosted and funded by EU agencies on a rotating principle following the agreement of the network.

2. Core actors and partners, roles and responsibilities

2.1. Core actors - EU Member States

The EU Member States are the key actors of EMPACT. Their role is performed at various levels: COSI, NEC, OAP participant, Coordinator of CHSG, Driver, Co-Driver and OA Action Leader, Co-Leader or participant.

2.1.1. COSI

Alongside its role in policy setting, implementation and monitoring of EMPACT (see chapter 1.2), COSI closely evaluates the implementation of the OAPs, including the participation of Member States and other actors in order to ensure commitment and the required allocation of human and financial resources. These tasks are facilitated by the regular input provided by Europol.

The Council conclusions on the permanent continuation of the EU Policy Cycle: EMPACT 2022+²⁵ also set out the framework of responsibilities for COSI with regard to its role in EMPACT.

2.1.2. National EMPACT Coordinators (NECs)

(a) Nomination

Every Member State appoints a 'National EMPACT Coordinator' (NEC) under its national competence. The appointment is notified by the Europol Liaison Bureau of the respective Member State to the EST which maintains a list of NECs. If the position becomes vacant, the respective Member State appoints, without delay, a new representative as NEC.

The other core actors (EU institutions, bodies and agencies) shall appoint an EMPACT Coordinator and notify the EST²⁶. Moreover, partners are also encouraged to appoint an EMPACT Coordinator and notify the EST (see further details in chapter 2.4).

Each NEC shall have an alternate, who shall be appointed taking into account the same criteria. The alternate NEC shall represent the NEC in his or her absence.

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Where applicable, the same profile, rules and responsibilities as mentioned further in this chapter apply also for the EMPACT Coordinator from the EU institution, body or agency.

(b) Profile

The NEC is a senior officer with strategic command who has the authority to ensure the implementation of EMPACT in his or her country. This person must remain fully informed and retain an overall responsibility for the Member State's commitment to EMPACT. As national coordination is a key success factor for the OAPs, it is recommended that the NECs are in the position to dedicate a significant part of their working time to EMPACT matters and get sufficient support at national level.

(c) Task and responsibilities

The NEC has a horizontal coordination function at national level since he or she is responsible for aligning the Member State's involvement and contributions to all OAPs in which the Member State participates, and for promoting multidisciplinary cooperation between law enforcement authorities and non-law enforcement partners, including other public authorities and the private sector. In addition, he or she has to ensure that the national authorities are regularly informed about all OAPs, including those in which the respective Member State does not participate.

Each NEC has to ensure the implementation of COSI decisions and recommendations in relation to EMPACT in their Member State, and has to coordinate the allocation of the required human and financial resources and ensure the empowerment of the OAP participant(s) from the Member States. Therefore it is important that the NEC is (in a position to be) in close contact with the hierarchy of competent national authorities (e.g. Police Chief, Chief Prosecutor, Customs Director), so that problems (e.g. lack of commitment or cooperation from other national authorities) can be discussed and solved as soon as possible.

Before the announcement at COSI or the COSI Support Group by a Member State that it intends to join an OAP, the NEC of that Member State ensures that:

- the threat is indeed a problem which deserves specific attention in his or her Member State;
- the possibility to allocate the adequate human and financial resources is assessed positively;
- national competent authorities, where relevant, apply for, use and manage EMPACT grants in a sound and efficient way;

- the right person can be found to participate in the OAP, i.e. someone with the necessary expertise who is in a position to represent the Member State and has the authority to decide on operational initiatives, and the possibility to identify investigations/cases which are relevant to the OAP, to gather all relevant data to contribute to Europol's Analysis Projects and to access the Secure Information Exchange Network Application (SIENA).

During the OAP development, the NEC ensures that:

- proposals for OAs are coordinated at national level;
- participation in OAs is coordinated at national level;
- input and engagement of all relevant law enforcement and, where relevant, also non-law enforcement actors are coordinated at national level;

During the implementation of the OAP, the NEC ensures that:

- the OAP Drivers, Co-Drivers, Action (Co-)Leaders and other participants from the respective
 Member State have the time and the resources needed to fulfil their role as well as access to
 SIENA and other relevant communication or information exchange tools;
- the role of the abovementioned actors is duly recognised at national level;
- there are solid communication possibilities between the NEC and all national OAP participants from the respective Member State, so that problems can be discussed and solved as soon as possible (e.g. obstruction by a higher level, lack of commitment or cooperation from other national authorities, etc.);
- the national ALs provide the required reports on time;
- the required awareness about EMPACT and its benefits to the EU and the Member States is raised at national level, including with the bilateral liaison officers posted in the targeted areas and with the judicial and other relevant national authorities;
- the national list of OAP participants and OA participation is maintained;
- there is communication with the media to raise awareness on EMPACT.

(d) Meetings

Every six months the Presidency chairs a NEC meeting which is facilitated and hosted by Europol. If agreed by the Presidency, the meeting can be also hosted by another JHA agency. Exceptionally and if agreed by the Presidency, the meeting can be organised via video conference.

The objectives of these meetings are to:

- monitor the progress of OAPs based on the reporting by the Drivers and Action Leaders;
- assess the draft OAPs before submitting them to COSI / COSI Support Group for approval;
- address, discuss and solve problems identified by the Drivers or through the regular monitoring by the EST;
- consider issues of general relevance for the successful implementation of the OAPs, in particular with regard to multidisciplinary cooperation and coordination across OAPs including JADs;
- based on monitoring, recommend actions to COSI in order to improve EMPACT processes or adjust individual OAPs;
- after two years of implementing OAPs, prepare, based on the reports from the Drivers and strategic input from COSI and according to the reporting mechanism, an assessment of the results of the actions to measure the degree in which the strategic goals have been achieved, for consideration by COSI;
- address any other issues as instructed by COSI.

The monitoring by the NECs is organised on behalf of COSI and therefore the outcome of these meetings is reported every six months by the Presidency to COSI.

A written procedure can also be part of a meeting.

The following actors are invited to attend these meetings:

- National/Agencies' EMPACT Coordinators;
- Drivers of the OAPs;
- Coordinators of CHSGs;
- the Chair of the COSI Support Group;
- the General Secretariat of the Council;
- the European Commission services;
- the EEAS;
- Europol, in particular the EST, the Grant Administration Team and Analysis Projects Contact
 Points (AP CPs);
- other EU JHA agencies participating in the OAPs.

The Presidency may decide to invite Co-Drivers, representatives of other Union bodies and Council structures (e.g. COSI Support Group, LEWP - police and customs format, EU networks/expert groups of practitioners), and Member States' experts on specific topics to relevant parts of the meetings. Furthermore, where justified, partners might be invited to a dedicated part of the NEC meeting (for further details see chapter 2.4).

2.1.3. OAP participant

(a) Nomination

The decision of a relevant actor to join an OAP is notified by the COSI SG/JHA Counsellor of the respective Member State or the equivalent representative of an EU agency or institution/body to COSI or the COSI Support Group. The General Secretariat of the Council regularly issues an updated list of core actors (EU Member States, institutions/bodies and agencies participating in the OAPs), which indicates the role of these actors (Driver, Co-Driver) and OAP participation. In addition the EST provides a list of all entities participating in the OAP for the specific year, including their roles (Action Leader, Action Co-Leader, OA participant).

Member States joining an OAP should join the relevant Europol Analysis Project at the same time if not already a member.

The Commission may also join an OAP notably where it would bring added value to OAs, for instance in identifying legislative, policy and strategic developments to be pursued, in supporting the planning of operational actions or preparatory phases of JADs, in supporting cooperation with non-EU partners, in developing training or innovative solutions, or in raising awareness about existing possibilities for financing and actions (etc.). The Commission (with the exception of OLAF acting within its competence) shall nevertheless not be involved in investigative activities, entailing the exchange of personal information within the framework of specific investigations, or in specific cases such as gathering of evidence or investigative measures and consequently should not receive operational (investigative) information. The Commission shall notify the GSC of its interest to join an OAP.

Every relevant actor participating in an OAP appoints a representative as an OAP participant. If the position becomes vacant, the relevant actor appoints a new representative as an OAP participant without delay. The NEC coordinates and maintains the national overview of OAP participation.

(b) Profile

The OAP participant represents his or her Member State in the OAP. The participant has to be an expert who is committed and empowered by his or her national authorities to actively contribute to the development and implementation of the OAP. If needed, the OAP participant is expected to be willing to lead and/or co-lead at least one operational action of the OAP.

It is crucial that:

- there are communication lines between the competent national authorities (e.g. Police Chief, Chief Prosecutor, Customs Director) and the participant, so that problems can be discussed and solved as soon as possible (e.g. lack of commitment or cooperation from other national authorities);
- the participant is supported by his or her management to follow up at national level on what
 was agreed during the meeting of the OAP group;
- the participant has access to Europol's Secure Information Exchange Network Application (SIENA) and is fully aware of all existing relevant communication tools to ensure a swift flow of information with the other participants;
- there is continuity in the participants, who take lessons back to the national level and use their experience. If the participant has to be replaced in exceptional cases, he or she has to make sure that his or her successor is fully briefed about the OAP's past.

With the support of the NEC, the OAP participant:

- is in a position to ensure proper implementation through the competent authorities (being able to steer operations, to collect the relevant information about ongoing investigations and send it as a contribution to the Europol Analysis Project, to start operational initiatives, etc.); and
- can engage the required human and financial resources.

(c) Tasks and responsibilities

It is the responsibility of the OAP participants to:

- contribute to the OAP development and coordinate the OAP implementation at Member
 State/EU agency/institution level;
- inform the NECs and relevant national units, the Driver and Europol about initiatives,
 responsibilities at national level and developments relevant to the OAP; and
- inform the Driver and the EST about what is being done at national/agency/institution level to implement the OAs.

2.1.4. Coordinator of a Common Horizontal Strategic Goal

(a) Nomination

Following the design and endorsement of the CHSGs, an EU Member State or an EU institution/body/agency or EU network/expert group participating in an OAP may decide to nominate a representative to act as 'coordinator of a CHSG'. After agreement by COSI, the appointment is notified to the EST who in turn informs all Drivers and NECs of this appointment and maintains a regularly updated list of coordinators. There should only be one coordinator per CHSG, who may be assisted by one alternate.

The Member States may also agree to appoint the Commission as coordinator of a CHSG. However, the Commission (with exception of OLAF acting within its competence) shall not coordinate investigative activities, entailing the exchange of personal information with the framework of specific investigations, or the gathering of evidence or investigative measures and consequently shall not receive any operational (investigative) information.

(b) Profile

The coordinator of a CHSG should be able to liaise and provide consultancy/advice to the Driver. The coordinator should also be able to fulfil these roles with Co-Drivers and Action Leaders (with the involvement of the Driver), and NECs. The coordinators will be required to have specific skills and competence in the field of the respective CHSG, a long-term and 'big-picture' approach, as well as an overall sound understanding of how EMPACT activities and OAPs are performed. If possible, EU institutions/bodies/agencies or EU networks/expert groups should be encouraged to be the coordinator of CHSGs, when appropriate taking into account their unique positioning.

- (c) The tasks and responsibilities of the coordinators would be to:
- liaise with and support the various Drivers/Co-Drivers on all issues related to the successful implementation of common initiatives and horizontal strategic goals, together with the ALs and the OAP group;
- support the Drivers/Co-Drivers/ALs in keeping close contacts with the participating Member
 States and EU agencies on the integration of the strategic goals developed in EMPACT into
 their national planning and the EU agencies' annual work programmes;
- participate in the drafting process providing specialised knowledge to Drivers/Co-Driver,
 proposing possible actions which could be developed in the OAPs to implement the CHSG,
 giving advice, identifying possible overlaps or already existing projects, programmes,
 providing input on the proposals for OAs;
- advise Drivers/Co-Drivers/Action Leaders on the involvement of specialised and multidisciplinary/multi-agency expertise;
- coordinate the implementation of the respective CHSG across all crime priorities in order to ensure coherence and alignment;

- advise Drivers/Co-Drivers/ALs on defining the KPIs of the OAs in line with the respective CHSG KPIs;
- identify and share examples of good practices in the implementation of CHSGs across the crime priorities;
- contribute with the relevant stakeholders, to the independent evaluation of EMPACT,
 especially on the assessment of the achievement of CHSGs and ATSGs;
- bring any important issues which might jeopardise the implementation of the CHSG he or she
 is overseeing to the attention of EST/Drivers/NECs.
- Report, following the CHSG coordinator template, on the overall achievement of the CHSGs.

2.1.5. OAP Driver

(a) Nomination

A representative of the leading Member State chairs the OAP. After agreement by COSI on the Member State leading an OAP, the respective Member State appoints a representative to chair the OAP as Driver.

Ideally, the Driver when carrying out her/his tasks should be supported at national level by a team and endowed with adequate resources within her/his agency structure. EST will support the newly appointed Drivers by providing them with the first step guide for Drivers and the access to Europol Platform for Experts (EPE). CEPOL will provide the new Driver with the information about available CEPOL EMPACT training.

The appointment is notified by NEC through the Europol Liaison Bureau of the respective Member State to the EST that maintains a regularly updated list of Drivers. If the position becomes vacant, the leading Member State appoints a new representative as Driver without delay.

(b) Profile

The Driver needs to have strong leadership and communication skills and sufficient competences to manage an OAP. It is important to consider the time demands such a role will entail and the fact that Drivers are seldom in the position to deal with EMPACT matters on a full-time basis. Tasks and responsibilities

It is the responsibility of the Driver to:

- draw up the OAP, together with the OAP group;
- coordinate and manage the OAP, supported by Co-Drivers;
- implement the OAP, together with the OAP group;
- delegate the leadership of specific OAs to the ALs;
- monitor the implementation of OAs and maintain the list of ALs;
- chair the meetings of the OAP group;
- contact the relevant NECs in case of different interpretations between participants in an OAP;
- provide expertise in matters related to her/his crime priority (OAP) where/when required;
- keep close contacts with participating Member States in particular the NECs, and EU agencies
 on the integration of the OAs developed in the OAPs into their national planning and the EU
 agencies' annual work programmes;
- Liaise with the support of CHSG Coordinators, where relevant, with Drivers/Co-Drivers of other relevant OAPs, to streamline the coordination on cross-cutting issues, including on the planning of JADs;
- liaise with the CHSG Coordinators, involve them in the OAP drafting process, definition of KPIs and support them in the implementation of their respective CHSG;

- coordinate the data collection mechanism on operational results, with support from Europol;
- report, in line with the reporting mechanism, on the progress of the OAP via the EST to the NECs and share this report with the CHSG coordinators. This report will cover the state of play of OAs and their results and will assess the achievement of KPIs based on the reports received from the ALs and making use of possible IT functionalities, including automated reporting tools, further developed for this purpose. The deadline for the reports is set out in the 'Timeline for EMPACT' document which is issued every six months by the General Secretariat of the Council;
- coordinate Grant requests for funding in support of the implementation of operational actions
 and ensure that the requests are in line with the priorities set up in the respective OAPs;
- consider the relevant cooperation with third countries and parties and involve them in meetings and actions under the operational action, whenever appropriate;
- foster the involvement of different relevant actors and coordination with EU and international initiatives;
- foster media communication on his or her OAP according to the EMPACT Joint
 Communication Strategy;
- facilitate the handover between the incoming and outgoing Driver to ensure the continuity within OAP.

(c) Meetings of the OAP group

The Driver chairs the meetings of his or her OAP group as well as the meetings of Als. The EST, facilitates the meeting in consultation with the Driver.

The meetings of the OAP group are as a rule chaired by the Driver. In case of his or her absence, the Driver may nominate a representative of his or her own Member State or a Co-Driver to chair a meeting on his or her behalf. The following persons are invited to attend these meetings:

- one representative per participating Member State including Co-Drivers and ALs. In exceptional cases, additional participation could be considered, taking into account possible limitations of space and funding;
- Europol, in particular the EST facilitating the meeting and the Analysis Project contact person;
- representatives of the core actors participating in the OAP;
- CHSG Coordinators;
- the Driver may invite representatives of other EU bodies or Council structures (e.g. LEWP –
 both police and customs format) and Member States experts' on specific topics to relevant parts of the meetings;
- where relevant according to the identified threats and operational needs the Driver may invite representatives of the partners²⁷.

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The Driver will indicate for which part(s) of the OAP meeting their presence is requested for the discussion and implementation of operational actions.

2.1.6. OAP Co-Driver

(a) Nomination

A Member State or an EU agency participating in an OAP may decide to nominate and appoint a representative as Co-Driver after agreement of COSI. The appointment is notified by NEC through the Europol Liaison Bureau of the respective Member State or by the agency to the EST that informs the Driver of this appointment and maintains a regularly updated list of Co-Drivers. The recommended number of Co-Drivers is between one and three, and if possible, at least one of them should be from a Member State.

(b) Profile

As the Co-Driver can temporarily replace the Driver in case of his or her absence, he or she needs to have similar skills and competences to manage an OAP.

The Co-Driver should demonstrate strong commitment in the development of the OAP and is expected to be willing to lead and/or co-lead, at least one OA of the OAP.

(c) Tasks and responsibilities

Where a Co-Driver or several Co-Drivers is/are appointed in an OAP, it is their responsibility to:

- liaise with and support the Driver on all issues related to the successful implementation of the
 OAP together with the ALs and the OAP group;
- oversee, on behalf of the Driver, the implementation of (one or several) strategic goal(s) in
 order to ensure proper monitoring and timely reporting of the results by the respective ALs;
- chair and coordinate meetings on the Driver's behalf;
- support to draw up the OAP together with the OAP group;
- support the Driver in keeping close contacts with the participating Member States and EU
 agencies on the integration of the OAs developed in the OAPs into their national planning and
 the EU agencies' annual work programme;
- liaise, where relevant, with or on behalf of the Driver on cross-cutting issues with Drivers/Co-Drivers of other relevant OAPs including on the planning of JADs;
- assist the Driver in his or her responsibility to report via the EST to the NECs within the deadline and in line with the reporting mechanism;
- carry out specific tasks on behalf of the Driver such as dealing with funding issues,
 multidisciplinary cooperation or managing specific parts of the OAP, including supervising
 certain types of actions or arrangements or groups OAs.

2.1.7. Action Leader (AL)

(a) Nomination

For every OA, an AL from a volunteering Member State or EU agency participating in an OAP shall be appointed and notified to the Driver.

The Driver may also agree to appoint the Commission as AL, under the responsibility of the Driver. However, the Commission (with exception of OLAF acting within its competence) shall not lead investigative activities, entailing the exchange of personal information with the framework of specific investigations, or the gathering of evidence or investigative measures and consequently shall not receive any operational (investigative) information.

If operational needs require it and all participating Member States agree, the Driver may delegate the leadership of a specific OA to a partner.

Drivers and Co-Drivers can be ALs at the same time.

The overview of ALs (per country, agency, institution) is maintained by the NECs. The overview of ALs per OAP is maintained by the Driver. If the position becomes vacant, the respective core actor or partner appoints without delay a new representative as AL and notifies the Driver.

ALs may be supported by Action Co-Leaders from core actors or partners.

(b) Profile

The AL should demonstrate strong leadership and get sufficient support at national level or from the agency to safeguard the execution of the activities under the OA. He or she should have sufficient skills, expertise and competences to lead an OA. High-quality reporting from ALs to the Drivers is a key tool to measure the progress made and to assess the impact of the OAs.

(c) Tasks and responsibilities

On behalf of the Driver, it is the responsibility of the AL to:

- draft plans for OA, which will include activities for the development of the OA;
- ensure the implementation of the activities under the OA, including financial management when funded and with regard to the achievement of KPIs/goals;
- follow up/monitor timelines and deadlines of the OA;
- maintain communication with the action participants and relevant stakeholders in the OA;
- organise and chair meetings in relation to the OA;
- liaise, in coordination with the Driver, with the respective CHSG Coordinator to facilitate the implementation of the corresponding CHSG;
- contribute to the overall OAP objectives from the perspective of her/his OA, when relevant;
- provide, following the AL template, input for the Driver's reporting, including operational results, an assessment of the operational action against KPIs and information about follow-up activities in the participating Member States and EU agencies.

2.1.8. Action Co-leader

Action Co-leader is not a mandatory function. It is up to the AL, in cooperation with the OA participants, to decide if Action Co-leader(s) are required.

(a) Nomination

The Action Co-leader is nominated from a volunteering Member State or EU agency. The appointment shall be notified to the Driver.

The AL may also agree to appoint the Commission as Action Co-leader, under the responsibility of the Driver. However, the Commission (with exception of OLAF acting within its competence) shall not lead investigative activities, entailing the exchange of personal information with the framework of specific investigations, or the gathering of evidence or investigative measures and consequently shall not receive any operational (investigative) information.

If operational needs require it and all participating Member States agree, the AL may delegate the co-leadership of a specific OA to a participating partner.

The overview of Action Co-leaders (per country, agency, institution) is maintained by the NECs. The overview of Action Co-leaders per OAs is maintained by the AL and the Driver. If the position becomes vacant, the respective core actor or partner appoints without delay a new representative as Action Co-leader and notifies the AL and the Driver.

(b) Profile

As the Action Co-leader can temporarily replace the AL in case of his or her absence, he or she needs to have similar skills and competences to manage an OA.

(c) Task and responsibilities

In case of replacement of AL, the Action Co-Leader will act in coherence with the OA purpose and the AL instructions.

It is recommended that the Action Co-Leader's specific role is reflected in the OA, however the AL may agree on that with the Co-leader less formally.

On behalf of the AL, it is the responsibility of the Action Co-leader to:

- draft plans for OA/specific sub-action(s), which will include activities for the development of the OA;
- ensure the implementation of the activities under the OA/specific sub-action(s), including
 financial management when funded and with regard to the achievement of KPIs/goals;
- follow up/monitor timelines and deadlines of the OA/specific sub-action;
- maintain communication with the action participants and relevant stakeholders in the OA/specific sub-action;
- organise and chair meetings in relation to the OA/specific sub-action;
- provide input for the AL's reporting, including operational results, an assessment of the operational action/sub-action(s) against KPIs and information about follow-up activities in the participating Member States and EU agencies.

2.2. Core actors - Europol - additional specific support

Europol provides specific services for EMPACT through the EST, the Grant Administration Team and support from Analysis Projects.

2.2.1. EMPACT Support Team

The EMPACT Support Team is established at Europol and composed of Europol staff and seconded national experts. Additional national experts may be seconded by Member States to Europol to provide support to Drivers, in particular with regard to cross-priority coordination, JADs and the reporting mechanism.

The EST has the following roles and tasks:

- 1) To support the Drivers in the development and implementation of biennial OAPs:
- facilitating the OAP development process (such as distribution of invitations to submit proposals for OAs, on behalf of the Driver; processing of incoming proposals; distribution of pre-draft OAPs, facilitation of the OAP fine-tuning workshops);
- organising and coordinating the OAP-related meetings chaired by the Driver (agenda, invitation, minutes);
- providing methodological project support including on drafting and KPIs;
- acting as depositary for the OAPs;
- ensuring sharing of OAPs (or part of it) to partners²⁸;
- ensuring regular contact and liaison with the Drivers and Co-Drivers;
- organising Drivers' meetings to ensure a better coordination among them, CHSGs and the AP
 CPs and exchange of best practices;

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The rules for sharing OAPs with third countries are set out in 15870/22. The sharing of OAPs has to be done on a case-by-case basis and in compliance with the information management/data protection rules.

- encouraging and facilitating communication and collaboration between the OAPs having common goals and/or interdependencies and the implementation of common initiatives and horizontal strategic goals;
- preparing the 'Guide for Drivers' which will provide more detailed guidance on the Driver's role, in order to assist in the structured handover procedure and continuity of the Driver's position²⁹;
- monitoring the OAPs' progress;
- coordinating the reporting of the OAP Drivers which is based on reporting from ALs;
- supporting the identification of possible JADs;
- collecting data and ensure their coherence for the annual fact sheets about the results of the
 OAPs and the JADs based on the reporting mechanism;
- acting as depositary for the reports from ALs and Drivers that can be consulted by OAP participants to check the status of the OAs.
- sharing the ALs' reports with the CHSG Coordinators to enable their reporting.
- 2) To facilitate the NEC meetings:
- facilitating the preparation of the NEC meetings (together with the Presidency);
- collecting the Drivers' reports for discussion in the meeting of the NECs;
- drafting of Europol findings on the implementation of the OAPs;
- informing the NECs about issues of general relevance for the successful implementation of the OAPs, in particular with regard to multidisciplinary cooperation and coordination across OAPs including JADs.

Roadmap on the implementation of the recommendations of the independent evaluation of the EU Policy Cycle 2018 - 2021 (recommendation 4.3.), 13686/2/20.

- 3) To support the management of OAPs:
- maintaining an overview of participation in OAs including changes, and providing statistical information based on data collected in the OAPs;
- providing Drivers with a comprehensive overview of geographical or other areas covered by more than one OAP in order to allow them, supported by Co-Drivers, to assess whether there is scope for coordinated or joint actions or other joint activities;
- ensuring regular contacts and information with concerned EU institutions, bodies and agencies;
- maintaining a contact list of NECs, Drivers/Co-Drivers and Analysis Project contact persons;
- briefing new participants on the OAP and providing input for awareness-raising and learning activities;
- maintaining and keeping updated the EMPACT general platforms at the Europol Platform for Experts (EPE).

2.2.2. EMPACT grants

Europol manages EMPACT funding from the Europol budget, following the strategic guidance of COSI. Taking into account the role of COSI in monitoring EMPACT funding, Europol regularly informs COSI delegates, as well as NECs and Drivers, about the financial situation, the availability of funds and expected unspent funds and their possible use. EMPACT budget may not be used for other purposes than EMPACT activities without prior consultation of COSI or the COSI SG³⁰. All relevant information should be provided well in advance in order to allow COSI to take timely and informed decisions.

Unless duly justified, the unspent funds should be primarily reassigned to EMPACT activities.

Europol should, in line with the applicable rules, provide advice and guidance to the grant applicants. This concerns the administrative procedure, requirements, eligibility rules and reporting obligations.

EU MS applying as main applicant should meet all legal obligations in accordance with the Grant Decision/ Grant agreement provisions, with a particular focus on reporting obligations and related deadlines.

The assessment of the HVG/LVG implementation shall be done by the EST with the expert advice from the AP CPs.

Moreover, where relevant, Europol contributes to and supports the preparation/update of the funding opportunities information package together with the Commission, the EEAS and other relevant actors³¹.

2.2.3. Europol Analysis Projects

Each OAP group is to be supported by a designated Europol official who should act as the Analysis Project contact person (AP CP), especially regarding operational cooperation issues such as the effectiveness of the information and intelligence flow. Ideally, this designated Europol official should work for the concerned Analysis Project at Europol or be a senior expert with sufficient expertise in the concerned area at Europol.

In close contact with the Driver, Co-Drivers and ALs, the AP CP should:

- bring their expertise and advice on the relevant crime area, and present the overall crime
 picture according to intelligence-led findings at Europol;
- contribute to the OAP with concrete cases;
- be proactive and help and facilitate the OAP implementation process;

In this regard the new legal provisions linked to the EU Multi-annual Financial Framework (MFF) 2021-2027 relevant for EMPACT should be highlighted.

- contribute to the alignment between OAPs and Operational Task Forces (OTFs) and to the
 coordination of their operational development and financial management;
- support the OAP group by making available a state of play of the crime phenomenon and of existing initiatives to address it;
- support, in close cooperation with the Strategic Analysis Team at Europol, the sending out of intelligence requirements where necessary;
- be proactive in establishing direct contacts with the relevant investigation teams;
- address the Driver about Member States who fail to provide information to the relevant Europol Analysis Project;
- contribute to the planning of JADs, in particular through its involvement in the preparations of the common risk analysis/threat assessment and other relevant documents along with the AL;
- support the Driver in the management of the data collection mechanism.

2.3. Core actors - EU institutions, bodies, agencies

All relevant EU institutions, bodies and agencies (e.g. Europol, Eurojust, Frontex, CEPOL, EMCDDA, eu-LISA, EFCA, EUIPO etc.) should fully play their respective roles in order to achieve a genuine multi-disciplinary and multi- agency approach with all actors.

The Council conclusions on the permanent continuation of the EU Policy Cycle: EMPACT 2022+³² also set out the framework of responsibilities for the EU agencies, institutions and bodies related to their role in EMPACT. In particular, the agencies should commit in their annual work programmes to implement the actions developed within EMPACT.

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2.4. Partners - third countries, international organisations and other partners

A successful operational implementation of EMPACT must take into account the external dimension of internal security. Further developing cooperation with relevant third countries, in particular with Schengen associated states, international organisations and other partners who provide an added value to the operational implementation of EMPACT and contribute to raising awareness of EMPACT beyond the EU.

An important element to take into account for the involvement of partners is the existence of agreements on operational cooperation with Europol. The involvement of partners should comply with the applicable rules on exchanges of data, as set out notably in the Europol Regulation.

Partners can be invited to express their interest in becoming an OA participant, in particular the partners having an operational or strategic agreement or a working arrangement with Europol. Partners can also spontaneously express their interest in becoming an OA participant. Acceptance of their interest is to be confirmed by the relevant AL and OAP Driver³³.

Partners can be invited to propose an OA, in particular the partners having an operational agreement with Europol (including Schengen associated states).³⁴ Partners can also spontaneously express their willingness to lead or co-lead an operational action. Following the assessment of operational needs and with the agreement of all participating Member States, the Driver confirms whether an OA proposal received from a partner is accepted, and whether the Driver may delegate the leadership and/or co-leadership of a specific OA to a partner³⁵.

OAP meetings

Representatives of relevant partners, notably Schengen associated states, may participate in meetings of the OAPs (including those hosted by Europol), where relevant according to the identified threats and operational needs. They will be invited by the Driver. Partners can participate in the whole meeting with exception of the governance or policy-making discussion and decisions.

See also chapter 1.3.2 on OAP development.

See also chapter 1.3.2 on OAP development.

See also chapters 1.3.2 on OAP development and 2.1.7 on the Action Leader.

NEC meetings

Whilst the discussions at the NEC meetings in relation to EMPACT governance, including funding and reporting or policy-making discussions and decisions take place in a 'core actors only' setting, partners might be invited to discussion(s) on other topics as follows:

- Representatives of the Schengen associated states will systematically be invited for Schengenrelated matters on the agenda. They will also be invited for topics that relate to the
 implementation of operational actions in which they participate and which belong to police
 and security cooperation measures accompanying the absence of controls on persons at the
 internal borders.
- 2. Representatives of partners can participate as observers in the NEC meeting on a case-by-case basis where there is a clear justification for their doing so.

In these cases, the decision to invite representatives of partners will be taken by the Presidency following consultation with the COSI Support Group or COSI. Furthermore, the NEC meeting agenda will have to indicate for which agenda items representatives of partners are invited.

In this context, the Commission and the EEAS should also promote awareness of EMPACT in EU security dialogues with third countries and facilitate, also through EU delegations, EU CT/Security Experts and European Migration Liaison Officers, the participation of third countries in the operational implementation of EMPACT, where appropriate according to the identified threats and needs.

List of Abbreviations:

AL Action Leader

ATSG Additional Targeted Strategic Goal

CEPOL European Union Agency for Law Enforcement Training

CHSG Common Horizontal Strategic Goal

COM European Commission

COSI Standing Committee on Operational Cooperation on Internal Security

COSI SG COSI Support Group

EEAS European External Action Service

EFCA European Fisheries Control Agency

EMCDDA European Monitoring Centre for Drugs and Drug Addiction

EMPACT European Multidisciplinary Platform Against Criminal Threats

EPE Europol Platform for Experts

EST EMPACT Support Team at Europol

EUIPO European Union Intellectual Property Office

eu-LISA EU Agency for the Operational Management of Large-Scale IT Systems in the

Area of Freedom, Security and Justice

European Agency for Criminal Justice Cooperation

European Union Agency for Law Enforcement Cooperation

Frontex European Border and Coast Guard Agency

GSC General Secretariat of the Council

JADs Joint Action Days

JHA Justice and Home Affairs

KPI Key performance indicator

LEA Law enforcement agency

LEWP Law Enforcement Working Party

G-MASP General Multi-Annual Strategic Plan

NEC National EMPACT Coordinator

OA Operational action

OAP Operational action plan

OLAF European Anti-Fraud Office

OTF Operational Task Force

PAD Policy advisory document

SIENA Secure Information Exchange Network Application

SMART Specific, measurable, achievable, realistic, and timely

SOCTA Serious and Organised Crime Threat Assessment

ToR Terms of Reference