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JAI 406  
COSI 51  
ENFOPOL 158  
CRIMORG 50  
ENFOCUSTOM 74  
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RELEX 475  
COAFR 168  
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## DECLASSIFICATION

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Subject: EU Policy Cycle: Implementation Monitoring  
- Final reports OAP 2013

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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.



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**NOTE**

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From : Presidency  
To : JHA Counsellors / COSI Support Group  
Standing Committee on operational co-operation on internal security (COSI)

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Subject : EU Policy Cycle: Implementation Monitoring  
- Final reports OAP 2013

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Delegations will find attached the final reports 2013 of the following Operational Action Plans :  
West Africa, Western Balkans, Containers, Synthetic Drugs, THB, MOCG and Cybercrime.

The final report 2013 of the Operational Action Plan “Illegal immigration” is included in doc. 10480/14 (RESTREINT EU).

These reports as drawn up by the respective drivers were presented to and examined by the National EMPACT Coordinators (NEC) which met at Europol on 27 and 28 May 2014.

Delegations are invited to examine these reports and take note of their main findings.

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**Operational Action Plan 2013:**

**Final Drivers Report**

**Priority A : West Africa**

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This report has been provided by the Driver of the priority, based on contributions from the action leaders.

The EMPACT Project on West Africa was initiated in January 2012 and has worked to the Operational Action Plan and against the Strategic Goals set by COSI. The current group consists of the United Kingdom (Driver), France (Co Driver), Spain, Portugal, Italy, Belgium, the Netherlands and USA with support from Europol, Eurojust, CEPOL, UNODC and Interpol.

The publication of the 2013 Europol SOCTA has subsequently led to agreeing new priorities to support the EU Planning Cycle 2014-17. COSI agreed that the activity initiated in the EMPACT West Africa should be captured within the new strategic goals and operational activity. The new priority is;

*“To reduce cocaine and heroin trafficking to the EU and to disrupt the OCGs facilitating the distribution in the EU”*

All the existing activity supports the new priority and we have established a strong platform for future engagement.

In total six Strategic Goals were addressed in the Operational Action Plan for 2012 and 2013 as follows;

#### Strategic Goal 1

*Ensure all Member States and EU Agencies proactively contribute to strategic and operational analyses, to deliver the most comprehensive and accurate picture of drug trafficking impacting on the EU and emanating from West Africa.*

- Towards the end of the project a point was reached where relevant MS and agencies were represented by those officers who were best placed to support the projects aims and objectives. These included the UK NCA Head of International Operations, Heads of French, Portuguese and Belgium National Drug Squads.
- The flow of intelligence through Europol has increased significantly through the life of the project. A total of 732 intelligence submissions were received.
- Number of quarterly summary updates provided by MS to Europol: **9 (UK, DK, FR, ES, BE and PT)**
- According to information provided High Value targets reports were produced. On a quarterly basis, an overview was provided by Europol to the EMPACT WA group.
- Europol FP Cola provided two reports on HVT. Identification of 8 HVTs and High Value Cells from UK, BE, ES, IT, PT, FR and NL submissions. These enablers and main associates will be integrated in the future Europol list of HVT in order to continue to collect intelligence for further actions.
- The project has benefited from the assistance provided by CEPOL in the successful delivery of an EMPACT West Africa “Webinar” to interested international law enforcement officers.

- CEPOL also organised a training event in Spain in December 2013 which was attended by EU Liaison Officers based in West Africa. Many of the attendees had not previously met and this event allowed them to develop their network and also re-enforced the the “Team Europe” concept, with presentations from the EMPACT Co-Driver and the newly appointed EU Regional Co-ordinator in West Africa.

### Strategic Goal 2

*Improve the effectiveness of MS Liaison officer’s coverage of West Africa in close co-operation with EU Agencies and international stakeholders relevant; establish co-operation agreements with West African partners, source and other relevant countries.*

- The UK NCA Regional Manager, currently based in Dakar, was appointed as the EU Regional Coordinator and this position has to some extent led to greater “team” engagement across West Africa thus increasing the profile of EMPACT within the region and amongst MS Liaison Officers and relevant agencies.  
There have been several EMPACT led weeks of activity in certain countries, specifically focussed upon vulnerable airports in the region where controls on incoming and outgoing passengers were lacking. Some success was achieved and relevant intelligence product was fed back to Europol for analysis.  
Unfortunately, however, most of these efforts have come from UK and France and there is a need for other member states to engage more fully.
- The Regional Coordinator pursues NCA objectives which are aligned with the EMPACT Operational Plan and is based upon the four key areas of
  1. Strengthening the frontiers with equipment, training and long term mentoring.
  2. Developing local capacity capable of undertaking all aspects of poling against organised crime and corruption.
  3. Financial investigation
  4. Judicial reform.
- NCA and UKBF Project Westbridge staff continue to be the main contributors to operational activity in support of EMPACT in the region, taking proactive measures to enhance controls at the frontiers, interdict shipments and target organisers based in the region impacting on Europe. Staff deploy regularly to various countries in the region to improve operational effectiveness at vulnerable air and sea ports. The French Authorities assist in some countries by passing the suspect names and suspect shipments to teams based at ports and ensuring searches are done correctly.
- Unfortunately, no other country is able to contribute to proactive intelligence from within the region, except occasionally the French.
- Member States agreed to select a number of cases across the region that Liaison Officers working through the Ghana and Senegal Platforms could investigate jointly, giving an opportunity to include all the liaison officers proactively. It was agreed that countries would submit their priority targets; a number of MS complied.
- EMPACT activity in the region is driven by UK supported by France focussed on building border capability and conducting operations.

Strategic Goal 3

*Building on existing mechanisms, develop a single system to co-ordinate activities of the EU Member States and where possible other relevant international stakeholders (e.g. UN, Interpol, WCO, ECOWAS, and USA) regarding assistance in West Africa with a view to emphasizing operational outputs.*

- Significantly, it has been a key objective to align the work of the West Africa EMPACT group with the EU Planning Cycle at a strategic level and to integrate with the work of the G8 Roma Lyon sub group on West Africa.
- Two G8-Plus Expert Meetings on Transnational Organised Crime in West Africa were held in 2013, one in June and the other in October. They were attended by G8 nations, Belgium, Colombia, Mexico, Portugal, The Economic Community of West African States (ECOWAS), The European External Action Service (EEAS), EUROPOL, INTERPOL, The Maritime Analysis and Operations Centre (Narcotics) (MAOC(N)), the UN Office on Drugs and Crime (UNODC) and the UN Office for West Africa (UNOWA). An EMPACT West Africa meeting was held alongside the June meeting, facilitating fusion between operational and strategic planning.
- Agreement was secured on three proposals:
  - a) Improving donor coordination: Establishing an Assistance Strategy Committee to improve donor co-ordination mechanism for the region. The ASC will set priorities for assistance for the next five years, reviewing progress annually. Assistance 'Trade Fairs' will also be held as side events to ECOWAS Ministerial Meetings to help raise awareness of assistance being provided. The first meeting of the ASC is likely to take place in London later this year.
  - b) Criminal Justice: Establishing a G8-Plus network of criminal justice advisers led by the UK, which enable better joint working to strengthen the rule of law and help improve the region's ability to prosecute organised criminals. The network is now taking shape.
  - c) Collective G8-Plus messaging on Guinea-Bissau: which will ensure that when a legitimately elected Government takes Office, our diplomatic engagement on organised crime will be coordinated.
- The EMPACT Project has been formally presented to members of the Fontanot Group at its meeting in February 2014.
- The proposal for a Regional Coordination Group to be established that would meet in the region and bring together practitioners active in West Africa was discussed. It had not been agreed by France who argued that the new group would duplicate Fontanot and the EU Matrix.
- At the Fontanot Group meeting the UK representative for the G8 Roma Lyon Group made clear that they were no longer pursuing the creation of a Regional Coordination Group, that they would put their faith in Fontanot, but that they would be keen to discuss how Fontanot can be more effective in coordinating activity on the ground.

Strategic Goal 4

*Further identify border hot-spots where particular efforts should be invested, notably through adequate detection equipment and training.*

- EU officers in the region together with the EU Regional Co-ordinator, regularly come together on the existing Platforms in Ghana and Senegal. Regular exchanges take place with regard to identification of areas of interest and vulnerability, specifically at borders.
- These intelligence exchanges inform engagement with host law enforcement agencies across the region and the identification of capacity and capability building opportunities.
- As significant vulnerabilities exist within the regions airports significant effort is put into training and equipment delivery in these areas and it is important that EU Liaison Officers and interested international agencies co-ordinate this activity.
- An example of this assistance is the UKBF Project Westbridge deployment to Ghana and Nigeria and the willingness the Westbridge staff have shown in responding to requests from the EU Regional Co-ordinator to carry out scoping/advisory missions to Cote D'Ivoire, Benin, Cape Verde and Togo.
- The UKBF have taken forward a project to extend the Project Westbridge concept regionally, including francophone and lusophone countries and at a meeting in London in September 2013 support for the concept was voiced by Germany, Portugal, Spain and France.
- This has been taken forward in the form of a new EC Funding Application which aligns with EMPACT Strategic Goals and supports a more holistic European approach.

Strategic Goal 5

*Increase the number of joint operations, investigations and prosecutions focussed on organised crime groups active in West Africa and within the EU. Make use of innovative, multi-disciplinary and pro-active approaches to investigate and prosecute cases of drug trafficking, including systematic use of financial investigations, with particular emphasis on money laundering and asset recovery.*

- In the scope of the project a number of joint investigations and operations have been conducted;
- JIT PALABRA (UK, PT: HERMES I & II): WA OCG based in Belfast involved in cocaine trafficking and money laundering operation (Brazil, Europe and WA)
- Op. HEKTOR (Austria) – Op. CASH (Austria) - Op. SAKI (FI) – Op. TUURI (FI) – Op TOKYO (BE) – Op FUJIYAMA (BE) - Op GRUNT (NL) – Op AVENSIS (NL): Methamphetamine and cocaine couriers relating to Amsterdam area. Identification of key targets (also running travel agencies) organising drug and cash couriers (list of bank accounts in WA).
- JIT PLAYOFF (SE, FI): WA cocaine couriers from WA towards Europe.
- Project ARBOREAL (UK): Cocaine couriers from Venezuela to Portugal and the United Kingdom.



- Operation LEAPING (UK): Latin American nationals based in Senegal (Costa Rica and Panama)
- Aircrafts to WA: Op. MUSE (UK) - Op. FIRMAMENTO (UK) – Op. GATOR (UK) - Op. BOMBARDIER (ES)
- Op. APPROACH (UK)
- Op. GAMBIA CONNECT (BE): Cocaine couriers from Guinea, Gambia to Europe.
- Container profiling (SIENA 1041692): UK and FR: Seizures in Benin, Brazil, Sierra Leone, Nigeria )
- As part of the effort to coordinate an overarching approach to better awareness and connecting with the CORMS Programme the project has formed links to the AML/WA project, one of the seven projects under the EU Instrument for Stability, aimed at developing the following activities in Cabo Verde, Ghana, Nigeria and Senegal. There are five main activities:
  - An assessment of the non banking and non financial businesses and professions regarding their responsibilities to report suspicions transactions. This will be followed by development of an awareness raising programme.
  - Technical means to exchange securely data between the four FIUs
  - Interchange of analysts between the four FIUS to build trust and confidence
  - Interchange with European states of financial law enforcement officers to build trust and confidence and to develop skills
  - Development of points of contact and further training towards developing a WA ARIN.

#### Strategic Goal 6

*Further support West African countries in crime prevention activities in their fight against organised crime and corruption through relevant training and development of justice and law enforcement ethics which are compatible with EU standards.*

- Joint activity under G8 includes a regional “Rule of Law” Programme building on the successful engagement of a UK Crown Prosecution Service Prosecutor, Roger Coventry, in Ghana. He has now developed engagement with French and Portuguese counterparts in West Africa.
- The project has also engaged with Interpol who have developed and delivered two Anti-Corruption Courses in West Africa.

Concluding Remarks

EMPACT West Africa has sought to raise awareness, greater coordination and strategic convergence at a European and global level for a priority region to tackle organised crime. We have endeavoured to make better use of what is already in place to create more tactical engagement to stimulate this activity. EMPACT provided leverage and influence for a "Team Europe" approach and a regional plan but this needed greater political support. West Africa remains a nexus for organised crime seeking to exploit lucrative European markets. There are clear synergies with other priorities, in particular, containers, synthetic drugs and people trafficking. The need to create better border security and a comprehensive (and coordinated) regional approach to tackle these issues must be a priority.

The new EMPACT priority on Cocaine and Heroin Trafficking continues to recognise the threat and the need to engage effectively with West Africa, building on the work undertaken over the past 2 years. Continuity of leadership in this endeavour is a key component and a recognition that greater traction will only occur when there is a full time commitment to some key roles. Being a Driver is not something that can be undertaken on a part-time basis in order to make real impact in a timely manner. There is a consistent theme to all the EMPACT projects - the heavy lifting is done by the few and we need to spread the load. Success - what does this look like? When we measure success together (rather than launching new initiatives in isolation) then we will achieve more.

DRIVER

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**Operational Action Plan 2013:**

**Final Drivers Report**

**Priority B : Western Balkans**

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This report has been provided by the Driver of the priority, based on contributions from the action leaders.

## FINAL REPORT - Summary

During 2013 all the eight activities listed in the Operational Action Plan 2013 of the EMPACT WB were formally completed and there is no significant issue to report for the last part of the year. Wholly speaking, the Activity Leaders played their role according to the time schedule and all the operational targets originally set were timely achieved, taking in consideration the difference between strategic and operational activities. While the strategic tasks were and still are somehow progressing, the operational ones ended their operational life achieving the expected outcomes (both in terms of operations and investigations). As already mentioned in previous reports, within the provisional phase 2012/2013 and within the same framework of strategic goals, the passage from the OAP 2012 and the OAP 2013 signed a crucial change and a significant step towards a mature concept of Policy Cycle among Driver and participants. Compared with the numerous, broad and sometimes overlapping targets selected in OAP 2012, the OAP 2013 witnessed much better defined operational engagements, more attainable schedules, more realistic strategic targets and more understandable and measurable KPIs. As a result, many ALs were able to reach their goals long before the deadline in spite of the fact that some activities of operational nature, very long and complex, required an extensive planning and subsequent implementation. Although limited in number (8 actions in total), certainly the positive participation and contributions from participants showed an interesting progress both from quantitative and qualitative point of view.

Many activities enjoyed financial resources from their own EU-based background (such as Europol for operational activities or meetings, or CEPOL for seminars) but an important improvement was also the coordinated contribution of single countries/organizations in implementation of their own Action/investigation (such as Italy supporting accreditation of their own officers during the Joint Police Operation or Interpol mobilizing its Task force against Stolen vehicles, etc.).

### Strategic goals and actions: details

1. Strategic goal 1 - Activities 1.1 and 1.2 under the responsibility of EUROPOL, were a continuation of activities listed under the OAP 2012 and, wholly speaking, developed in line with the planned schedule. Activity 1.1. faced the issue of not homogenous comparison between 2012 and 2013 (direct consequence of the change of approach in Europol from the AWF-based system to the FP-based one.) Despite this and the inevitable disappearance of EMPACT WB as such, the trend of SIENA message is stable and results appeared encouraging (1850 Siena Messages received in 2013, 2361 exchanged in total). Activity 1.2, on the same vein, saw a significant progress: very recently Europol MB agreed to recommend the Council to authorize the Director to sign operational cooperation agreement with Albania and Serbia; on the other side, the same MB authorised the Director to enter into negotiations with Montenegro and with Bosnia Herzegovina for the conclusion of operational Cooperation agreement

#### Update 2013: No further significant news to report

- Strategic goal 2 - Activity 2.1. brought significant results from the investigative point of view and should certainly be considered as example of good practice: Action leader (AT) shared all its investigative outputs with the members of the EMPACT WB, triggering a cascading operational effect onto investigations from other MS, including WB country.

- Update 2013: Several JITs started as an immediate consequence of this intelligence-led approach and, beyond the life span of the Action and EMPACT, new opportunities will be opening with the support of the ISEC-funded project which is progressing through the on-going creation of a specific network of national officers devoted to the fight against organized crimes in WB

2. Strategic goal 2 - Activity 2.2. was another perfect example of exploitation of the Policy Cycle approach since the Action leader, once identified some targets, on the basis of national intelligence, called upon EU MS via Europol-SIENA to contribute through their own available intelligence exploiting Europol analytical capacity, then organized an operational meeting to exploit the intelligence gathered and potentially contribute to new criminal investigations.

Update 2013: The activity saw further developments in the last part of the year with an increase interest in the operational targets in some EU member states, a new cooperation with investigators of EULEX Mission, operational contacts with Norway and UK and operational/strategic approach with Austrian ISEC funded project as possible framework for future investigation. These options, however, did not come to fruition for several factors, including the possible evolution in EULEX organization and mandate and it is still under scrutiny the possible approach to other FPs (heroin/cocaine) and/or other EMPACTs OAs.

- Strategic goal 2 -Activity 2.3. privileging the operational side of police activity, interpreted the usual concept of Joint Police Operation (JPO) in a very wide meaning, involving all the Balkan countries and supporting them on the field through seconded national and international experts (especially Italy who deployed officers in many WB countries during the days of the operation, creating an efficient network of experts), putting in practice a learning-by-doing exercise, not only on the field, at operational level, but also on the side of Europol procedures (usage of SIENA channel).

Update 2013: The data gathered, although did not bring useful advantages to the already known intelligence in the specific criminal sector, were carefully analyzed at national level in the following weeks and the whole activity was used as a model for future operational engagements in the Balkan, taking in consideration both operational issues (need for a better selection of targets, methods of planning and involvements of police forces) and legal point of views (circulation of operation/non-operational information through existing SIENA channel).

3. Strategic goal 2 -Activity 2.4 focused on the development of a new template to exchange information on arms trafficking because, assuming that this will have a significant impact on the quantity and quality of information gathered, hence improving the capacity to start investigations.

Update 2013: a meeting was organized in Podgorica in November which resulted in calling upon MS to set up a network of experts and to harmonize legislation and control of stockpiles. The next steps are a kick-off meeting in January with Europol and EFE associated to the process, regional workshop in Skopje (EFE) and then new steps to fulfill COSI JHA in March (French Regional Attaché still coordinating the whole activity).

4. Strategic goal 3 - Activity 3.1 it was, in principle, an excellent opportunity to optimise or maximize the financial efforts at EU level by avoiding duplications and conflicts between the various initiatives conducted in the region.

Update 2013: after a weak start in the first part of the year, there was no relevant contribution also during the rest of 2013 in terms of updating the matrix with all the current and planned activities of technical assistance, substantially depriving it of any utility.

- Strategic goal 6 - Activity 6.1 - The seminar in Bratislava/Slovakia, held in September and attended by many participants of EU MS, IOs and from all the WB countries, were a noteworthy occasion to share experience and knowledge among investigators and practitioners and paved the way, by other means, to an open cooperation with MS within the given legal possibilities.

Update 2013: no news to report

### General analysis – lesson learned

In OAP 2013 what went well was the proper combination of different tools strategic and operational with activities based on investigations (2.1), operations (2.3), exploitation of intelligence with the purpose of a following investigation (2.2), proper data gathering and subsequent analysis (2.4), training and networking (6.1). In other words, all the Actions, while fulfilling general operational needs described in the Strategic Goals, were instrumental as well in opening new possibilities to fight OC in the WB, such as the developing and implementation of a new project oriented to support investigation on the filed (AT) or the gradual extension to WB police bodies of operational activities (IT).

Another important success of the different OAs was the proactive participation of the member states to the EMPACT WB and an attempt, more successful than before, to involve their national/international structures (this is true, among others, for Italy, Germany, Interpol, Eurojust, etc). It is important to mention, in particular, the excellent contribution made by all the participants of Action 2.3 where the countries involved, under AL (IT) direction, were involved in complex operational initiatives, from planning to carrying out a Joint Police Operation, gathering intelligence, accrediting foreign police officers, performing checks, using EU databases, etc.. The choice of accrediting several national/international police officers on the field in all the Balkan countries proved to be an interesting new model of joint activity since they were all able to connect via laptop to main national/international databases and, in doing so, they gave a great contribution not only in terms of vehicles' checks but also in terms of learning-by-doing, giving advice, suggesting more efficient procedures and operational techniques, sharing intelligence-led methods.

Although financially supported on a bilateral basis by Italy, it is certainly a test to be carried out in future operation of the same kind, pushing the organizers or ALs to follow similar procedures. The driver too, even though in the capacity of Action Leader, learned more on how to better involve the participants, states and organizations which necessarily had different decisional process and different legal regulation for accreditation, reporting and implementing operational actions.

Among other things, the operation was useful by giving a snapshot of the different level of preparedness and commitment of WB countries in fighting OC groups through an intelligence-led action and coordinated operation. Moreover, while witnessing some remarkable outcomes in terms of high value targets seized and handed over to owners, it also showed that some WB participants, who carefully prepared and carried out the operation, but also analyzed the data in a very professional manner, are more than ready to work along with EU countries.

It is worth mentioning that a vast operational action, late development of the Operational Plan 2012, whose execution was postponed to 2013 for technical reasons, took place in October 2013 (code named "Operation Ellenika") with dozens of arrests in Italy and throughout the WB territory. This important operation, carried out by Italian police forces (Carabinieri) in a coordinated action supported by Europol, highlighted once again the strong role played by operational activities within the EMPACT WB.

There are no specific things that should be avoided in future, since for all the eight activities there were no significant issues to report. However, there were many non impeding shortcomings, listed below:

- it is important to increase the involvement of co-drivers: a non-coordinated approach in the management is not hindering the final results when the number of actions are limited, as it was in the provisional phase, but can become relevant for more complex projects;
- Coordination of financial initiatives in the specific geographical area of Western Balkans is indispensable and the lack of initiatives by EU MS in OA 3.1 needs to improve. Actually, the increased use of matrix on financial support must be enhanced giving the fact that, along with EMPACT, many EU backed projects are simultaneously operating in the same area with often coincident aims (TAIEX, IPA, ISEC, etc.) and overlapping targets (training, operations, etc.);
- Debriefing opportunities shall be granted given the fact that are sometimes as much important as the action in itself. It would be advisable, especially after Joint Police Operations, to find proper resources to better analyze not only operational outcomes but also modus operandi, information flow, channel of communication. Although (or if) these opportunities are not eligible under Europol funds, other sources of financing should be explored or better strongly recommended to the organizing country/organizations (similarly, the choice of using TAIEX funds for supporting joint analysis of a long-term investigation made in past between Italy and WB countries, made in EMPACT WB 2012, which resulted in a de-briefing exercise, was another successful example of the importance of this idea);
- in carrying out the Joint Police Operation it is important to ensure a careful and thorough gathering of operational data, defining well in advance role and responsibilities not only in leading the operation but also in analyzing data;
- the passage from EMPACT priority to regional sub-priority ended up in a very limited number of OAs in the new 2014 EMPACTs and this is certainly a great loss for the whole region which still deserves more and more attention from EU MS. The relevance of Western Balkans routes for drugs, weapons, THB, illegal immigration and several other crimes activities remained unchanged; moreover, the Balkan region as a source country for some specific criminal phenomena (weapons and explosives, above all) would suggest to emphasize, during the future planning of OAPs, the importance of better prioritizing this geographical issue, carrying out major investigation and operation and putting more pressure on EU MS in planning and finalizing activities in the area.

**Continuation of OAs in 2014 EMPACTs**

As mentioned before, there is no direct and explicit continuation of OAs included in EMPACT WB in the new EMPACTs. Only the Activity 2.2 could foresee an involvement of the ongoing investigation in the FP linked to drugs. From the operational point of view, the Activity 2.2 (AT) ideally continued in the new ISEC funded project concerning the financial support to investigation in WB/EU countries. It is advisable, in the end, that future Joint Police Operations tackling specific criminal phenomena (stolen vehicles, drugs, illegal weapons trafficking, illegal immigration and THB) be extended as much as possible, to the Western Balkans countries to give them the possibility to familiarize with equipment, methodology, procedure and legal framework that are ordinary used in EU Member States.

Driver EMPACT Western Balkans  
Giovanni SANTORO

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**Operational Action Plan 2013:**

**Final Drivers Report**

**Priority D : Synthetic Drugs**

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This report has been provided by the Driver of the priority, based on contributions from the action leaders.

**Operational Action Plan 2013:**  
**Priority Crime Area D: Synthetic Drugs**

EU crime priority D (**Empact Synthetic Drugs**): *“Reduce the production and distribution in the EU of synthetic drugs, including new psychoactive substances”.*

Driver: PL

Co-driver: NL

Participating MS: AT, BE, CZ, DE, EE, ES, FI, FR, HU, IE, LT, NL, PL, RO, SE, SI, SK, UK

Participating Agencies: Europol, Eurojust, Cefpol

Third States:

Other participants: EMCDDA

In total 7 strategic goals to be achieved during the period 2012-2013 have been developed for this priority crime area.

The 7 strategic goals were addressed to the OAP for 2012 and 5 will be continued again in the OAP for 2013.

EMPACT Synthetic Drugs priority is one of the successful activities under umbrella of Policy Cycle mechanism. In this area numerous activities were planned covering different areas and presenting multilateral approach.

Regarding this philosophies last OAP touched:

- Operational activities such as: joint operations,
- Joint investigations included mirror investigation JIT's,
- Administrative approach such a barriers models,
- Cooperation with a private sector: cooperation with chemical and pharmaceutical companies,
- New Psychoactive Substances phenomenon included operational actions, legal solutions and exchange of information,
- Trainings, focus not only on dismantling of clandestine laboratories but also on precursors and new psychoactive substances,

Synthetic Drugs is a very large topic. One of the most important things is to cover all aspects of synthetic drugs problem: precursors and pre-precursors phenomena, illegal production and trafficking of synthetic drugs, new psychoactive substances threats and special trainings. This whole scope can be found in implementation activities of OAP.

PL was also successful at ISEC project, Operation Chopin, that is a big financial support in OAP's implementation activities: like trainings, border operations and operational meetings and investigations. The Project have been started with kick-off meeting on 5<sup>th</sup> of April 2013. Presentation concerning project has been disseminated among EMPACT Synthetic drugs participants. Agreed subjects of the project are methamphetamine and NPS. The main aim of the project is to support EMPACT to implementation OAPs in 2013 and 2014.

Bearing in mind the 2013 OAPs experiences, during the next year the following recommendations should be taken into consideration:

1. The OAPs should be still concrete and operational
2. The number of activities for given operational objectives should be limited

3. Some of the activities initiated in the 2012 and 2013 should be continued in the 2014 (it was agreed during workshops devoted to 2014 OAPs)
4. The training should be regularly conducted on the basis of CEPOL program.
5. During the realization of given activities already existing forms of cooperation should be used (cooperation platforms, expert network) and the creation of new ones should be avoided.

**Generally, take into account below mentioned positive achievements the Synthetic drugs OAP 2013 was successfully implemented.**

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Further comments:

**Action 1.1**

**(HVT)**

Ongoing (likely to be continued in the OAP 2014). One HVT has been selected for joint targeting and one was pre-selected. Based on the EMPACT group request Europol delivered operational analysis report SYN 2013-078 about the HVT activities which should support further actions by relevant MS. Limited number of MS will be involved in the future targeting. An operational meeting is foreseen at Europol.

It was disseminated a new HTV list, which included HVT from UK. The option being the next HVT will be discussed at the next meeting.

The selected Dutch HVT, is highly sensitive target, which makes a joint approach very difficult. However, it seems that the exchange of information on this HVT may be leading to action. It was proposed countries (NL, BE, EST and PL). In 2013 only one target was identified and in his companies were seized many NPS and precursors. He was arrested at the end of 2013 but NPS trafficking it is still ongoing progress. All HVTs have been checked in national databases and signed as suspects involved in drug and precursors trafficking (FR). Under umbrella of Meriva project (EE, PL, BE, NL, ES, Europol, Eurojust) several operational meetings were prepared.

**Action 1.2**

**(backtracking operations, targeting facilitators)**

Ongoing (likely to be continued in the OAP 2014). In addition to Op. Beczka (PL/NL) Europol in May-Oct 2013 produced numerous specialist reports initiating at least 10 backtracking investigations (Synergy reports SYN2013-068, SYN2013-069, SYN2013-071, SYN2013-072, SYN2013-073, SYN2013-075, SYN2013-076, SYN2013-080, SYN2013-082 and SYN2013-083). Further progress depends on the relevant MS pro-activity.

Joint operation between Germany and Netherlands on cutting agents (Ducato). Three arrests, seizures of cutting agents and smart shop materials and closing down of a smart shop (Zaandam).

Joint operation between Germany and Netherlands focus on mantle, ongoing operation.

Information on cutting agents via NL-D-NL lead to identify facilitator, he was addressed for possible offending of the Opium Act.

BE recently discovered three labs, two of which were very clean and professional.  
BE contact LT about labelling found.

**Action 1.3**

**(filling intelligence gaps).**

During regular EMPACT Synthetic Drugs meetings within Trends and Development MS have opportunity to give his presentation and share own knowledge among participation MS. Presentation focus on new threats, method of production, destination and trafficking routes, new drugs, pre-precursors such as APAAN etc. This give unique opportunity to exchange of information in very short time and fulfilling intelligence gap.

Regarding APAAN situation in EU, Driver of EMPACT Synthetic Drugs had a intervention during Horizontal Working Group on Drugs (HDG). NL and Europol prepared report on APAAN phenomenon.

Through the country program NL-Serbia contact with Serbian Law Enforcement. Exchange of information on synthetic drugs production and (pre)precursor.

Together with Europol, EMCDDA and some other countries started to create of a uniform definition file of illegal production locations, stashes, dumping sites etc.

Methamphetamine is the main drug in CZ. New trend: involvement of Vietnamese community. The number of labs dismantled in CZ decreased because the size of the individual labs increased.

In NL a shift is taking place form APAAN to PMK. The number and scale of dumping sites has increased so much that a special investigation group has been established to deal with these sites. A lot of PMK is entering NL but it is unclear what destination is of the XTC produced.

Two PMMA labs were found in NL. This substance caused a large number of deaths: 21 in the UK, 9 in Norway and 2 in NL. Central analysis of the available data could help identify the supply line. According to customs data in SE, seizures of methamphetamine and amphetamine are increasing. The substances are often on their way to Norway.

Close operation with Chinese criminals has been identified on several occasion in LT. Reductive amination is the most common production method in this country,

265 kg of amphetamine was seized in August as a result of cooperation between FR, UK and Europol.

APAAN, Customs in EE seizure nearly 6 tons of APAAN on its way to Norway; it came from China in 3 shipments and was stored in a warehouse managed by a Dutch criminal. He was arrested. PL, investigation Golden Tulip/Beyer, about on organized crime group who bought chemicals used for the production of synthetic drugs, took place in July and August, involving visual inspections and interrogation of witnesses and suspects. This investigation was a successful with the arrest of the OCG's, closing laboratories and seizures of synthetic drugs. Europol coordinated the activities. Project Chopin also give opportunity and support operational meetings and exchange information's. Modus operandi presented during the meetings as well as trends and developments has been used to share knowledge and prepare bulletins on national level. NPS and synthetic drugs alert reports had been prepared by experts for Customs officers in order to recognize drugs and precursors during inspections as practical instrument for efficient control (FR).

#### **Action 1.4**

**(training on JITs)**

CEPOL provide trainings on JITs with a specific focus on the joint fight against drug:

- Course 47/2013 on Joint Investigation Teams leadership, Planning and Implementation (34 participants and 13 Trainers),
- Course 48/2013 on Joint Investigation Teams leadership, Planning and Implementation (32 participants and 13 Trainers),
- Webinar on JITs (196 participants and 3 presenters).

#### **Action 1.5**

**(relevant training courses).**

Implemented partially (2-week training by Europol and CEPOL in June 2013 in polish International Training Centre Combating Clandestine Laboratories- ITCCCL): 30 participants from 25 MS, 1 Iceland, 2 Serbia, 2 Turkey and 6 Trainers. Europol in cooperation with CEPOL is currently developing a so-called 3 step training approach with regards to synthetic drugs. This should be: 1. Basic training for regular law enforcement officers (potentially e-learning); 2. Specialised 2-week training on dismantling synthetic drug laboratories (regular annual Europol-CEPOL training course); 3. Advance follow-up training for those who followed the 2-week specialised training. However, the implementation of this model depends on CEPOL possibilities to finance these training activities.

Together with Cepol a webinar held under the umbrella of EMPACT on the barrier model and EMPACT, 56 participants and 2 presenters. CEPOL organized two seminars focus on new curriculum on drug-related issue including dismantling illicit laboratories, strategic perspectives, pre-precursors, synthetic drugs and NPS.

CEPOLs Exchanges on Drug Trafficking: 20 participants distributed over the entire year.

In 2013 French experts (Synthetic drugs observatory) carried out trainings for regional Customs authorities. Content of trainings concerns precursors, synthetic drugs, NPS, dismantling clandestine laboratories. Training courses were dedicated also to the police and customs from Afghanistan and Lebanon (FR)

### **Action 2.1**

#### **(barrier model).**

The barrier model is one of the highlights of our programme; a lot has been achieved in this field. Ongoing (likely to be continued in the OAP 2014). Europol finalised its part and presented to MS that should take necessary further steps on the national level and report back to the group/Europol. With regards to APAAN, comprehensive analysis was performed by Europol and presented to the group (SYN2013-007). Europol is currently supporting several ongoing cases regarding APAAN trafficking (e.g. Op. Tilburg).

List created together with Europol and finished off the NL list of actions.

Many other companies were visited to create awareness about the selling of hardware, chemicals and cutting agents to organized crime. Loss of the list it was disrupted 6 selling's of glassware to O.C., identified one criminal of a O.C. group who is selling glassware (Adriaans), identified two legal companies who were selling heating blankets used for the apaan conversion, visited one Headshop to warn them for selling cutting agents possible used for cutting drugs, together with Dutch customs identified 3 new companies who ordered tableting machines in China, they can expect a visit.

PL organized a meeting for representatives of various chemical and pharmaceutical companies. CZ personally visited all the companies in their database, which yielded excellent results, and provided the Czech authorities with a lot of operational information.



GE, because of good cooperation with a company allowed to track a 20 litre heating mantle ordered by a Dutch company. Seventeen French companies were monitored last year in the framework of the Operation “Eagle eye” (INCB, PRISM Project) aimed control companies (FR). RO participated in 2013 in Op. Tilburg, White on precursors and pre-precursors. Three controlled deliveries have been carried out in Netherlands, Austria and Slovakia where five suspects were arrested.

#### **Action 4.1**

**(cooperation with competent authorities and LO networks in third countries).**

Due to the increase of MDMA production, seizures and smuggling of tablets, questions were raised about the destination of tablets in other countries. Through the Dutch Liaisons information's was asked in several countries, e.g. Brasil, Argentina and Turkey. This is still ongoing. GE offers assistance with backtracking activities in China as they have contact there through their LO. In 2013 French organised training courses for Afghanistan and Lebanon law enforcement agencies. Poland under umbrella of Op. Chopin organised on external border (PL-UA) operation against precursors and synthetic drugs trafficking.

#### **Action 4.2**

**(precursors from source countries).**

China was contacted this year again with questions about information of delivery of glassware to the Netherlands.

The apaan issue is discussed by the Dutch precursor authority (Fiod) on several times and locations with the Chinese authorities (NNCC).

Linked to 2.1., in particular with regards to APAAN phenomenon.

NL is investigating a company that imports NPS chemicals form China to find out their MO.

A long-term high-level EU-China Police Training Project is ongoing in China. A whole range of training topics, including synthetic drugs, is offered by various countries that send representatives to China to train the police officers there.

China was provided with an updated list of APAAN producing companies. In 2013 within ISEC project CHOPIN operational meeting has been organised focus on pseudoephedrine and methamphetamine issues.

**Action 6.1**

**(operations on NPS)**

Ongoing. Contributions to Europol on NPS increased. FP Synergy currently supports several ongoing cases. Good cooperation with EMCDDA in the framework of EWS. Apart EWS Europol and Driver participates in several relevant international initiatives (e.g. new EU legislative mechanism, G8 activities and other relevant EMCDDA initiatives).

Many good quality contributions were done to Europol on several objectives, e.g. EILCS and others. Out of these contributions several backtrack action followed.

All the pictures taken in our storage places and laboratories were send to the Europol.

During regular EMPACT Synthetic Drugs meetings was provided point: Trends and Development. Where MS have had opportunity to give their presentations and share their knowledge. In 2013 French Customs seized almost 10 kg of NPS transported to UK, 24 kg to Spain and 5,5 kg to Greece.

**Action 7.1**

**(actions against internet distribution of NPS).**

Under Empact the NL started up an investigation concerning a big NPS supplier in the Netherlands. Whilst FP Synergy is not directly involved into activity, EC3 is mentioned in OAP (for monitoring/tracking of relevant websites). No further information form the EC3. On the precursor GBL several actions were taken, as well against internet sites and the companies which selling GBL via Internet.

**Action 7.2**

**(network of forensic experts)**

Driver has been contact with END Project representative to use already existing platform.

An expert platform for synthetic drugs was created at Europol. The Driver and Co-driver invited experts to join the platform. Use of the platform will be discussed at the nest meeting.

Strategic Goal 1: Improve knowledge, including on OC groups, by enhancing information sharing and exchange between law enforcement agencies/prosecution and the relevant European agencies							
#	Activity	Leader <sup>1</sup>	Participants	Description	Timing	Target (key performance indicators)	
1.1	To initiate joint operations (JITs) with regard to high value target (HVT)	Dependent on selected HVT	AT, BE, CZ, HU, NL, LT, PL, ES, FR, SE, UK, RO, DE, IE/ Europol/ Eurojust	<p>This activity continues from 2012. Europol produces list.</p> <p>Selection of at least one HVT for joint targeting by concerned MS</p> <p>Leader selected in meeting.</p> <p>Europol and Eurojust participate in joint targeting.</p> <p>Begin investigation following selection.</p>		<p>Arrest HVT or damage its structure/ position of him and his organisation.</p> <p>KPI: Number of arrested HVT</p> <p>HVT structure weakened and therefore HVT taken from list.</p> <p>Number of seizures</p>	<p>Results June</p> <p>Results Oct</p> <p>One HVT was arrested. One HVT has been selected for joint targeting and one was preselected. Based on the EMPACT group request Europol delivered operational analysis report SYN 2013-078 about the HVT activities which should support further actions by relevant MS. In 2013 only one</p>

<sup>1</sup> Related leading MS shall be identified for each activity ASAP.

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								target was identified and in his companies were seized many NPS and precursors. He was arrested at the end of 2013 but NPS trafficking it is still ongoing progress. All HVTs have been checked in national databases and signed as suspects involved in drug and precursors (FR). Under umbrella of project Meriva (EE, PL, BE, NL, ES, Europol, Eurojust) project several
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1.2	To initiate back-tracking operations and target facilitators based on shared information on seizures and illicit production sites.	Europol	All MS of EMPACT Group/ Eurojust	Encourage MS to provide relevant information to Europol/ Project Synergy. In particular EILCS. Follow up. Provide guidance on what information is required. Exploit information from EPDS. Alert message (early warning) in order to inform on seizures, trends, developments and new	Arrest facilitators  KPI: Number of facilitators arrested  Number of sources closed (chemicals and equipment)	operational meetings were prepared.	In addition to Op. Beczka (PL/NL) Europol in May–Oct 2013 produced numerous specialist reports initiating at least 10 backtracking investigations. Joint operation between Germany and Netherlands on cuttings agents (Ducato). Three arrests, seizures of cutting agents and smart shop materials and closing down of a smart shop.
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				<p>substances.</p>			<p>BE recently discovered three labs, two of which were very clean and professional. BE contact LT about labeling found.</p>
<p>1.3</p>	<p>Filling intelligence gaps by improving information exchange.</p>	<p>Europol</p>	<p>All MS</p>	<p>Encourage MS to contribute. Follow-ups. Liaise with SOCTA Team on interim results regarding intelligence gaps. Make sure the SOCTA and ECIM methodology is used in the same way across MS.</p>	<p>Mimimising intelligence gaps as provided by SCAN and SOCTA Teams: North West Region, Bulgaria, Turkey, Balkans, African Continent, Polish and Latvian OCGs and non-scheduled pre-precursors (Apaan (role of Chinese</p>		<p>During regular EMPACT Synthetic Drugs meeting it was provide <b>Trends and Development</b>, where MS have opportunity to give his presentation and share own knowledge among participation MS. Presentation focus on new threats,</p>

					<p>OCCs)).</p> <p>KPIs:                  Knowledge of:                  Production levels,                  Number of facilities,                  MO,                  destination and trafficking routes.</p>		<p>method of production, destination and trafficking routes, new drugs, pre-precursors such as APAAN etc. This give unique opportunity to exchange of information in very short time and filing intelligence gaps.</p> <p>Modus operandi presented during the meetings as well as trends and developments has been used to share knowledge and prepare</p>
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1.4	To provide training on JITs with a specific focus on the joint fight against drugs	CEPOL	All MS	CEPOL will organise courses on JITs and assure that cooperation in the fight against synthetic drugs will have a special focus in the programme	Dates TBC (dependent on availability of capacities in the MS)	Course reports		bulletins on national level. NPS and synthetic drugs alert reports had been prepared by experts for Customs officers in order to recognize drugs and precursors during inspections as practical instrument for efficient control (FR).  CEPOL provides trainings on JITs with a specific focus on the joint fight against drug. Course 47/2013 on Joint Investigation Teams
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1.5	CEPOL to develop a training portfolio on drug-related issues including dismantling illicit laboratories, strategic perspectives, pre-cursors, synthetic drugs and NPS, for law enforcement staff	CEPOL	All MS, Europol, Eurojust, EMCDDA	CEPOL plans and develops learning training for law enforcement staff in line with the identified needs in the	Nov 2013	Course / seminar reports; exchange programme reports; an updated Common Curriculum		leadership, Planning and Implementation (34 participants and 13 Trainers), Course 48/2013 on Joint Investigation Teams leadership, Planning and Implementation (32 participants and 13 Trainers), Webinar on JITs (196 participants and 3 presenters).
								2-week training by Europol and CEPOL in June 2013 in polish ITCCCL. CEPOL

				MS and with the training requirements in the context of the OAP actions. This will include courses / seminars; an updated Common Curriculum and bilateral exchanges of police officers on the subject		on Drug Trafficking; an e-learning Module on Drug Trafficking	organized two seminars focus on new curriculum on drug-related issue.  Together with Cepol a webinar on the barrier model and Empact, 45 participants
<b>Strategic Goal 2: Improve or establish partnerships with the private sector in order to identify and disrupt the chain of synthetic drug production and distribution</b>							
2.1	To continue with barrier model for tackling synthetic drugs, increasing focus on Aapaan with the aim of initiating investigations.	NL/ Europol	All MS/ Europol	This continues from 2012.  Approve list of targeted chemicals and equipment  Communicate to MS list of targeted chemicals and equipment.  To increase		Closing production lines.  KPIs: Number of suppliers identified.  Number of investigations based on this information.	With regards to APAAN, comprehensive analysis was performed by Europol and presented to the group (SYN2013-007). Europol is currently supporting several ongoing cases regarding

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				<p>awareness in private sector of targeted chemicals and equipment.</p> <p>Send information to Synergy regarding non-compliant companies.</p> <p>Initiate back-tracking.</p> <p>Continue raising awareness at a political level of Aapaan (by Driver)</p>		<p>Number of seizures.</p>	<p>APAAN trafficking (e.g. Op. Tilburg).</p> <p>Loss of the list it was disrupted 6 selling's of glassware to O.C., identified one criminal of a O.C. group who is selling glassware (Adriaans), identified two legal companies who were selling heating blankets used for the aapaan conversion, visited one Headshop to warn them for selling cutting agents possible used for cutting drugs, together with</p>
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								Dutch customs identified 3 new companies who ordered tableting machines in China.  PL organized a meeting for representatives of various chemical and pharmaceutical companies. Seventeen French companies were monitored last year in the framework of the Operation “Eagle eye” (INCB, PRISM Project) aimed control companies (FR). RO participated in 2013 in Op.
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								Tilburg, White on precursors and pre-precursors. Three controlled deliveries have been carried out in Netherlands, Austria and Slovakia where five suspects were arrested.
<b>Strategic Goal 4: Improve judicial and law enforcement cooperation with third countries, in particular with regard to chemicals and precursors</b>								
4.1	To reinforce the cooperation between National Competent Authorities and Law Enforcement Agencies using existing platforms and cooperation with existing LO networks in third countries	Driver	All MS	Establish protocols/ working method for sharing LOs  Target specific countries relevant to synthetic drugs to organise meetings between LOs. Relevant information to be returned to Europol.	More information available to aid investigations  KPI: Increase in amount of information available.			Due to the increase of MDMA production, seizures and smuggling of tablets, questions were raised about the destination of tablets in other countries. Through the Dutch Liaisons information's

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										<p>was asked in several countries, e.g. Brazil, Argentina and Turkey. This is still ongoing. GE offers assistance with backtracking activities in China as they have contact there through their LO.</p> <p>. In 2013 French organised training courses for Afghanistan and Lebanon law enforcement agencies. Poland under umbrella of Op. Chopin organised on external border (PL-UA) operation</p>
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4.2	Initiate enquiries with 3 <sup>rd</sup> countries with regard to sourcing precursors and pre-precursors.	NL	All MS/ Europol/ Eurojust	Coordinated effort by affected MS liaise with source countries (in particular China) in order to organise border surveillance operations/ controlled deliveries of those substances	To have at least one operation with China on Apan or another substance.		against precursors and synthetic drugs trafficking
<p style="text-align: center;">Linked to 2.1, in particular with regards to APAAN phenomenon. NL is investigating a company that imports NPS chemicals from China to find out their MO.</p> <p style="text-align: center;">A long-term high-level EU-China Police Training Project is ongoing in China.</p> <p style="text-align: center;">China was provided with an updated list of APAAN producing companies.</p>							

										In 2013 within ISEC project CHOPIN operational meeting has been organised focus on pseudoephedrine and methamphetamine issues.
<p><b>Strategic Goal 6:</b> Improve the provision of law enforcement information to Europol and EMCDDA for Early Warning System and risk assessment purposes in order to accelerate the decision process under Council Decision 2005/387/JHA of 10 May 2005 on the information exchange, risk-assessment and control of new psychoactive substances.</p>										
6.1	Initiate new operations based on LE information extracted from existing databases.	Driver	All MS/ Europol/ EMCDDA	Identify suitable forum at a national level in which to share information.  Provide quality contributions to Europol.		Identify new substances, new trends and patterns, new occurrences in different MS.  Reduce information gaps as provided by SCAN and SOCTA Teams.  KPI: Number of investigations. Number of contributions to				Contributions to Europol on NPS increased.  FP Synergy currently supports several ongoing cases. Good cooperation with EMCDDA in the framework of EWS.  In 2013 French Customs seized almost



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												10 kg of NPS transported to UK, 24 kg to Spain and 5,5 kg to Greece
<b>Strategic Goal 7: Improve and share knowledge on new psychoactive substances through an existing expert platform.</b>												
7.1	Initiate action against internet distribution of NPS.	Driver	All MS/ Europol/ EMCDDA	MS agree which websites to be monitored. MS to focus on specific known websites. Engage with EC3 for monitoring/tracking of websites. Share best practice. Define methodology for monitoring. Monitor known websites.				Reduced online availability of NPS. KPI: Number of identified websites. Number of relevant financial investigations. Number of investigations. Number of blocked websites.				Under Impact the NL started up an investigation concerning a big NPS supplier in the Netherlands On the precursor GBL several actions were taken, as well against internet sites as companies who were selling GBL.

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7.2	To set up network of forensic and toxicology experts	EMCDDA	All participating MS where appropriate	Initiate LE action. To link existing networks of forensic, toxicology and law enforcement experts	2013	Identification of experts, set up experts' network	Driver has been contact with END Project representative to use already existing platform. An expert platform for synthetic drugs was created at Europol.
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**Operational Action Plan 2013:**

**Final Drivers Report**

**Priority E : Container shipments**

DECLASSIFIED

This report has been provided by the Driver of the priority, based on contributions from the action leaders.

**EU POLICY CYCLE 2012-2013****EMPACT PRIORITY “E”**

*Disrupt the trafficking to the EU, particularly in container form, of illicit commodities, including cocaine, heroin, cannabis, counterfeit goods and cigarettes*

**- FINAL REPORT -****I. ACTIONS IMPLEMENTED**

The aim of this section is to present an overview of the results of each action conducted in the framework of the EMPACT priority dedicated to illicit trafficking by containers.

Some of the actions drafted during the first workshop of the OAP Containers, held in November 2011 at Europol, were finally not implemented for various reasons. First, it appeared that some strategic goals were far too ambitious to be declined in actions conducted in a time-frame limited, and with no funding to implement it and no volunteer to run it. The lack of commitment of the Member States to take on the role of leader of the actions was also a problem (at the end of the first meeting, only two actions out of eight had an action leader identified). These issues will be further developed in the second part of this report (see General Findings).

**- Action 1.1: Adopt a multiagency approach on a national level giving access to data, contacts and exchange channels for national container teams targeting various commodities - Form a study group to identify best practise and training needs, which are to be encouraged EU wide.**

Finland agreed to take the lead on this action planned in the OAP 2012. For practical reasons, and to avoid to send too many questionnaires to the Member States, it was agreed during the kick off meeting of the OAP 2012 to merge this action with the action 5.2, led by CEPOL, who was also taking part to this action. These two actions were dealing with the multiagency approach and the cooperation between law enforcement authorities and were, to some extent, linked to each other. The questionnaire was sent out to the Member States and then analysed by the action leaders, however, some Member States did not sent back the questionnaire co-drafted by CEPOL and FI (21 feed-back out of 27 MS).

The final report drafted by CEPOL and FI on the basis of the replies to the questionnaire and the seminar set up by CEPOL (see action 5.2) was issued in February 2013. The report identified the best practices implemented in the Member States. As mentioned in the final report, “the purpose of both actions is to ensure pro-active and timely information exchange between Member State law enforcement authorities, the European Commission and relevant EU agencies for targeting and disrupting of organised crime, also by increasing the added value of the advanced data the customs receives concerning the movement of goods in across the EU and the Community Risk Management Framework in place. A particular objective is to create new profiles for electronic risk analysis systems in order to uncover smuggling. Close cooperation and benefiting from each other’s work is the idea behind inter-agency teams. The aim of this report is to share the best practise and encouraged them EU wide.”

The report fulfilled its objective by giving an overview of the practices, identifying some good ones to be promoted, highlighting some difficulties and making recommendations.

- **Action 1.2: Ensure that relevant initial details from container seizures are exchanged between MSs in a timely manner to facilitate the identification of OCGs and further suspect containers.**

As this action had no action leader in the OAP 2012, its implementation only began at the beginning of 2013 when France took the decision of leading this activity. As the action was dedicated to the exchange of information, meetings were organised with the agencies managing the secured exchanges systems used in the EU, that is to say Europol, OLAF and DG TAXUD. As the action was limited to the exchange of information between MSs, international exchange systems such as the CenComm of the WCO were not included in the action. An overview of the exchange of information on seizures made on containers was done on a 3-year time frame. The main conclusion highlighted in the report can be sum up as follow. First, most of the Member States do communicate information on their seizures to the other ones. The main problem is more linked to the quality of the data exchanged (sometimes some core details are missing) but also to the multiples systems to be filled in, that cause a lack of clarity and a double (to a triple) work for the officers in the Member States.

- **Action 1.3**: Bring together intelligence from customs and police for further analysis and to support further investigation - SIENA connections and subsequent cross checks and analysis provided.

This action, proposed and led by Europol, made an overview of the accesses of Customs agencies to SIENA. A total of 6 Customs authorities in the MSs have direct access to SIENA plus 1 third party (Switzerland). Also, 13 Liaison Bureaux have Customs officers based in their offices at Europol, who have direct access to SIENA. Future applications are dependent on MS national structures, MS applications and available infrastructure.

- **Action 2.2**: Develop cooperation and closer working between police and customs on national levels and between the EU and 3<sup>rd</sup> countries to target OCGs engaged in “rip on” and “rip off” at source and destinations.

- **Action 2.3**: Analysis of rip off, with regard to modus operandi: packaging, logos, links to gangs, routings.

These two actions were both led by UK and are tightly linked. The main aim of these two actions was to pool existing information on the rip off method and to conduct analysis to establish intelligence led response. The action 2.2 took a long time to be launched due to the long period required for the introduction and the reply to the ISEC grant request. After a first ISEC request from France turned down by the Commission, UK received a positive reply in February 2013 and signed the contract with the Commission in April 2013.

The first part of the action was dedicated to build a comprehensive picture of the rip off phenomenon and rip off teams operating in European ports. To this aim, meetings were planned with all the stakeholders in the ports concerned (police, customs and shipping companies operating port terminals) to exchange on this specific threat and gather information from various points of view. Visits to the UNODC and to several EU ports were planned in 2013 and completed by December 2013. A first report concerning the European part will be issued by March 2014.

The second part of the project, more focused on the ports of origin, where the cocaine is placed in containers, will be implemented in 2014. A first visit to the Panamanian ports and authorities planned for March 2014. Visits to Ecuador, Brazil and Colombia will follow. The final report of these actions will be issued mid-2014.

As the introduction of an ISEC grant to run this action took a long period, the kick off of the project was delayed. Due to the importance of this action and the time-frame needed to conduct it, it will be pursued in 2014 in connection with the EMPACT priority cocaine of the new policy cycle. For this reason, the Spanish driver of the OAP Cocaine has been closely associated to the project since the end of 2013 and will also take part to some of the visits planned.

- **Action 5.2**: Consider joint inter agency teams and working at seaports within the EU.

- **Action 5.3**: Improve inter agency cooperation: deliver (learning opportunity) best practises seminar aiming at inter agency cooperation.

The action 5.2 was implemented in the OAP Containers 2012 and led by CEPOL. To conduct this action, a seminar was organised in Europol, Rotterdam and Felixstowe at the end of November 2012, where experts from all MS were invited to share about risk assessment and container targeting and to exchange on good practices to be promoted. As mentioned previously, part of this action was also merged with the action 1.1 and led to a common report from both action leaders.

Following the very positive feed-back on this first CEPOL seminar, CEPOL offered to reconduct the activity in the OAP Containers 2013. The action 5.3 was implemented in 2013 and a seminar organised by CEPOL in Cyprus with the cooperation from various MS from November 5<sup>th</sup> to 8<sup>th</sup>.

Based on the success of this experience, gathering for the first time police and customs officers and providing very good opportunities of exchange, that kind of activities led by CEPOL will be continued in the new EU policy cycle, more especially in the framework of the EMPACT priorities excise and cocaine / heroin.

- **Action 5.4**: To target cigarette smuggling by the use of containers with the aim to dismantle criminal networks, increase seizures and trace proceeds of the crime.

This action was proposed by UK (HMRC) and introduced in the OAP Containers 2013. A meeting gathering the main stakeholders (MSs, Europol, OLAF, TAXUD, tobacco manufacturers) was organised in the Hague in March 2013 to compare the situation regarding “cheap white” cigarette smuggling in the MS, with the input from OLAF and Tobacco Manufacturers about smuggle patterns used by the OCGs involved.

Following this meeting, a roll on roll off survey from UK was distributed by FP Smoke in June 2013 to all MSs. However only 15 replies were received, and many replies were of limited quality.

As the time-frame of the OAP Containers 2013 was too short to further develop this action, the activities started will be continued in the OAP Excise, drafted in the framework of the new EU policy cycle, that is also led by UK (HMRC).

- **Action 6.1:** To create a group to examine the various law enforcement cooperation mechanisms available to establish best practice, identify gaps and to avoid duplication - Examine current mechanisms such as UNODC, bilateral, SELEC, EC, WCO etc. in 3<sup>rd</sup> countries.

This action was implemented in 2012 by Ireland and aimed at making an overview of cooperation mechanisms, to have a better knowledge of the existing ones and avoid overlapping by promoting new tools. The first finding during the workshop held at the end of 2011 was that cooperation with 3<sup>rd</sup> countries is an absolute need and the existing mechanisms should be better known to be better used and also to avoid any duplication. Thus, the action leader met all the partners involved (OLAF, WCO etc.) and issued a detailed report on the existing multilateral cooperation mechanisms with third parties, in the EU and wider.

- **Action 6.2:** To create a group to examine the various private sector cooperation mechanisms available, to establish best practice, identify gaps and to avoid duplication.

If cooperation with the 3<sup>rd</sup> countries is a key issue to tackle illicit trafficking by containers, cooperation with the private sector also appeared to the participants as a major issue in this field.

This action was first drafted in the OAP Containers 2012, however it had no action leader willing to run it. Germany (ZKA) agreed to run this action at the end of 2012 so, the action was launched in 2013, with a kick off meeting in April 2013.

A working group was set up on the basis of the MS that agreed to take part to the action and a representative of the private sector also took part to one of the meetings of the working group in order to include the point of view and expectations from the private sector to have a complete overview. The final report of the working group, emphasizing good practices from the perspective of law enforcement administrations but also from the perspective of a private sector operator, and providing some recommendations, was issued in December 2013. An example of a Memorandum of Understanding, which appeared to be the most used mechanism of cooperation, was also attached to the final report.



## II. GENERAL FINDINGS

### 1/ Priority and Strategic Goals

Some difficulties were faced at the very beginning to set up the strategic goals and to define the actions to be implemented. On the one hand, hardships were linked to the very broad scope of the priority, aiming at one mode of transport but several kind of commodities (namely cannabis, cocaine, heroin, cigarettes and counterfeits) without narrowing down the compass of what should be of first priority. Smuggling patterns and organised crime groups are not the same from one commodity to another, even if they use shipping containers to introduce it to the EU territory.

On the other hand, during the first meeting held in September 2011 – when the strategic goals have been set up – most of the delegates attending the meeting were not clearly aware of the aim of this meeting and of the importance and consequences of the strategic goals to be defined. Some action leaders also mentioned that during this initial meeting, many of the delegates sent by MS were not the correct people to attend the meeting because they either did not have the relevant knowledge or, more importantly, they did not have the authority to make decisions on behalf of their country/agency. A number of these people talked a lot and made vague promises that their country would participate after consultation but were never seen again, which has had a detrimental effect on the OAP. The training and a better explanation of the aim of the workshops may provide a solution to this problem. Also, the experience of the first EU policy cycle may help to avoid that kind of difficulties in the future.

Moreover, regarding the strategic goals and the actions, it is of paramount importance that all the participants are aware of the existing measures, programmes and activities linked to their priority to ensure that no overlapping actions will be decided.

To sum up, the following recommendations could be made:

- 5. Set up more focused priorities, with a precise and feasible aim to be achieved.**
- 6. Better inform the experts in charge of the definition of the strategic goals of the object of the meeting and the future work to be done upon those strategic goals.**
- 7. Ensure a common level of knowledge and expertise on the topics covered upon the participants/experts, combined with a decision-making capacity to commit their services.**
- 8. Dedicate more time to the definition of the strategic goals and the actions.**

## 2/ Funding

Another difficulty, frequently pointed out by the drivers and action leaders in the first EU policy cycle, is linked to the funding of the implementation of the OAPs.

As mentioned above, one application to the ISEC grant was introduced by France for the action 2.2 of the OAP 2012 in February 2012. After a negative answer from the DG Home in August, UK, leader of the action, decided to reiterate the request, and received a positive reply in February 2013. Finally, this will allow the implementation of the action 2.2, dedicated to the fight against rip off smuggling. However, this action was initially planned in the OAP 2012 but will only be started in April 2013 (time to sign the contract between UK and the European Commission), which goes far over our initial deadline. Moreover, the heaviness of the procedure will request a real commitment in the UK to follow the financial aspect of the project.

Taking into account the situation of the MSs, in terms of finances but also in terms of human resources availability, the drivers, co-drivers and action leaders need a strong support of the European Commission to carry on the future projects. This aspect can also be linked to the commitment of the MS in the OAP, especially in the role of action leader. Thus, **the lack of visibility over the financial support may dissuade some initiatives**. Without any financial support and in a time-frame of 1 year, it can be difficult to implement operational actions with a real impact on the organised crime groups. For this reasons, some actions were only dedicated to enhancing the understanding and the intelligence picture, through reports and benchmarking. Also, it seems difficult to plan some actions in a time-frame of several years (up to 4 years in the new policy cycle) without any clue on how to fund the activities decided.

Taking into account the difficulties foreseen to encounter funding in the framework of the 2<sup>nd</sup> policy cycle, it has to be highlighted that without an appropriate financial support the content of the actions of the OAPs has to be adjusted downwards, leading to a decrease of the operational impact of these actions.

As regards the participation to the kick off and follow up meetings, the funding of one participant per MS can sometimes limit the scope of the action and harm the multiagency and multidisciplinary ambition of the EMPACT projects. Many priorities and many actions within these priorities require a participation and a commitment of various law enforcement agencies (police, gendarmerie, customs etc.), this was the case of several actions of the OAP Containers. Thus, three British agencies took part to the OAP, their complementarity and the added value of each of the participants made no doubt. The participation of less MS and more participants to allow a representation of several agencies should be taken into consideration in the future. **Cooperation between law enforcement services, bringing various experiences and complementary analysis is a key factor of success of the projects.**

### 3/ Good practices

Based on the experience of the first EU policy cycle, some positive points and good practices can be highlighted.

First, the **lack of action leaders** in the OAP Containers 2012 was a major hurdle to the implementation of the OAP. The philosophy of the policy cycle relies on a pyramid-shaped pattern, involving a driver and a co-driver in charge of the coordination and reporting, providing help and support to the action leaders, and action leaders dealing with the implementation of their action(s). Taking into account the commitment expected from the driver, it is challenging to take on more than one action furthermore to the role of driver of the priority. Thus, the role of the driver to raise the awareness of the other MS and search for willing agencies or MS to become action leaders requested a lot of time in the first months of the OAP. The French customs general directorate and intelligence service, fully committed to the project, spared no effort in that matter. However, it would most probably save time and make the implementation of the OAP more efficient if the action leaders are clearly identified during the first workshop. This may involve a kind of awareness-raising of the MS beforehand, as stated above. The commitment of the various stakeholders of the project is definitely a key factor of success.

To have real working sessions, the OAP Containers driver had decided to reduce the scope of the participants and to organise meetings gathering the persons really committed and involved in the project, that is to say the **co-driver, the action leaders and the Europol project manager**. Having two to three follow-up meetings a year with this task force allows the participants to exchange a lot, share ideas, doubts or good practices and ask advices to the other one, and is facilitated with smaller meetings. Besides, this reduces the cost for Europol when the meetings are funded by the agency. The action leaders recognized these follow-up meetings as very useful. For instance, one of the OAP action leader underlined that *“support received from other action leaders, driver, Europol support manager also essential and it worked very well, the meetings made it easier to get in touch with them and discuss the nature of the support needed.”* The importance of the support and commitment from the Europol’s project manager and the driver were also highlighted by the action leaders several times. Having agencies such as CEPOL in this task force was also of great help. Thus, the action leaders are not always aware of the possibilities offered by the agencies and it enabled CEPOL to explain more in details the way they could support the action leaders in their duty. The flexibility in the implementation of some actions was also an asset and allowed a more rationalized approach towards actions that may be complementary or redundant.

### III. CONCLUSION

The implementation of this first EU policy cycle since the end of 2011 was a first experience and allowed the necessary conclusions to be drawn. The added value of the actions ran is certain and positive and good findings came out. Some difficulties were also pointed out and the new EMPACT priorities will probably run more smoothly based on the lessons learnt. However, it appeared in the kick off of the new EU policy cycle that **some issues linked to the funding of the priorities and the commitment of the MS as action leader in the OAPs are not completely solved yet.**

Also, as mentioned in the first part of this report, some of the actions are carrying on in the framework of the second EU policy cycle. However, concerns have been raised regarding the future of the work achieved during this first cycle. Some actions implied very hard work from the participants and led to reports and recommendations. Their outcome should not remain a dead letter. It should be promoted in the new priorities to avoid a double-work on topics already addressed in the first priority and could also serve as a basis to deepen and continue the work undertaken. Besides, it is also of high importance to link with the other groups of the EU Council working on these topics, and especially in the case of the OAP Containers with the Customs Cooperation Working Party. Again, the main concern is to avoid overlapping and to ensure that the results arising from the work undertaken in the EMPACT priorities will be disseminated to all concerned parties. Thus, **reports issued shall be transmitted to the groups concerned to be taken into account and recommendations emanating from the actions of the OAPs should not go unheeded.**

## EMPACT 2012-2013 PRIORITIES

### OAP CONTAINERS

## - ACTION 1.2 REPORT -

### INTRODUCTION

In the framework of the operational action plan (OAP) dedicated to the fight against illicit trafficking by containers, several actions have been outlined by the Member States and the agencies. One of these actions is dedicated to the exchange of information between Member States and aims to *"ensure that relevant initial details from container seizures are exchanged between MSs in a timely manner to facilitate the identification of OCGs and further suspect containers"*.

In order to implement this action, it was decided to focus on the 3 main secured channels for the exchange of information between the EU Member States, that is to say the Mutual Assistance Broker (MAB), the Risk Information Form (RIF) and SIENA. Other secured communication tools exist, such as the World Customs Organization "CENComm", however the only channels retained for this action are the one used by the Member States to exchange information on seizures with each other. For this reason, this report will limit the comparison to those three channels.

The purpose of this report is to compare the exchange of information between the Member States about the seizures made in containers, to underline the specificities of each channel and point out the gaps, overlaps and benefits of the communication tools regarding container seizures. The commodities retained are the same as the ones of the OAP Containers, namely "cocaine, heroin, cannabis, counterfeit goods and cigarettes".

To carry out this action, the action leader met TAXUD, OLAF and EUROPOL to ask for their support in order to gather all the data needed to conduct this study.

To give the best overview of the exchange of information through these various tools, this report will first highlight the background and the features of the communication systems, the gaps and overlaps identified will then be underlined. The last part will be dedicated to the conclusions of this analysis.

## 9. Background

### a) The Mutual Assistance Broker (MAB)

The legal basis of the Mutual Assistance Broker is the Regulation (EC) 515/97. The MAB is dedicated to the mutual assistance between customs administration whereas the RIF is linked to the risk analysis. The MAB is one unit of the AFIS portal (Anti-Fraud Information System), which is divided in various modules: the CIS (Customs Information System), the MAB (Mar-Info, Yacht-Info and Cig-Info) and the FIDE (Customs File Identification Database). The seizures integrated in the MAB can feed automatically the CIS.

For this study, the only part of the AFIS portal that will be analyzed will be the MAB Mar-Info, which is more specifically dedicated to the exchange about seizures made on containers and commercial vessels. Three types of illicit commodities are addressed in the MAB Mar-Info: illicit drugs and precursors, cigarettes and tobacco, counterfeits.

### b) The Risk Information Form (RIF)

Regarding the legal basis, **CRMS<sup>1</sup> is based upon** Commission Regulation (EC) No 1875/2006 of 18 December 2006 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code. In particular, **Article 4 G of the Commission Regulation mentioned here below is relevant.**

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1 Community Risk Management System.

Thus, article 4 states that “For the purposes of a common risk management framework and the establishment of an equivalent level of customs controls throughout the Community, risk analysis should be based upon data processing techniques, using common criteria. The risk information should therefore be exchanged among customs authorities and the Commission using, without prejudice to national or international obligations, a Community customs risk management system, common priority control areas, and common risk criteria and standards for the harmonised application of customs controls in specific cases.”

According to article 4g:

“1. Risk management at Community level, referred to in Article 13(2) of the Code, shall be carried out in accordance with an electronic common risk management framework comprised of the following elements:

- (a) a Community customs risk management system for the implementation of risk management, to be used for the communication among the Member States customs authorities and the Commission of any risk-related information that would help to enhance customs controls;
- (b) common priority control areas;
- (c) common risk criteria and standards for the harmonised application of customs controls in specific cases.

2. Customs authorities shall, using the system referred to in point (a) of paragraph 1, exchange risk-related information in the following circumstances:

- (a) the risks are assessed by a customs authority as significant and requiring customs control and the results of the control establish that the event, as referred to in Article 4(25) of the Code, has occurred;
- (b) the control results do not establish that the event, as referred to in Article 4(25) of the Code, has occurred, but the customs authority concerned considers the threat to present a high risk elsewhere in the Community.”

The current electronic RIF system was created in 2005. It is hosted under the same secured portal as the MAB, provided by the European Commission, the portal CCN-CSI (Common Communications Network and Common Systems Interface). The initial idea behind the RIF was to enable each customs officer in the EU to share in real time a risk identified with the customs officers of the other Member States. When Council Regulation 648/05 came into effect, it was decided that CRMS/RIF would become the secured communication tool between the first points of entry in the EU and the points of destination. Thus, nowadays, RIF can contain information about seizures made, as well as communication messages between the operational platforms dealing with risk analysis in the Member States. Any risk linked to goods in the supply chain is covered by Council Regulation 648/05. Categories integrated in RIF are now Animal and Plant Health, CITES, Counterfeit, Drug Precursors, Financial, Human Health and Safety, Security and Cash control.

c) SIENA

It appeared during this analysis that the RIF and the MAB are much more comparable and similar than SIENA. Thus, RIF and MAB are both aimed at exchanging information between customs administrations to inform the other Member States about risks identified and seizures made in a Member State. Both systems are designed to this purpose and include a form to be filled in to exchange information about the seizure. Regarding SIENA, the following features can be highlighted.

SIENA stands for Secure Information Exchange Network Application, used for exchanging crime related information. Europol is the European Union's law enforcement agency with a remit to assist the European Union's Member States (MSs) in their fight against serious international crime, organised crime, and terrorism. SIENA is therefore used by multiple law enforcement agencies to exchange information on multiple crime areas. For example in 2012, 28% of cases exchanged via SIENA related to drugs, 16% to robbery, 15% to fraud, 11% to illegal immigration, and 9% to both trafficking in human beings and money laundering. It is therefore difficult to make comparisons between MAB, RIF and SIENA because each system was designed to perform a different task, and each system is used by different and diverse user groups.



The legal basis for SIENA is the Europol Council Decision and its implementing regulations. SIENA is used to manage the exchange of operational and strategic crime related information and intelligence between MSs, Europol and Third Parties with whom Europol has a co-operation agreement. User groups include MS Liaison Bureaux; MS Europol National Units; MS Competent Authorities; Third Parties; Auditors; and various Europol Units. SIENA uses encrypted point to point network connections, which allows Liaison Officers and Europol staff to have contact with the MSs and Third Parties.

SIENA allows multiple sub groups within a MS, restricting access for users and improving automatic routing of messages within a MS, based on message type and crime area. Each MS and Third Party decides how they want to configure SIENA and on the criteria for granting access to their SIENA users. However, persons entrusted with access must have undergone the necessary security screening, and received and passed SIENA end user training.

The core business of SIENA is the exchange of information by means of sending and receiving messages to and from participants similar to a secure email function. A SIENA message consists of a set of administrative fields (such as crime area, recipients, date and time etc.), the message text itself in free text and possible attachments in different file formats. Common features in the exchange of law enforcement information, such as protective marking as well as handling and evaluation codes etc., are also applied in SIENA.

In 2012 SIENA was used to exchange information on 414,334 operational messages, a monthly average of 34,528. This was a 25% increase on 2011 figures. In 2012, 15,949 new cases were initiated via SIENA, with a monthly average of 1,329. This was a 16% increase on 2011 figures.

## **2. Comparison of the exchange of information through the various channels**

A very large amount of messages is exchanged each year by the Member States and the number of seizures notifications tends to increase both in RIF and MAB. Yet, it is impossible to know if this number of notifications raised because of an increase of the seizures made in containers or because of a better reporting from the Member States.

The timely transmission of the seizure notifications is an aspect rather difficult to assess. RIFs do not mention the date of the seizure but the principle is to communicate in real time the risk identified to the other Member States. However, two aspects have to be taken into consideration. First, availability of human resources in the Member States is not always sufficient to enable to enable a quick communication of the data following a seizure. Concerning this point, the RIF allows a quicker communication as less fields are requested in the form, on the other hand, the greater number of fields in a MAB Case lead to a better precision about the seizures. Then, the legal possibility to communicate information about a seizure, especially regarding nominal data, is not the same from one Member State to another. Due to ongoing investigations, seizures are sometimes communicated weeks or months afterwards.

### 3. **Conclusion**

The aim of this action of the OAP Containers was “to ensure that relevant initial details from container seizures are exchanged between MSs in a timely manner to facilitate the identification of OCGs and further suspect containers”.

By analyzing these 3 year data on the exchange of information about seizures of illicit commodities in containers, it comes out that the main problem is not that the Member States do not notify the seizures they make to the others. Indeed, two difficulties can be highlighted. First, the volume of messages exchanged through the MAB and the RIF can be appraised but the quality of the data within this messages cannot be assessed. To ensure a coordinated action of the customs services of the 28 Member States, it is of paramount importance that information regarding the modus operandi, the consignees and the consignors appear in the messages exchanged. In any case, the quick transmission of the information and the precision of all the data concerning the seizure made by a Member State are key factors of success for the identification of suspect containers in other Member States.

Then, following the abolition of the pillars and since the security amendments to the CCC (Council Regulation 648/05) came into force, MAB and RIF seem to be more and more used to the same purpose, which engenders a confusion and increase the workload in the Member States, the seizures made being notified in both systems.

The national organization of each Member States being different, the users of the systems RIF or MAB are not always the same from a Member State to another. For instance, the RIF is sometimes managed by the control teams at the points of entry whereas the the MAB is managed by intelligence or central services. Furthermore, both systems do not have exactly the same purpose, the RIF being also used between the operational platforms in charge of the risk analysis. Thus, to avoid a double-data entry to the Member States, a simple merging of the systems cannot be the answer, for practical but also legal reasons, given that the legal basis of the systems are not the same.

A solution could be **to establish a gateway between the systems MAB that could give the opportunity to transmit the seizure data from one system to another.** Such a gateway was already developed between the MAB-CIS (Customs Information System) and the CENComm of the World Customs Organization. The fact that both MAB and RIF are hosted under the same portal of the European Commission could also make easier the development of such a facilitation. On the one hand, this would save time and human resources and help the daily job of customs officers in the Member States. On the other hand, an easier and quicker transmission of the information would improve the level of knowledge about ongoing fraud process and help the identification of further suspect containers.

DECLASSIFIED

**EMPACT 2012-2013 PRIORITIES**  
**OAP CONTAINERS**  
**- ACTION 6.2 PRIVATE SECTOR COOPERATION**  
**MECHANISMS –**

**A. GENERAL SUBJECTS**

**1. INTRODUCTION**

In the framework of the EMPACT priorities of the EU policy cycle 2012-2013, a specific operation action plan (OAP) dedicated to the fighting illicit trafficking by containers was drafted by the Member States.

Among the actions decided during the OAP workshop in October 2011, the participants decided to dedicate an action to the cooperation with the private sector. This action generally has the aim “to further improve cooperation with the private sector primarily for crime prevention and proactive intelligence purposes”, by “creating a group to examine the various cooperation mechanisms available, to establish best practice, identify gaps and to avoid duplication”. This group was established under the lead of Germany (ZKA) and gathered experts from several Member States who had expressed their will to participate in this action of the OAP during the first workshop, held at Europol in October 2011.

The initial key performance indicator (KPI) was the number of contacts to the private sector. However, the KPI for this action had not been decided during the OAP Containers workshop caused by a shortage of time. The KPI was decided before the first meeting of the working group and therefore not approved by the participants to the priority. It appeared that this KPI was not relevant for this action as the aim of this action is to examine various cooperation mechanisms available, to establish best practice, identify gaps and to avoid duplication.

Even if contact with the private sector was made in order to get the views of all the stakeholders, the appropriate KPI would better be the issue of a report bringing out the various fields and forms of cooperation existing, as well as the best practices identified under the perspective of both law enforcement administrations and private sectors operators.

## **2. OBJECTIVES**

The main objectives of the working group were to compare the existing cooperation mechanisms in the Member States in order to identify difficulties and good practices.

In order to fulfil these objectives, the following report will examine the fields of cooperation with the private sector in various topics such as the risk analysis on cargo, the support to customs control and more generally the support to the law enforcement action to fight against illicit trafficking. The various forms of this cooperation will be highlighted, such as bilateral cooperation between a Member State and a private company or multilateral cooperation via the European Commission or through international organisations.

Then, the report will emphasize some good practices identified by the working group from the perspective of law enforcement administrations but also from the perspective of a private sector operator. The last part of the report will be dedicated to the conclusions and recommendations of the working group.

## **3. WORKING METHODS**

In the frame of the OAP “Container shipment” the working group “Cooperation with the private sector” started their work in spring 2013. The participants in the group were Finland, France, Germany, Latvia, Netherlands, Romania, Slovenia and Europol. The group was led by the German Customs Administration (ZKA). Both customs and police officers participated in the meeting.

To gain an overview of the current situation in the participating countries a short questionnaire was created by the driver and sent out to the participants.

After having summarised the answers, the working group held its first meeting on 11<sup>th</sup> / 12<sup>th</sup> April 2013 at Europol to discuss the objectives based on the answers. During the discussion it was agreed, that a representative of the private sector should be invited to a second meeting to include the experience of the private sector in the work of the working group.

On the 4<sup>th</sup> / 5<sup>th</sup> September 2013 a second meeting of the working group was held at Europol. This meeting was divided into an open and a closed, for law enforcement officers only, session. A representative of the Baltic International Maritime Council (BIMCO) participated in the open session and gave an overview about his experience in the cooperation with law enforcement agencies. During the following discussion useful ideas and suggestions were elaborated.

During a third meeting of the working group in Hamburg on the 21<sup>st</sup> / 22<sup>nd</sup> November 2013 the final report was drafted.

The first and the second meeting were funded by EUROPOL. Between the meetings, the participants exchanged information also by e-mail and telephone.

## **B. OUTCOME**

### **4. AREAS OF COOPERATION WITH THE PRIVATE SECTOR**

The working group identified three different areas of cooperation with the private sector. Law enforcement agencies can collaborate with the private sector in the field of

- Risk analysis
- support of customs controls
- and
- law enforcement activities.

While the first two areas belong to the typical responsibilities of customs administrations, the third area is in the shared competence of all law enforcement agencies.

#### **4.1 RISK ANALYSIS**

The amount of goods and movements in containers all over the world makes it necessary to implement risk-analysis in the daily work of the authorities and companies. Nearly all the movements with containers are legal, just a small percentage of this total amount is misused and linked to criminality. Risk-analysis is done on several levels and by several services and companies, e.g. police, customs, shipping companies, bank and insurance companies.

A high risk shipment is not just a high risk shipment for one of the mentioned institutes - most of the time at least three are or will be involved.

To become more effective in the fight against illegal transports and crime there are areas of cooperation and sharing of information.

Cooperation is preferred with the private sector not with an individual company and / or based on an incident but by regular contact or better by a memorandum of understanding (MoU) with a sector. A MoU is a voluntary cooperation agreement between two parties. Most of the relevant companies in the EU are participating in a federation e.g. textile, cigarettes or beverages.

In these MoU's it is recommended to pay attention towards risk analysis in cooperation. General or specific risk analysis for instance concerning risk areas/countries can be shared with the federation, the federation can distribute this information among the members.

By creating this exchange and cooperation the risk-analysis of customs and police can be enhanced, which results in better risk based controls and avoids unnecessary checks of legal transports.

Important in these MoU's is the two way exchange of information from authorities to federation/companies and vice versa.

Several EU Member States do have the MoUs with federations and there is an increasing number of MoUs. The experiences do vary but the added value is obvious.

#### **4.2 SUPPORT OF CUSTOMS CONTROL**

Customs controls can be supported by the companies at several moments and in the logistic process. For instance it can be done by ensuring the area of control, or to discharge the container under supervision of customs in a customs control shed. It can also be facilitated by the reservation of a location with a direct contact person of the company. (e.g. during rip off controls in the Netherlands in a special area of several thousand square meters to be controlled; in that area only one person of the harbour company will be around acting as a contact person).

Customs could support the private companies by organising the controls at convenient times during the movements of the containers. That means that control can be done e.g. during discharging at the premises or before loading. The one stop shop principle, all controls of all public services are done at the same place at the same moment, can support the private companies and can encourage them to share and cooperate. In addition the customs control can be supported by the private sector providing technical equipment or knowledge about the goods.

#### **4.3 LAW ENFORCEMENT**

Police, Customs and other law enforcement agencies need to cooperate with the private sector in the field of investigation and prevention of criminal offences. This is mostly regulated in the criminal justice system, e.g. the rules of criminal procedure. In addition a regular contact between law enforcement officers and representatives of the private sector should be encouraged.

In principle cooperation is possible in all areas of crime. Particularly in crimes related to the import and export of goods, like drug trafficking, cigarette smuggling or IPR fraud, cooperation should be implemented and fostered.

The private companies have a lot of information in connection with its business that might be useful for law enforcement agencies.

This can be in the first line:

- information on suspicious shipments
- information on potential fraud
- information about dubious employees and customers
- product information

In principal all private companies, involved in the container traffic, have more or less this kind of information.

Some areas of potential collaboration are:

3. shipping companies
4. seaports
5. container maintenance companies
6. container loaders/unloaders



7. forwarding companies
8. chambers of commerce
9. central organisations
10. warehouse companies
11. right holder and producer
12. railway companies
  - insurance companies
  - claim agents
  - private security companies

The cooperation with law enforcement agencies can be established by informing them by unusual behaviour of clients or staff. There is also a possibility in sharing conspicuous orders or shipments; this may only be for analysis - but also directly for law enforcement purposes.

Law enforcement agencies can inform reliable companies not to start or to deal with suspicious companies or persons.

The internal check of staff can also be done in close cooperation with law enforcement, depending on the national law and possibilities.

#### **4.4 DECISION OF THE WORKING GROUP**

Cooperation between law enforcement agencies and the private sector are valuable for prevention and investigation purposes. Information received from the private sector provides the law enforcement agencies with investigative approaches and can help them to conduct investigations.

The working group defined the possible partners as follows:

**Any party concerned that is likely to provide any information about illegal activities related to containers, ports, vessels, and people connected with these activities and to transmit this information to law enforcement agencies.**

## 5. EXISTING COOPERATION MECHANISMS

### 5.1 BILATERAL COOPERATION

The members of the working group confirmed that in their countries, contacts between the private sector and law enforcement agencies exist. The level of cooperation is different. In some countries collaboration is conducted on a daily basis. In other countries a specific MoU program is established.

The situation in the participating countries is very different. Contacts to tobacco and alcohol companies, to shipping and transport companies, to IPR right holders and/or to the chemical industry exist in almost all countries. Some administrations have access to private data-bases - in other countries common data systems are developed. Any exchange of information or contacts for preventing, detecting and investigating offences are established in most participating countries. These are only a few examples from a whole bunch of possible measures.

The working group saw no need to send out a questionnaire to all EU Member States to draw a complete picture of the situation of the cooperation between law enforcement and private companies in the EU.

On the one hand the EU working group published a joint action on MoU between customs authorities and business organisations in combating drug trafficking on 12<sup>th</sup> December 1996, in which all Member States were required to set up a MoU programme. The evaluation thereof in 1998 showed, that all Member States had a MoU programme in place. On the other hand the situation in participating countries is so different, that this picture is not conclusive.

#### 5.1.1 EXAMPLE

An example of cooperation between private and public sector in relation to container traffic and crime is obvious in the Netherlands in their program harbour integrity. This program is focussing on integrity, but in more than just one way, integrity means in this program also safety, internal and external integrity and crime/smuggling. This program is based on cooperation and information sharing.

The public prosecutor department of Rotterdam is in charge of this program and the participants are the harbour companies e.g. ECT (container terminal), security, (harbour) police, customs and others. In the meetings and activities general information and concerns are shared, activities are planned and evaluated. One of the concerns is and was the legality of the persons present on the terminals. Customs, police and security organised in close cooperation with a container terminal a combined control action for all the incoming and outgoing cars and trucks.

## **5.2 COOPERATION BETWEEN INTERNATIONAL ORGANISATIONS AND THE PRIVATE SECTOR**

The working group identified the following initiatives in the frame of the cooperation between law-enforcement agencies and the private sector:

- Blue belt initiative European Maritime Safety Agency (EMSA)
- EU Customs Security Programme
- Customs Cooperation Working Party (CCWP) MoU Initiative 1996
- Cooperation from 1985 by World Customs Organisation (WCO)
- United Nations Office on Drugs and Crime (UNODC) and WCO Container Control Programme
- WCO Cargo Targeting System (CTS) Programme
- INTERPOL Public Private Partnership Framework
- Europol's private sector cooperation under the Europol Council Decision
- OLAF's (European Anti-Fraud Agency) contacts to the private sector

These initiatives cover different measures by police and customs and can only be seen as examples in the cooperation.

Time constraints on the working group did not allow contact with all the international organisations listed above.

### **5.3 POSSIBLE AREAS OF COOPERATION**

Cooperation on a wide range of topics can be initiated between law enforcement agencies and the private sector. Mainly, the level of cooperation depends on the good will of the partners involved. Such cooperation can bring advantages to both parties and really become a mutually beneficial relationship. The cooperation with the private sector can only be conducted within national data protection regulations and other legal parameters.

For crime prevention, for example support of a risk-analysis, and also for criminal prosecution, contacts to companies/private organisations are valuable. Cooperation could mean contacts to gather information on suspicious movements and actions as well as access to private data-bases. Access to data on payment history, or information on container traffic, are only two examples of collaboration. Systematic access to databases for law enforcement officers are a sophisticated approach for preventive measures. Especially in the field of IPR, tobacco and alcohol, the right holders have information on suspicious flows of goods, which can be interrupted by customs. Furthermore they can provide customs and police with product information.

Shipping, transport and security companies in ports have a lot of intelligence about activities in the harbour to help law enforcement agencies to detect or investigate criminal offences.

This was also confirmed by the representative of the Baltic Maritime Council during the second meeting of the working group.

### **6. IDENTIFICATION OF GAPS/DUPLICATION OF WORK**

The cooperation between law enforcement agencies is subject of the work in many countries and international organisations. For the identification of gaps and to avoid duplication of work intensive contact with all international organisations and also all Member States is necessary. Due to time-restraints the working group was unable to get in touch with all the actors.

## **7. BEST PRACTISE**

### **7.1 IN GENERAL**

The working group agreed to seek cooperation with private sector to be as widely as possible. It should cover all the players along the supply chain starting with the port of departure, shipping lines, forwarders, local port authorities, port security services, various associations and bodies involved in commercial activities within international shipments in containers. Customs are supervising and controlling the goods arriving into ports. High quantities of goods come in containers. Customs controls are based on available data accompanying containers on their way from sender to final receiver of the goods. Decision of Customs on the level and intensity of controls depend very much on the quality of data available. Commercial data available to customs are often insufficient to make an adequate threat assessment. Therefore, more complete information is sought from other sources.

Cooperation with port authorities, shipping lines, forwarding agencies and other influential companies becomes crucial in order to build trustful relationships. This can involve agreements on specific data exchanges, information and intelligence sharing, organising joint training and awareness meetings, following trade developments, fraud and criminal trends and providing timely and adequate responses to irregularities, frauds and potential dangers to legal trade and citizens.

Best practice is seen as a combination of all activities and measures that provides regular, professional and trustful relations, among all important players in the supply chain. It starts on a national and even local level, usually in the port, where these players meet on a daily basis. Their work is interdependent and good cooperation essential to facilitating high volumes of goods and supporting the economic well doing of all business involved. MoU can be a helpful tool, a basis for closer cooperation that allow both sides to meet, discuss and exchange information also on the personal level, which is usually a precondition for active cooperation and operational success. MoU is therefore a tool to meet both sides' demands. On the one hand, it is customs or other law enforcement authorities, and on the other hand it is the private sector that might have better insight into all details of specific shipments. While the authority aims to gather intelligence or information for better targeting of risk consignments, private business seeks fast, short and appropriate procedures to save money and be competitive on the global market.

Legitimate businesses also try to distance themselves from criminality. However, both sides will benefit if a modus operandi is found where both parties are satisfied.

A MoU should not become a dead letter or become just a paper exercise. It should encourage the partners to improve ongoing communication and cooperation, and to share experience and build trust. To become operational, concrete activities like provision of training, regular meetings, discussion of trends and other joint activities are required.

There are good examples where both sides meet and update each other on numerous issues. These include security issues, changes of legislation or procedure, organisations of companies or administration, fraud patterns and trends, pressures on legitimate trade and all other issues that might be important in facilitating legal trade and identify and prosecute fraudsters. The MoU and more broadly the cooperation has to be dynamic and evolutionary.

A uniform attitude and a timely response from all levels within a private company participating in a MoU, is essential to effective collaboration with law enforcement. Therefore it is important that the MoU is implemented across the whole organisation of potential partners. Establishing single points of contact and out of hours contacts can have a huge impact on improving the effectiveness.

Despite the overwhelming number of good examples of public private sector cooperation, law enforcement should also be mindful of potential criminal infiltration into cooperation partners. Entering these agreements without caution and careful management of cooperation has the potential to reveal sensitive law enforcement techniques and procedures and to misuse sensitive information.

## **7.2 EXAMPLE FROM THE PERSPECTIVE OF A CUSTOMS ADMINISTRATION (Cooperation between the Finnish Customs Administration and the private sector)**

### **1. FINNISH MOU – BROCHURE:**

Finnish Customs has produced a MoU leaflet, which can be found in the annex.

## **2. SOME PRACTICAL EXAMPLES OF SUCCESSFUL MOU COOPERATION IN FINLAND**

1. Frequently, hints and sightings (not only in passenger traffic) have led to seizures of narcotics or other illegal substances or goods. In many cases the information given by those employees of the partner have participated in training under a MoU.
2. A meeting with several shipping companies highlighted a new phenomenon namely the export of used car batteries. The batteries (classed as toxic waste) were neither declared to customs officials nor the shipping companies, but illegally transported from Finland and Sweden to the Baltic countries in passenger ferries. The incorrect loading of the batteries created a serious threat of fire which severally endangered the safety of sea traffic. Soon after the meeting the companies improved their risk management and this kind of traffic started to decrease substantially.
3. Exposing a transportation route and modus operandi of a worldwide criminal organisation in smuggling goods and laundering money.

### **7.3 EXAMPLE FROM THE PERSPECTIVE OF THE PRIVATE SECTOR**

Baltic International Maritime Council (BIMCO) is a shipping association, accredited as a Non-Governmental Organisation (NGO) with all relevant United Nations agencies and other regulatory entities. BIMCO actively promotes the application of internationally agreed regulatory instruments. It provides a wide range of services to a global membership of those operating in the shipping industry, including ship-owners, operators, managers, brokers and agents. BIMCO's objective is to facilitate the commercial operations of its membership by means of developing standard contracts and clauses, and providing quality information, advice, and education.

BIMCO believes that ship-owners and customs' authorities have a joint interest in combating drug smuggling, and that cooperation between industry and customs to further this interest shared is essential. In return BIMCO believes that ship-owner ought to enjoy special benefits with customs' authorities in terms of priority treatment and minimising delays and impact on crew and ship and ship-owner companies.

BIMCO signed a MoU with the World Customs Organisation (WCO) in 1992 and revised it in 2013 that concentrates on drugs. They also have signed a Sea Carrier Initiative Agreement (SCIA) with US customs. Furthermore they have a series of 14 MoUs with national customs authorities (Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Norway, Sweden and UK). These MoUs also address mutual cooperation and information exchange to combat drugs smuggling.

In the future BIMCO will continue discussions with the parties concerned on how to develop further cooperation. Special focus is on revitalising the MoUs and laying foundations for much closer co-operation between ship owners and customs authorities. Once updated MoUs are in place and this could lead to more formalised information exchange structures and counter-drug training activities in return for mitigating benefits.

#### **7.4 EXAMPLES OF MOU BENEFITS**

##### **TO CUSTOMS**

4. It is obvious that improvements in effectiveness of intelligence and investigation are the most essential benefits of MoU cooperation to customs.
5. The benefit to customs could be measured by counting how many direct hints or sightings have been given by MoU partners and how many cases customs has developed through this sort of information. In addition a very important part of MoU cooperation is the possibility to create a way to communicate and to share information in daily routines. Small and simple matters may get quite time consuming and tricky to deal with, if there is no adequate connection. Through the cooperation networks defined in single MoU agreements customs is able to have current data of persons in charge and even to have personal connections with the partners' staff. This gives customs a great opportunity to obtain information (both general and specific) on topical issues of a certain company or area of business which it wouldn't otherwise receive.

It is difficult to measure the effectiveness of MoUs. For example it is difficult to measure receiving information in a timely manner, in response to a request made, or in a specific way or format.



6. In conclusion, improving efficiency (also cost-efficiency) by MoU cooperation can be divided in two parts: firstly, technical cooperation relieves the partners from sending information requested by customs on a daily basis. This kind of information may concern for example passenger lists or consignment notes. For customs it is easier to process the information if it is in a specific, defined format or available through access to the company's database. Secondly, MoU cooperation also provides customs with the possibility to agree about practices in order to lower costs, for example possibility to use partners' equipment in a certain location.

#### TO BUSINESSES

7. First of all, by providing adequate information in advance to customs, they have a better possibility of ensuring the flow of legal traffic. The second benefit is improving the effectiveness of resource allocation, partly through technical solutions. For example a MoU partner providing regular manifests to customs, could reallocate employees to other duties if direct access to data is provided to law enforcement. The third point is a public relations value. By signing the agreement, a MoU partner sends a message of social responsibility and a message of will to prevent criminals from exploiting a reputable business for criminal purposes. This kind of statement may even result in a retreat of unreliable customers who try to avoid law enforcement officials. Cooperation has also in other ways positive impact upon the company security and data protection. In some cases it may even lead up to changes in security practices.

Still, it is important to understand that as a law enforcement authority the Customs cannot give any special privileges to the partners. Therefore, if there is a reason to suspect a crime, the investigation will be started, regardless of a MoU agreement.

## C. CONCLUSIONS/RECOMMENDATIONS

### 8. CONCLUSIONS

The working group concluded that cooperation between law enforcement administrations and the private sector is a valuable tool in the fight against criminal activities.

It is important to share the problems and challenges. Smuggling of narcotics, cigarettes or IPR goods are not only the responsibility of the authorities. It is also a criminal or economic affair. Sharing these issues and the problems can be initiatives from the associations or specific companies to prevent or even to stop these smuggling possibilities. By cooperation and an open mind we can influence these companies towards signing MoUs that are mutually beneficial to both private sector and law enforcement.

**Cooperation is not only up to police or customs but to all involved authorities and companies.**

Bearing in mind the limited personnel and financial resources of law enforcement agencies and the potential volume of information to be evaluated, the Member States should consider the implementation of a MoU program.

MoUs should be used as a basis for enhanced and regular cooperation between customs, and other enforcement agencies on one side and private sector involved in the container supply chain on the other. Once implemented, MoUs should be put into practice, facilitating regular meetings, personal contacts, and the exchange of information. This information could be in relation to trade, legislation, fraud trends and issues important for prevention, detection and the prosecution of illegal activities in relation to container traffic. Customs and other enforcement authorities should also seek direct access to private databases and systems that would allow better targeting and selection of risky consignments.

Awareness seminars and training should be regularly provided to private business. This is to inform them on customs and police interest in securing the supply chain and to fight crime. This can be useful to highlight risks, smuggling methods, and possible ways to prevent illegal shipments.

## **9. RECOMMENDATIONS**

The working group agreed on the following recommendations:

1. The law enforcement agencies in the member states should consider implementing a program to facilitate the cooperation with the private sector. Where possible, a common national and/or international approach should be used.
2. Further discussions about specific issues in the cooperation between law enforcement agencies and the private sector should be held in the framework of the next EU policy cycle.
3. The potential for organising a seminar on “Cooperation between law enforcement agencies and the private sector” should be explored.

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### Memorandum of Understanding

Memorandum of Understanding eli MOU-sopimus on kahden osapuolen välinen vapaaehtoisuuteen perustuva yhteistyösopimus, jonka avulla pyritään syventämään Tullin ja yksityisen sektorin välillä yhteistyötä erityisesti tullirikosten estämisessä, paljastamisessa ja selvittämisessä. Tämä Maailman tullijärjestön WCO:n (World Customs Organization) aloitteesta syntynyt Tullin ja elinkeinoelämän yhteistyö on merkittävä tekijä EU:n tulleissa järjestäytyneitä rikollisuutta vastaan.

Myyös valtioneuvoston periaatepäätös sisäisen turvallisuuden ohjelmasta (8.5.2008) korostaa viranomaisen välisen yhteistyön lisäksi kumppanuuteen perustuvaa yhteistoimintaa sisäiseen turvallisuuteen liittyvissä asioissa muiden toimijoiden, esimerkiksi elinkeinoelämän kanssa.

WCO on solminut MOU-sopimuksia vuodesta 1985 lähtien. Suomessa niitä on solmittu vuodesta 1994 lähtien. Sopimuksia niin valtakunnallisesti kuin alueellisestikin merkittävien toimijoiden kanssa on noin 50. Yhteistyötä Tullin ja elinkeinoelämän välillä tehdään jatkuvasti sekä liitto- että yritysasetolla.

### Yhteiskuntavastuu luo imagoa

Nykyään yhteiskuntavastuu ja sen kantaminen on tärkeää yritys- ja imagotekijä liiketoiminnassa. Solmissaan MOU-sopimuksen Tullin kanssa yritykset ja yhteisöt osoittavat toimintansa vastuullisuutta ja laillisuutta sisäisen turvallisuuden ja yhteiskunnan suojaamisen näkökulmasta. Sopimus viesti yhteiskuntavastuun kantamisesta ja halusta esillä rikollisia toimintoja käyttämissä hyönteistä yritystä rikollisessa toiminnassa.

Elinkeinoelämän toimijoiden ja Tullin yhteistyö perustuu vapaaehtoisuuteen ja vastavuoroisuuteen. MOU-sopimuksella ei luoda osapuolille julkista oikeutta tai velvoitetta, vaan täsmennetään yhteistyön tavoitteet, periaatteet ja tietojenvaihdossa noudatettavat menettelytavat sekä sovitaan perustettavista alueellista yhteistyöryhmistä.

### Molemmat hyötyvät yhteistyöstä

Yhteistyön tarkoituksena on lisätä Tullin ja liike-elämän edustajien valmiuksia hyötyä toistensa osaamisesta, tiedosta, kokemuksista ja kontakteista. EU:n laajeneminen on parantanut kansainvälisen järjestäytyneen rikollisuuden toimintamahdollisuuksia, ja siksi yhteistyöllä pyritään mm. turvaamaan laillisen ja sujuvan liikenteen toimintatodellisuutta sekä kohdentamaan tullirikosvalvontaa täsmällisesti ja tehokkaasti haittaamatta ja hidastamatta laillisen liikenteen kulkua.

Yhteistyö käsittää mm. molempinpuolista koulutusta ja informaatiovaihdoita. Sopimusosapuolet hyötyvät toistensa erityisosaamisesta, ja koulutuksen avulla voidaan esimerkiksi vahvistaa tietoja ajankohteis-luottotähtä tunnistaa mahdolliset yrityksen sisäiseen turvallisuuteen liittyvät uhkat.

## MOU Memorandum of Understanding

National Board of Customs, December 2009

[www.tulli.fi](http://www.tulli.fi)

### Memorandum of Understanding

Memorandum of Understanding eli MOU-sopimus on kahden osapuolen välinen vapaaehtoisuuteen perustuva yhteistyösopimus, jonka avulla pyritään syventämään Tullin ja yksityisen sektorin välillä yhteistyötä erityisesti tullirikosten estämisessä, paljastamisessa ja selvittämisessä. Tämä Maailman tullijärjestön WCO:n (World Customs Organization) aloitteesta syntynyt Tullin ja elinkeinoelämän yhteistyö on merkittävä tekijä EU:n talouselämyksen ja elinkeinoelämän turvallisuuden turvaamisessa.

Myös valtioneuvoston periaatepäätös sisäisen turvallisuuden ohjelmasta (8.5.2008) korostaa viranomaisen välisen yhteistyön lisäksi kumppanuuteen perustuvaa yhteistoimintaa sisäiseen turvallisuuteen liittyvissä asioissa muiden toimijoiden, esimerkiksi elinkeinoelämän kanssa.

WCO on solminut MOU-sopimuksia vuodesta 1985 lähtien. Suomessa niitä on solmittu vuodesta 1994 lähtien. Sopimuksia niin valtakunnallisesti kuin alueellisestikin merkittävien toimijoiden kanssa on noin 50. Yhteistyötä Tullin ja elinkeinoelämän välillä tehdään jatkuvasti sekä liitto- että yritysasetolla.

### Yhteiskuntavastuu luo imagoa

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Elinkeinoelämän toimijoiden ja Tullin yhteistyö perustuu vapaaehtoisuuteen ja vastavuoroisuuteen. MOU-sopimuksella ei luoda osapuolille julkista oikeutta tai velvoitetta, vaan täsmennetään yhteistyön tavoitteet, periaatteet ja tietojenvaihdossa noudatettavat menettelytavat sekä sovitaan perustettavista alueellista yhteistyöryhmistä.

### Molemmat hyötyvät yhteistyöstä

Yhteistyön tarkoituksena on lisätä Tullin ja liike-elämän edustajien välistä yhteistyötä toistensa osaamisesta, tiedosta, kokemuksista ja kontakteista. EU:n laajeneminen on parantanut kansainvälisen järjestäytyneen rikollisuuden toimintamahdollisuuksia, ja siksi yhteistyöllä pyritään mm. turvaamaan laillisen ja sujuvan liikenteen toimintamahdollisyyksiä sekä kohdentamaan tullirikosvalvontaa täsmällisesti ja tehokkaasti haasteita ja hidastamatta laillisen liikenteen kulkua.

Yhteistyö käsittää mm. molempipuolista koulutusta ja informaatiovaihdoja. Sopimusosapuolet hyötyvät toistensa erityisosaamisesta, ja koulutuksen avulla voidaan esimerkiksi vahvistaa tietoja ajankohteis-luottotilistä tai tunnistaa mahdolliset yrityksen sisäiseen turvallisuuteen liittyvät uhkat.

## MOU Memorandum of Understanding

National Board of Customs, December 2009

[www.tulli.fi](http://www.tulli.fi)

**Operational Action Plan 2013:**

**Final Drivers Report**

**Priority F : THB**

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This report has been provided by the Driver of the priority, based on contributions from the action leaders.

## EMPACT Driver's Report

### Priority: THB

The 2013 OAP regarding the priority area on THB was agreed by COSI and initiated on 1<sup>st</sup> January 2013 in accordance with the EMPACT policy cycle. This is the third and closing drivers' report of the year, the first report on this years activity was in March 2013, the second in October 2013.

The Drivers note the following specific developments in the 2013 OAP:

1. Cases (475 v 438) and contributions (2520 v 2359) to FP Phoenix increased in 2013 compared to 2012, demonstrating the positive effect that EMPACT is having.
2. In 2013, 475 new cases, previously unknown, were reported to FP Phoenix, out of which 230 were referred in the framework of the EMPACT project. Out of these, FP Phoenix supported 20 high-profile investigations.
3. In 2013, 2520 new national contributions were reported to FP Phoenix, 1412 were in the framework of EMPACT. These cases and contributions related mainly to sexual exploitation (90%) and to a lesser extent to labour exploitation (7%) and child trafficking (3%).
4. THB received excellent support from FP Phoenix; in 2013 119 cross-match reports were produced, 12 analytical reports were produced, 15 operational meetings were organised and the mobile office was deployed two times.
5. EUROJUST support to THB in 2013 included 23 coordination meetings, 15 JITs from which 8 were new in 2013.
6. One further EMPACT meeting in October was held since the last report. The focus of this meeting was preparation for the 2014 OAP; all of the lessons learnt from the policy cycle were put in to practice. Operational actions were agreed and some were carried over from 2013.
7. The ISEC funding bid for Project ETUTU was redrafted and submitted for consideration. Whilst this impacted upon the activity within the project, the members of the group continued to hold meetings to consider the progress of intelligence sharing on Nigerian OCG's. The outcome of this bid is not yet known and the activity has been carried forward to the 2014 OAP.
8. ETUTU members met 3 times in 2013, the group developed to include 13 MS by the end of 2013 and in December an action day in Belgium with the cooperation of Germany and Luxembourg was held.
9. An ISEC funding bid on a Project on Chinese OCG's engaged in human trafficking across the EU was submitted by the Netherlands in consultation with contributing member states. The outcome of this bid is not yet known and the activity has been carried forward to the 2014 OAP
10. CEPOL were actively engaged in THB training/ awareness in 2013, this concluded in December 2013 with a webinar that the EMPACT Driver and EUROPOL Phoenix Manager presented on.

11. Significant progress was made regarding a multi-disciplinary response; this followed the conference in April organised by the Netherlands, Poland and Cyprus "putting Rantsev into practice", relevant outcomes were incorporated into the 2014-2017 policy cycle.

Drivers comments

1. Participants of this project actively engaged in the strategic and operational planning for the next policy cycle; this has been a significant additional demand upon the members.
2. In the July OAP meeting each activity was comprehensively reviewed through discussion by all members present. This was extremely beneficial and provided a good understanding of what aspects of our current OAP are proving difficult to either progress, or to demonstrate clearly the impact through outcomes. This was taken forward into the 2014 OAP planning, in which there are fewer, more focussed outcomes based on clear operational/ investigative/ intelligence activities.
3. Challenges remain regarding the funding of EMPACT activity, especially long term projects.
4. The drivers are pleased to report that the EMPACT group has developed well over the course of 2013, with some new MS and participants joining. The overall feeling is that the project needs to focus on operational outcomes, that the year has been a second successful one in many ways and that we are ready to meet the challenges in the new policy cycle with an excellent group.

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**Reporting template, for 6 monthly reporting of progress by by the driver (and if applicable by the action leaders)**

OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/ NL		
Strategic Goal 1. for Priority F [To ensure Member States and EU Agencies pro-actively and continuously contribute to, benefit from and use in an operational and strategic manner a comprehensive picture of the trafficking in human beings which is maintained by Europol]		
Action: 1.1 Leader: UK, NL Participants: All Start and end date: 2013		
Action based on existing project/new action:	Increased sharing of information/ intelligence on THB with Europol FP Phoenix.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	ESU/ EPX presented to MSA on details of information required (Complete). MSA have increased contributions to EPX <span style="color: red;">Update : 2520 in 2013 v 2359 in 2012</span> (Complete – ongoing into 2014).
Target (description how far action is from the target set)	000	000
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions

<sup>2</sup> Full time equivalent

<b>Any other comments:</b>	This action was reviewed at the OAP meeting in July; the view of the group was that this action is going well in general. Differences in contributions across the MS have been identified and this action is likely to feature into 2014.
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**Reporting template, for 6 monthly reporting of progress by by the driver (and if applicable by the action leaders)**

<b>OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/ NL</b>		
<b>Strategic Goal 1 for Priority F</b> [To ensure Member States and EU Agencies pro-actively and continuously contribute to, benefit from and use in an operational and strategic manner a comprehensive picture of the trafficking in human beings which is maintained by Europol]		
<b>Action: 1.2</b> <b>Leader: UK, NL</b> <b>Participants: All</b> <b>Start and end date: 2013</b>		
Action based on existing project/new action:	EPX to utilise information for analysis and support MS to deliver operational activities.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	EPX presented analysis reports to MSA at each meeting and shared for MSA use (Complete – ongoing into 2014). Europol prepared and disseminated 119 cross-match reports and 12 operational analytical reports based on national contributions provided by MS in the field of THB.
Target (description how far action is from the target set)	000	Action is at the target set.
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions  
<sup>2</sup> Full time equivalent

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<i>Source of financial resources:</i>	<i>XXX, 000-if any change</i>
<b>Any other comments:</b>	This was discussed and the general view was that this is going well, and needs to go wider within each MSA to increase the volume and quality. Key to this is improving the awareness of what EMPACT is, THB members are best placed to do this.

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**Reporting template, for 6 monthly reporting of progress by the driver (and if applicable by the action leaders)**

<b>OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS; UK/ NL</b>		
<b>Strategic Goal 2. for Priority F</b> [To establish a tasking and coordination mechanism to prioritise joint investigations on THB in the EU with involvement of EU Agencies]		
<b>Action: 2.1</b> <b>Leader: UK, NL</b> <b>Participants: All</b> <b>Start and end date: 2013</b>		
Action based on existing project/new action:	OAP quarterly meetings to discuss and prioritise investigations/ cases identified and raised by MSA	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	6 cases discussed in OAP meeting framework.
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	6 cases discussed in OAP meeting framework in 2013 – the October meeting was taken up with planning for OAP 2014.
Target (description how far action is from the target set)	000	Target for 2013 was 4 meetings, we held only 3. This has worked well in a specific project (ETUTU).
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
<b>Any other comments:</b>	The tasking and coordinating mechanism to prioritise is not in the framework of the EMPACT OAP. This has not taken place and the meetings discuss best practice/ challenges and act as a good forum for MS to individually progress their priorities. This aspect of the action	

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions  
<sup>2</sup> Full time equivalent

	<p>will not be met – it does not feature in the OAP 2014. The action was reviewed, limitations were acknowledged regarding presentations as it may not be the case expert who presents to the group.</p>
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Reporting template, for 6 monthly reporting of progress by by the driver (and if applicable by the action leaders)

<b>OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/NL</b>		
<b>Strategic Goal 3. for Priority F</b> [To increase the number of joint investigations and prosecutions focussed in particular on organised criminal networks operating in or originating from southern, south western and south eastern criminal hubs in the EU with involvement of EU agencies]		
<b>Action: 3.1</b> <b>Leader: BG, NL</b> <b>Participants: All</b> <b>Start and end date: 2013</b>		
Action based on existing project/new action:	MSA to supply information/ intelligence to EPX. JTTs/ joint investigations recorded by EPX.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	In 2013 20 high-profile joint investigations initiated by members of the THB EMPACT project have been supported by FP Phoenix.
Target (description how far action is from the target set)	000	000
<b>Inputs: (Optional)</b>		
<i>Number of Human Resources<sup>2</sup>:</i>	<i>XXX, 000-if any change</i>	
<i>Financial resources needed:</i>	<i>XXX, 000-if any change</i>	
<i>Source of financial resources:</i>	<i>XXX, 000-if any change</i>	
<b>Any other comments:</b>	This action was discussed at the last OAP meeting; there was a recognition that EMPACT will not count those investigations commenced without Europol/ Eurojust support. Without taking the credit for these investigations, it would be beneficial to consider how this information can be captured and ensure that intelligence is shared	

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions  
<sup>2</sup> Full time equivalent

with FPX.
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**Reporting template, for 6 monthly reporting of progress by by the driver (and if applicable by the action leaders)**

<b>OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/ NL</b>		
<b>Strategic Goal 1. for Priority F</b> [To increase the number of joint investigations and prosecutions focussed in particular on organised criminal networks operating in or originating from southern, south western and south eastern criminal hubs in the EU with involvement of EU agencies]		
<b>Action: 3.2</b> <b>Leader: BG, NL</b> Participants: Eurojust, CEPOL Start and end date: 2013		
Action based on existing project/new action:	Eurojust and CEPOL to contribute to awareness on JITs. Eurojust to involve EU network.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	CEPOL has organised 2 courses on JITs this year. The first one was in Finland, attended by 24 participants participants from 22 MS. The second was in France and the outcome not yet reported. In September CEPOL organised a webinar on JITs. CEPOL has now an online learning module on JITs and has a common curriculum on Eurojust which references JITs. In CEPOL's European Police Exchange Programme, JITs was one of the topics on which the exchanges took place. CEPOL held a course on prevention of THB in October in

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions

		Sweden. CEPOL arranged a webinar on THB prevention in December.
Target (description how far action is from the target set)	000	000
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
<b>Any other comments:</b>	000 Eg: has there been any other similar activities ongoing which can reinforce, hamper the action itself?/ or any significant problems encountered in implementing of action/ or any elements which, without stemming directly from the action, have a direct impact on the programme's implementation (such as legislative changes), etc.	

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OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS; UK/ NL		
Strategic Goal 3. for Priority F [To increase the number of joint investigations and prosecutions focussed in particular on organised criminal networks operating in or originating from southern, south western and south eastern criminal hubs in the EU with involvement of EU agencies]		
Action: 3.3 Leader: BG, NL Participants: All Start and end date: 2013		
Action based on existing project/new action:	JITs and joint investigations to be the preferred method of investigations.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	2 Joint Investigation Teams have been set up on the initiative of the EMPACT THB project with the involvement of Europol and Eurojust.  <b>EUROJUST report that 13 JITs for THB existed in 2013, 8 were new ones.</b>
Target (description how far action is from the target set)	000	000
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial	XXX, 000-if any change	

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions  
<sup>2</sup> Full time equivalent

<i>resources:</i>	
<b>Any other comments:</b>	○○○ Eg: has there been any other similar activities ongoing which can reinforce, hamper the action itself?/ or any significant problems encountered in implementing of action/ or any elements which, without stemming directly from the action, have a direct impact on the programme's implementation (such as legislative changes), etc.

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<b>OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/NL</b>		
<b>Strategic Goal 4. for Priority F</b> [Each member state to have a prevention strategy on trafficking in human beings]		
<b>Action: 4.1</b> <b>Leader: UK, RO</b> <b>Participants: All</b> <b>Start and end date: 2013</b>		
Action based on existing project/new action:	MSA to deliver best practice presentations and advise their government on prevention strategies.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	Significant progress this year through the Amsterdam conference organised by Letherlands, Poland and Cyprus. The conference was attended by representatives of all member states, nine other countries, the relevant EU agencies, the Commission and the Council Secretariat. Seven different organizations were invited to attend from each member state: public prosecution services, police, border agencies, immigration services, labour

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions

		<p>inspectorates or criminal investigation services in this field, local governments and ministries or coordinating bodies in the fight against trafficking in human beings.</p> <p>.</p>
Target (description how far action is from the target set)	000	000
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
<b>Any other comments:</b>	<p>This was reviewed, as a strategic objective it is challenging for the EMPACT project to deliver; there are dependencies outside of our influence , as well as MS own plans that impact on this. However there has been success within individual MSA influenced by this goal and other contributory guidance/ directives. A significant success is the conference in Amsterdam in April on multi-disciplinary action.</p>	

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<b>OAP/IMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/ NL</b>		
<b>Strategic Goal 4. for Priority F</b> [Each member state to have a prevention strategy on trafficking in human beings]		
<b>Action: 4.2</b> <b>Leader: CEPOL</b> Participants: All Start and end date: 2013		
Action based on existing project/new action:	To identify a training needs analysis on THB across each MS	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	<b>COMPLETE</b>  Will influence future training requirements.
Target (description how far action is from the target set)	000	
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
<b>Any other comments:</b>	000 Eg: has there been any other similar activities ongoing which can reinforce, hamper the action itself?/ or any significant problems encountered in implementing of action/ or any elements which, without stemming directly from the action, have a direct impact on the programme's implementation (such as legislative changes), etc.	

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<b>OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/NL</b>		
<b>Strategic Goal 5. for Priority F</b> [To improve the early detection/ identification, including using modern communication technologies (internet, social networks etc) as well as support and protection of victims of trafficking. Including EU nationals with particular attention to children and ensure an effective National Referral Mechanism in each member state]		
<b>Action: 5.1</b> <b>Leader: NL, RO, BG</b> Participants: All Start and end date: 2013		
Action based on existing project/new action:	Best practice on the issues shared through the Project; Cyber Crime Units utilised in investigations; numbers of victims recovered increased.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	Ongoing. Best practice has been shared within the OAP meetings. Two specific conferences focus on the internet, one hosted by the EC on 18 <sup>th</sup> October in Lithuania and a further one hosted by Interpol in Lyon in November. A Frontex handbook has been published which includes information on recruitment through the internet. Operation ETUTU has an intelligence collection theme regarding travel agencies and bookings over the internet – demonstrating how the EMPACT project has focussed

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions



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		operationally upon this issue, this theme will be continued into 2014.
Target (description how far action is from the target set)	000	000
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
<b>Any other comments:</b>	This SG has proven to be complex and some areas, such as the NRM's, are not achievable by the EMPACT project alone. Broadly, the areas around the internet/ cyber have progressed very well and further focus upon sharing of information/ intelligence is likely to feature in 2014.	

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OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/NL		
Strategic Goal 5. for Priority F [To improve the early detection/ identification, including using modern communication technologies (internet, social networks etc) as well as support and protection of victims of trafficking. Including EU nationals with particular attention to children and ensure an effective National Referral Mechanism in each member state]		
Action: 5.2 Leader: BG, NL Participants: All Start and end date: 2013		
Action based on existing project/new action:	MS to design into their strategies close cooperation with other sectors likely to have contact with a victim and share best practice.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	Ongoing. The Amsterdam conference and OAP work group presentations throughout 2013 all demonstrate good progress towards this action.
Target (description how far action is from the target set)	000	000
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
<b>Any other</b>	This SG has proven to be complex and some areas, such as the NRM's,	

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions  
<sup>2</sup> Full time equivalent

<b>comments:</b>	are not achievable by the EMPACT project alone. The themes of this goal were discussed at the MASP planning and have been separated for 2014-2017. <b>Specific actions on multi-disciplinary work have been identified and carried forward into the 2014 OAP.</b>
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OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS; UK/NL		
Strategic Goal 6. for Priority F [To make use of innovative, multidisciplinary and proactive approaches to investigate and prosecute cases of trafficking, including systematic use of financial investigations and asset recovery and taking into account the use of modern communication technologies and internet]		
Action: 6.1 Leader: HU Participants: All Start and end date: 2013		
Action based on existing project/new action:	MS to make contributions to the handbook on complementary approaches and actions to prevent and combat OC.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	MSA have provided appropriate contributions and the handbook is being delivered.
Target (description how far action is from the target set)	000	<b>COMPLETED.</b> To COSI in December 2013
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
Any other comments:		

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions

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**Reporting template, for 6 monthly reporting of progress by by the driver (and if applicable by the action leaders)**

<b>OAP/EMPA CT Project for EU Policy Cycle Priority F: THB Driver: MS; UK/ NL</b>		
<b>Strategic Goal 6. for Priority F</b> [To make use of innovative, multidisciplinary and proactive approaches to investigate and prosecute cases of trafficking, including systematic use of financial investigations and asset recovery and taking into account the use of modern communication technologies and internet]		
<b>Action: 6.2</b> <b>Leader: NL, BG</b> <b>Participants: All</b> <b>Start and end date: 2013</b>		
Action based on existing project/new action:	MS to work with public and private institutions to investigate traffickers and share best practice at OAP meetings.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	OOO <sup>1</sup>	OOO
2. XXX Baseline: XXX	OOO	OOO
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	OOO	MSA have provided appropriate contributions and the handbook is being delivered. Significant progress this year through the Amsterdam conference organised by Letherlands, Poland and Cyprus. The conference was attended by representatives of all member states, nine other countries, the relevant EU agencies, the Commission and the Council Secretariat. Seven different organizations were invited to

<sup>1</sup> OOO: Fields to be filled for reporting during the implementation of actions

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		attend from each member state: public prosecution services, police, border agencies, immigration services, labour inspectorates or criminal investigation services in this field, local governments and ministries or coordinating bodies in the fight against trafficking in human beings.
Target (description how far action is from the target set)	000	Delivered
<i>Inputs: (Optional)</i>		
<i>Number of Human Resources<sup>2</sup>:</i>	<i>XXX, 000-if any change</i>	
<i>Financial resources needed:</i>	<i>XXX, 000-if any change</i>	
<i>Source of financial resources:</i>	<i>XXX, 000-if any change</i>	
<i>Any other comments:</i>		

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<b>OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/ NL</b>		
<b>Strategic Goal 6. for Priority F</b> [To make use of innovative, multidisciplinary and proactive approaches to investigate and prosecute cases of trafficking, including systematic use of financial investigations and asset recovery and taking into account the use of modern communication technologies and internet]		
<b>Action: 6.3</b> <b>Leader: NL, BG</b> <b>Participants: All</b> Start and end date: 2013		
Action based on existing project/new action:	MS to share with EPX information/intelligence on financial investigations.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	Ongoing but <b>did not meet target in 2013.</b> In Project ETUTU there is a specific requirement for participants to share information regarding financial engagement with travel companies in Nigeria. A specific project assissts to focus activity and generate a clear operational outcome.
Target (description how far action is from the target set)	000	
<b>Inputs: (Optional)</b>		
<i>Number of Human Resources<sup>2</sup>:</i>	XXX, 000-if any change	

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions  
<sup>2</sup> Full time equivalent

<i>Financial resources needed:</i>	<i>XXX, 000-if any change</i>
<i>Source of financial resources:</i>	<i>XXX, 000-if any change</i>
<i>Any other comments:</i>	This activity was reviewed and the view of the group was that whilst we are unlikely to reach the target, initiatives through the work of the action leaders and EPX have clearly started the process. The EPX confirmed that they have received little information on financial investigations associated with THB. <b>TO BE CONTINUED INTO 2014.</b>

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<b>OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/ NL</b>		
<b>Strategic Goal 7. for Priority F</b> [To increase cooperation with important non EU source and transit countries, such as those identified by SOCTA and other ad hoc reporting]		
<b>Action: 7.1</b> <b>Leader: UK, NL</b> <b>Participants: All</b> <b>Start and end date: 2013</b>		
Action based on existing project/new action:	MSA to map out existing projects with priority non-EU countries.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	OOO <sup>1</sup>	OOO
2. XXX Baseline: XXX	OOO	OOO
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	OOO	Achieved only for Nigeria under the ETUTU project. Ongoing for China and likely to be carried over to 2014.
Target (description how far action is from the target set)	OOO	Only part achieved.
<b>Inputs: (Optional)</b>		
<i>Number of Human Resources<sup>2</sup>:</i>	XXX, OOO-if any change	
<i>Financial resources needed:</i>	XXX, OOO-if any change	
<i>Source of financial resources:</i>	XXX, OOO-if any change	
<b>Any other comments:</b>	This action will continue into the 2014 OAP in relation to Nigeria/ China.	

- <sup>1</sup> OOO: Fields to be filled for reporting during the implementation of actions  
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<b>OAP/EMPACT Project for EU Policy Cycle Priority E: THB Driver: MS: UK/ NL</b>		
<b>Strategic Goal 7. for Priority F</b> [To increase cooperation with important non EU source and transit countries, such as those identified by SOCTA and other ad hoc reporting]		
<b>Action: 7.2</b> <b>Leader: DE</b> Participants: AT, BE, CZ, LU, DE, DK, NL, UK, SE, IT, ES Start and end date: 2013		
Action based on existing project/new action:	Establish specific new projects and share intelligence to tackle Nigerian OCG's	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	OOO <sup>1</sup>	OOO
2. XXX Baseline: XXX	OOO	OOO
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	OOO	<p style="color: red; margin: 0;"><b><u>Overview of ETUTU activities in 2013</u></b></p> <ul style="list-style-type: none"> <li>• ETUTU Meetings (in total 3 in 2013)</li> <li>- Meeting in January 2013 in Germany – Evaluation of the action day (25/10/2012)</li> <li style="padding-left: 20px;">- Summarizing presentation by FP Phoenix and all MS</li> <li style="padding-left: 20px;">- Agreement of putting through a second action day in 2014</li> <li>- Meeting in May 2013 in The</li> </ul>

<sup>1</sup> OOO: Fields to be filled for reporting during the implementation of actions

	<p>Hague</p> <ul style="list-style-type: none"><li>- Operational meeting with THB case in Belgium (OP Floflo) and Germany (OP Oshun)</li><li>- Analysis about Nigerian phone numbers and Nigerian Travel Agencies (Europol)</li><li>- Analysis of a questionnaire concerning: Experience of the MS with Nigeria, regard to the domestic legislation of these states regarding THB, Hawala banking and money laundering (Netherlands)</li></ul> <p>Meeting in November 2013 in The Hague</p> <ul style="list-style-type: none"><li>- Operational meeting with THB case in Spain and Great Britain (OP Bovo and Popov)</li><li>- Investigation in CZ (Case study) - Experiences</li><li>- Sharing of experience with ANPTIP (NL- Project of NAPTIP training / journey to NATIP summer 2013)</li></ul>
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		<ul style="list-style-type: none"> <li>• <b>EU-ISEC Funding</b> The subproject ETUTU was rejected by the EU-KOM in January 2013. New apply for EU-ISEC in October 2013</li> <li>• <b>European Cooperation</b> - Try to get Italy into the ETUTU group; no success until now - Czech Republic and Finland as new members of the ETUTU group; until the end of 2013 following members: DE, NL, UK, BE, ES, FR, CH, CZ, AT, SE, FIN, LUX, DK, Europol, Eurojust (13 MS)</li> <li>• <b>Action Day in Belgium in December 2013 with Germany and Luxembourg</b></li> </ul>
Target (description how far action is from the target set)	000	Achieved – but operational activity requires further funding.
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
Any other comments:	This action will continue into the 2014 OAP.	

<sup>2</sup> Full time equivalent

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<b>OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/ NL</b>		
<b>Strategic Goal 7. for Priority F</b> [To increase cooperation with important non EU source and transit countries, such as those identified by SOCTA and other ad hoc reporting]		
<b>Action: 7.3</b> <b>Leader: NL</b> Participants: AT, BE, DE, IT, ES, UK Start and end date: 2013		
Action based on existing project/new action:	To establish specific new projects and share intelligence to tackle Chinese THB.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	Project proposal drafted/ established and awaiting ISEC funding consideration.
Target (description how far action is from the target set)	000	Once funding is agreed the original action is achieved. This is <b>included</b> in the 2014 OAP.
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
<b>Any other comments:</b>	Dependency is ISEC funding support.	

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions  
<sup>2</sup> Full time equivalent

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OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/ NL		
Strategic Goal 7. for Priority F [To increase cooperation with important non EU source and transit countries, such as those identified by SOCTA and other ad hoc reporting]		
Action: 7.4 Leader: UK, NL, DE Participants: All Start and end date: 2013		
Action based on existing project/new action:	To establish single points of contacts with third countries on THB.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	OOO <sup>1</sup>	OOO
2. XXX Baseline: XXX	OOO	OOO
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	OOO	This is being explored for Nigeria and will be examined for China.
Target (description how far action is from the target set)	OOO	Not complete.
<b>Inputs: (Optional)</b>		
<i>Number of Human Resources<sup>2</sup>:</i>	XXX, OOO-if any change	
<i>Financial resources needed:</i>	XXX, OOO-if any change	
<i>Source of financial resources:</i>	XXX, OOO-if any change	
<b>Any other comments:</b>	Points of contact can be shared informally and regularly are through the EMPACT group. Formal contacts are dependent upon each MSA own resources and relationships. This will not feature as an action in 2014. The involvement of EEAS in this type of activity going forward is important.	

- <sup>1</sup> OOO: Fields to be filled for reporting during the implementation of actions  
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OAP/EMPACT Project for EU Policy Cycle Priority F: THB Driver: MS: UK/NL		
Strategic Goal 8. for Priority F [To identify and target criminal groups involved in child trafficking for all forms of exploitation, especially operating in/ from South East Europe]		
Action: 8.1 Leader: RO, UK Participants: All Start and end date: 2013		
Action based on existing project/new action:	MS to develop understanding of indicators of child trafficking, present case examples to OAP meetings and share information/ intelligence to EPX.	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>October 2013</b>
1. XXX Baseline: XXX	000 <sup>1</sup>	000
2. XXX Baseline: XXX	000	000
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	000	This SG remains a challenge; information/ intelligence to EPX has not increased (just 3 % of contributions to FP Phoenix in 2013 related to child trafficking).
Target (description how far action is from the target set)	000	This will not be concluded this year and will feature in 2014 in terms of investigations and intelligence sharing.
<b>Inputs: (Optional)</b>		
Number of Human Resources <sup>2</sup> :	XXX, 000-if any change	
Financial resources needed:	XXX, 000-if any change	
Source of financial resources:	XXX, 000-if any change	
<b>Any other comments:</b>	This was reviewed at the OAP meeting in July. EPX reported that there has not been any increase in the quantity of intelligence/ information shared with them. Eurojust	

<sup>1</sup> 000: Fields to be filled for reporting during the implementation of actions  
<sup>2</sup> Full time equivalent

	reported that there were nine joint investigations into the trafficking of children, 2 carried over from 2012 and 7 from 2013.
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DECLASSIFIED



**Operational Action Plan 2013:**

**Final Drivers Report**

**Priority G : Mobile OC groups**

DECLASSIFIED

This report has been provided by the Driver of the priority, based on contributions from the action leaders.

# Project EMPACT MOCG

## Final Report to National EMPACT Coordinators

March 31, 2014

### 1. INTRODUCTION

#### 1.1. Strategic goals of the EMPACT MOCG-project

During the MOCG Strategic Goals Workshop of 3-4 Oct 2011 in Brussels these strategic goals were determined:

- Strategic Goal 1: to have property crime committed by mobile (itinerant) organised crime groups recognised as an important problem at national level and reflected in national security strategies where relevant to Member States.
- Strategic Goal 2: to develop and maintain a comprehensive EU intelligence picture on mobile (itinerant) organised crime groups as the basis for an intelligence-led policing approach to tackle crime.
- Strategic Goal 3: to have prompt information exchange at the MS level involving all national law enforcement agencies and at EU level including EU agencies, in order to enhance detection, investigation and prosecution of mobile (itinerant) organised crime groups.
- Strategic Goal 4: to explore, develop and make use of innovative, multi-disciplinary and pro-active approaches to train, prevent and raise awareness on the activities of mobile (itinerant) organised crime groups.
- Strategic Goal 5: to ensure that mobile (itinerant) crime related investigations and prosecutions seek to disrupt criminal money flows and remove criminal wealth.
- Strategic Goal 6: the establishment, exploration and full use of tools and best practices to confirm the identity of targets and suspects.
- Strategic Goal 7: member States to identify and effectively address vulnerabilities in their legislation and procedures which are exploited by mobile (itinerant) organised crime groups to commit crimes.

#### 1.2. The first year : OAP 2012

##### 1.2.1. Main goals in 2012

The first year of the EMPACT MOCG-project mainly focused on :

- Establishing EU intelligence picture
- Enhancing the information flux on MOCG within the participating MS and on a European level. The new challenge related to MOCG as an emerging phenomenon will require MS and European agencies to set up information systems and to adapt the structures within the organisations to give an adequate response. In some MS this process is already well underway, others are just starting.

- Enhancing European collaboration (networking) in the field MOCG in order to uncover and tackle the mostly invisible underlying supporting structures and organisation of these groups. .

### 1.2.2. Overall conclusion OAP 2012

In 2012 a start was made in establishing the basics for developing an stronger approach on the new phenomenon of MOCG (e.g. network, picture, information exchange, feeding DB, ...). It was clear from the start that, as Mobile Organised Crime Groups concerned a new phenomenon for many MS and as there was no network of experts in MOCG already in place, after only one year of work, the project was just starting. It was also clear that the confidence between network partners was growing and the collaboration between MS will strengthen in the coming years.

Looking at the main goals (see 1.1) which were set out for 2012 in the EMPACT MOCG-project, it can be concluded that it progressed according to plan. A first EU intelligence pictures had been compiled, the information flux was increasing (+ 20 %), an EU network on MOCG had been started up and European collaboration was increasing, the participating MS and agencies were very committed and enhancing their fight against MOCG on a national and international level. The EMPACT MOCG-project was starting to have some impact. Improvements had to be made of course and the conclusions of evaluation of the OAP 2012 **have been taken into account in the OAP 2013.**

## 2. OAP 2013 – FINAL RESULTS

### 2.1. Main goals in 2013

Based on the evaluation of 2012, the main goals to be achieved with the OAP 2013 were :

- Strengthening operational activities
- Attention for financial investigations, asset recovery
- Continue looking for synergies with other project and for a multidisciplinary approach
- Detect and report legislation issues which are an obstacle in investigations or offer an opportunity for the approach of MOCG

The activities in the OAP 2013 have been chosen in function of these main goals.

### 2.2. Progress report

(The description of the activities in the Operational Action Plan 2013 for EMPACT MOCG according to the template can be found in annex.)

*Action 2.1: To enhance and deepen the picture provided by the existing situation report on MOCG by means of a survey on motor vehicle crime committed in the EU – achieved*

- Questionnaire has been sent out by AWF Furtum at the end of 2012.
- Draft report is being compiled – publication delayed to 2<sup>nd</sup> semester 2013.

- Results have been presented during the OAP-meeting for EMPACT Organised Property Crime of 22 and 23 October 2013.
- Report has been sent out on 14 february 2014

*Action 3.1: Enhancing and streamlining of the feeding of intelligence to Europol by creation of focal point MOCG – not achieved*

- Focal Point MOCG, aimed for in the OAP 2012 for the 1ste semester 2012, has not been established.
- The priority has shifted in the new policy cycle 2014-2017 to Organised Property Crime committed by Mobile Organised Crime Groups. The Focal Point Furtum has been appointed to support the priority. At this moment however, 3 FP are still implicated in OPC/MOCCG-criminality, namely, FP Furtum, FP EEOC and FP Copper.
- Ensuring sufficient resources for the Focal Point for analysis and support remain a Critical Success Factor for the EMPACT Organised Property Crime-project.

*Action 3.2: Enhance the feeding of EIS – achieved*

- The number of objects linked to “robbery” have increased from 18308 (**2011**) to 44402 (**end 2013**), **an increase of 143 %**.
  - In 2012, we see a 27 % increase compared to 2011
  - In **2013** there is a **91 % increase compared to 2012**.
- **However, much room for improvement remains since this increase is mainly due to the increased contribution of only a few MS.**
- Some contributions which are now sent to the OC and the FP, should be uploaded in the EIS.
- One of the CSF is the direct access to the EIS for the driver, co-driver and forerunners in the EMPACT priority. Ideally each investigation unit in the MS should have a direct access to the EIS.

*Action 3.3: Increase the number of contributions to FP Furtum (focus MOCCG-cases on burglaries and metal theft) and FP EEOC (focus on Lithuanian and Georgian MOCCG engaged in property crime) – achieved*

- In 2013 the operational centre (OC) has started to process contributions to Europol for the FP Furtum and EEOC. The MS were also asked to send their contributions to the OC. This has as effect that the exact evolution of the contributions to the FP Furtum and FP EEOC between 2012 and 2013 can not be evaluated.
- Therefore the number of requests received by Europol for the crime areas robbery, vehicles and cultural goods via SIENA are used as measurement. The SIENA annual reports of 2012 and 2013, show that the number of messages continue to increase.
  - Between **2011** and **2013** the number **almost doubled** from 2687 to 5359 messages received (+ 99,47 %).
  - **Between 2012 (4315) and 2013 (5359) the increase** in messages received was almost **25 %**, which is higher than the objective which was set at 5 %
- Also the overall SIENA activity in Europe concerning robbery, vehicles and cultural goods increased strongly. Between 2011 and 2013 the number of messages also almost doubled (from 56208 in 2011 to 105018 in 2013).
- One of the CSF is the direct access to the SIENA for the driver, co-driver and forerunners in the EMPACT priority.

*Action 3.4: Initiate 10 new major investigations on MOCG supported by Europol in 2013 – on schedule*

- FP Furtum and FP EEOC offered active support in already more than **50 cases** in **2013**. The objective was 10 major investigations.
- In these investigations 12 action days took place. These actions led to the **arrest of more than 200 suspects** including soldiers, regional supervisors and leaders.
- Information concerning convictions is not available

*Action 3.5: Promoting “Early Warning” with regard to MOCG movements and activities - ongoing*

- Early warning messages have been sent out if a threat had been detected by Europol. In 2013 over 90 early warning messages were sent out.

*Action 3.6: Explore and use instruments to create a permanent feeling of discomfort for MOCG members - ongoing*

- The use of the 99.2 notices proves it worth in the field. More and more investigators become convinced about the added value and start using it. Exact data on the number of notices in 2013 is not available.

*Action 3.7: To schedule an intelligence led action day on “metal theft” targeting scrap dealers and/or lorries, vans and other means of transportation used to move quantities of metal across the EU – achieved*

#### Participants

18 MS participated: BE, NL, RO, LT, AT, BG, CY, PT, SE, FR, ES, FI, IE, HU, DE\* (Nordrhein-Westfalen, Saarbrücken, Rijnland-Palts), EE, LUX\*, IT\*

\* (not member of EMPACT MOCG)

#### Set-up

- Multidisciplinary approach : customs, environmental, tax, labor, immigration and economy inspection services  
Services involved : Organized crime police units , Forensic police units , Community police units, Air support (helicopter), Traffic police, Harbor police , Fake document police services, Railway police/companies, Boarder guards, Customs, Economic public services, Environment public services, Labor public services, Tax inspection, Immigration public services
- Checks :
  - o Directing patrols to theft hot spots (railroads, construction yards, industrial areas, ...)
  - o Checking for suspicious transports (boarders, roads to scrap metal buyers)
  - o Checking purchase registers at scrap metal dealers or metal recycling plants
    - analyses of ID's towards criminal history, payment in cash, fragmented sale strategy, ...
    - verify origin of the sold metal

Results

<b>Checked persons</b>	58 361
<b>Arrested persons</b>	266
<b>Checked vehicles</b>	50 489
<b>Vehicles confiscated</b>	30
<b>Checked scrap dealers</b>	7 426
<b>Type of metal</b>	Copper and iron as common type
<b>Administrative infringements</b>	4 539

Other interesting results

- For several MS: first time multidisciplinary approach involving non-LEA agencies and authorities.
- In Belgium : railroad security reported no thefts for 4 consecutive days after the action day

*Action 3.8: To organise an action day with a regional focus, on harbors/airports/railway stations in order to target those MOCG who utilize this traveling route (such as i.e. Irish travelers) – achieved*

The objective was to have 2 regional action days in 2013. Following regional actions have been reported up so far :

- FR-BE : metal theft and burglaries in the border region
- BE-NL-UK : action on Irish Travellers in the harbours of Ostend (BE) and Rotterdam (NL)
- SE, DK, FI, NO, LT, EE : 2 Observation weeks (spring and fall 2013) organised by SE, DK, FI, NO, LT, EE with support of Europol. The actions led to 152 arrests and over 80 early warning messages.

*Action 4.1: Schedule expert meetings on sub-phenomena related to MOCG criminality or specific sub-groups of MOCG – partially achieved*

Up to now, 3 expert meetings/conference have been organised in 2013, 1 meeting on Lithuanian Organised crime (LITOC) was already organised in 2012 but not reported on yet. The objective was to have 4 meetings in 2013.

- Operational LITOC meeting in Riga on 20 and 21 of November 2012
- A conference on metal theft has been organised in April 2013 with participants of the private sector and LEAs, in preparation of the action day metal theft.
- Second operational network meeting on Thieves-in-Law (16.10.2013)
- EU Conference on Eurasian organised crime on 17th & 18th of October 2013 at Europol HQ in The Hague (NL)

*Action 4.2: Identify initiatives and platforms (LEA, public, private ...) complementary to the activities in the EMPACT MOCG-project across Europe in order to create and enhance synergies between relevant stakeholders – achieved*

Contacts have been made and first collaboration has been established with :

- Cross Channel Intelligence Community – action day on travellers
- Pol-Primett – conference on metal theft
- Fado-system of European Council – presentation during EMPACT MOCG-meeting in January 2013

- With the informal network for administrative approach of the EC contacts had already been established in 2012. This network has been asked to play a role in EU-harmonising on no-cash legislation and registration of resellers for metal theft.
- Further contacts have been made with TAPA concerning cargo theft, the banking sector for ATM-theft, DG Move for metal theft.

*Action 4.3: To set up and make use of the EPE on the priority crime area of MOCG – achieved*

- A steering committee for the EPE has been set up and the kick-off for the EPE MOCG has been given during the January-meeting.
- The EPE MOCG has been tested by the participants until the next meeting in June. At that time an evaluation will be made.
- The EPE MOCG has been launched. However, the actual use of the platform has to be increased but proves to be difficult.

*Action 4.4: Increase awareness about MOCG-criminality by organizing a webinar in collaboration with CEPOL – achieved*

- A first webinar “Introduction to Mobile (Itinerant) OC Groups” has already been held in November 2012.
- The webinar on “Mobile Organised Crime Groups” took place on 12 December 2013.

*Action 5.1: To organize a training on financial investigations and asset recovery in the field of MOCG – achieved*

- In the first semester 2013 the training was developed in collaboration with CEPOL and experts in financial investigations.
- The training “Course on itinerant groups” which will focus on “financial investigating for MOCG-investigators” took place from 28 till 31 October 2013.

*Action 6.1: Explore possibilities of the access to the Interpol ASF for the private sector in the MS concerning stolen and lost travel documents to prevent crime - Indetermined*

- Interpol informed the EMPACT MOCG-members during the meeting of 30 and 31 January 2013 that the ASF-database will be made accessible for the private sector. No conclusive information at the moment.

*Action 6.2: Aligning the EMPACT MOCG with existing initiatives combating identity fraud such as the Fado-system of the Council of the EU striving for common goals – achieved*

- Presentation was given by a representative of the **European Council** during the EMPACT MOCG-meeting in January 2013
- Fado-system which includes FADO (for specialists on identification documents), IFADO (for investigators) and PRADO (for the general public) has been presented.
- MS are asked to promote the system in their country among their investigators (IFADO) and the public and private sector (PRADO).

*Action 7.1: Compile a list of vulnerabilities in the national legislations, loopholes and best practices with regard to MOCG in order to effectively address them – achieved*

- Identification of loopholes: BE has sent out a questionnaire to all forerunners in March 2013.
- Harmonisation of the legislation on sales of metal (scrap metal) had already been identified as one of the opportunities for the approach of metal theft. This topic was addressed a.o. during the conference on metal theft of 22 and 23 April 2013 at Europol.
- The final report is finished and has been sent out at the end of 2013 to all participants in the project and the EMPACT SU. In the new policy cycle the product will be further distributed.

### **3. OAP 2013 AND OVERALL CONCLUSIONS EMPACT MOCG**

The OAP 2013 was more extensive than the OAP 2012 with 17 activities planned in 2013 to 8 activities in 2012. Almost all the goals in the OAP have been achieved over the two years.

The EMPACT MOCG-project focused on developing activities on short, mid and long term.

On short term the focus was on operational activities such as operational investigations (cases) and operational actions days. In 2013 this resulted in :

- o More than 400 arrests and over 4500 administrative infringements during high impact operations (actions days) on criminal phenomena in which MOCG are very active in 2013
- o over 50 cases supported by the Europol FP and 200 arrests during in operational investigations on MOCG in 2013

Furthermore, the EMPACT MOCG project focused on developing, addressing and enhancing activities which are indispensable to establish the necessary foundations for an ongoing approach of the MOCG on short, mid and long term.

These supporting activities for fighting MOCG-criminality include establishing a picture, enhancing information exchange, training, conferences, the list of vulnerabilities in legislation, etc. were addressed and strengthened.

All these activities resulted in a first approach to *reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities*". It provides the sound basis to continue the efforts in the EMPACT OPC project..



## Annex : Operational activities – detailed description of progress from January 1st until October 1st, 2013

<b>OAP/EMPACT Project for EU Policy Cycle Priority I</b> <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b> <b>Driver: Belgium</b>		
<b>Strategic Goal 2 for Priority I</b> To develop and maintain a comprehensive EU intelligence picture on mobile (itinerant) organised crime groups as the basis for an intelligence-led policing approach to tackle crime.		
<b>Action 2.1: Survey on Motor Vehicle Crime in the E</b> <b>Leader: EUROPOL</b> <b>Participants: All MS</b> <b>Start and end date: 28-10-2012 until 31-12-2013</b>		
Action based on existing project/new action:	New	
Timing	1 <sup>st</sup> half 2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
Report on Motor Vehicle Crime in EU.	Questionnaire sent out by AWF Furtum in 2012. Draft report being compiled.	Draft report finished. At the moment under review.
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	Delayed	Sent out 14 february 2014
Target (description how far action is from the target set)	Draft being compiled. Delayed till 2 <sup>nd</sup> semester.	Report has been sent out.
<b>Inputs: (Optional)</b>		
<i>Number of Human Resources<sup>1</sup>:</i>	- Drafting questionnaire: Europol FP Furtum, HR not specified - Drafting responses: forerunners, HR not specified - Analysis responses + drafting report: Europol FP Furtum, HR not specified	
<i>Financial resources needed:</i>	- Most of the work has been executed by the aforementioned actors as part of their daily activities.	
<i>Source of financial resources:</i>	- Forerunners & Europol	
<b>Any other comments:</b>		

<sup>1</sup> Full time equivalent

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 3. for Priority I</b>  to have prompt information exchange at the MS level involving all national law enforcement agencies and at EU level including EU Agencies, in order to enhance detection, investigation and prosecution of mobile (itinerant) organised crime groups.</p>		
<p align="center"><b>Action 3.1: Enhancing and streamlining of the feeding of intelligence to Europol by creation of focal point MOCG</b>  <b>Leader: EUROPOL</b>  Participants: BE, CY, EE, FR, IE, LT, PT, FI  Start and end date: 01-01-2012 until 31-12-2013</p>		
Action based on existing project/new action:	Continuing OAP 2012	
Timing	1 <sup>st</sup> half 2012	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
Focal Point on MOCG is established	Focal Point MOCG, expected for the 1 <sup>st</sup> semester 2012, has not been established.	Focal Point MOCG, expected for the 1 <sup>st</sup> semester 2012, has not been established.
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	Delayed.	Not achieved
Target (description how far action is from the target set)	New timing: 2013 ??	
<b>Inputs: (Optional)</b>		
<i>Number of Human Resources:</i>	Not specified by Europol	
<i>Financial resources needed:</i>	- Most of the work has been executed by the aforementioned actors as part of their daily activities.	
<i>Source of financial resources:</i>	- Forerunners & Europol	
<b>Any other comments:</b>	The necessity of having one focal point MOCG is clear in order to focus resources and tackle in an efficient way the diversity of MOCG and the MOCG-criminality. In 2012 a draft definition of the scope has been established (13/01/2012) – no further follow up.	

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 3. for Priority I</b>  to have prompt information exchange at the MS level involving all national law enforcement agencies and at EU level including EU Agencies, in order to enhance detection, investigation and prosecution of mobile (itinerant) organised crime groups.</p>		
<p align="center"><b>Action 3.2: Enhance the feeding of EIS</b>  <b>Leader: BE</b>  Participants: All  Start and end date: 01-01-2012 until end of project</p>		
Action based on existing project/new action:	Continuing action 2012	
Timing	Permanent	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
Implementation and use of EIS in all MS	Some countries are already feeding without problems, other are still setting up the systems to feed EIS.	Some countries are already feeding without problems, other are still setting up the systems to feed EIS.
<b>Outputs/Reporting Information to be provided:</b>	<b>December 2013</b> Statistics on contributions EIS	<b>December 2013</b> Source: statistics on contributions EIS by Europol.
Stage and status (not started, ongoing, finished/ on time, delayed)	On schedule	Achieved
Target (description how far action is from the target set)	Based on the figures of "robbery" in the EIS which is often used as a substitute for "Organised theft" the contributions seem to increase.	- The number of objects linked to "robbery" have increased from 18308 (2011) to 44402 (end 2013), an increase of 143 %. However, much room for improvement remains since this increase is mainly due to the increased contribution of only a few MS. Some contributions which are now sent to the OC and the FP should be uploaded in the EIS.
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>	- Monitoring of the feeding is executed by using the Europol statistics from EIS.	

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 3. for Priority I</b>  to have prompt information exchange at the MS level involving all national law enforcement agencies and at EU level including EU Agencies, in order to enhance detection, investigation and prosecution of mobile (itinerant) organised crime groups.</p>		
<p align="center"><b>Action 3.3: Increase the number of contributions to FP Furtum (focus MOCG-cases on burglaries and metal theft) and FP EEOC (focus on Lithuanian and Georgian MOCG engaged in property crime)</b>  <b>Leader: BE</b>  Participants: All  Start and end date: 01-01-2012 until 31-12-2013</p>		
Action based on existing project/new action:	Continuing action 2012	
Timing	Permanent	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
+ 5 % of contributions received by the FP Furtum and EEOC in 2013	<u>Contributions to FP</u> Based on preliminary figures the combined number of contributions to Furtum and EEOC continues to rise. If the tendency keeps on a rise of more than 20 % could be expected for 2013. More and more contributions are being marked MOCG (probably as a result of the adaptations made in SIENA concerning marking EMPACT-contributions).	<u>Contributions to FP</u> The SIENA annual reports of 2012 and 2013, show that the number of messages continue to increase. Between 2012 (4315) and 2013 (5359) the increase in messages received was almost 25 %, which is higher than the objective which was set at 5 %.
<b>Outputs/Reporting Information to be provided:</b>	<b>December 2013</b> Statistics on contributions to FP and number of SIENA-cases.	<b>December 2013</b> Statistics on contributions to FP and number of SIENA-cases.
Stage and status (not started, ongoing, finished/ on time, delayed)	On schedule	Achieved
Target (description how far action is from the target set)		
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>	In 2013 the operational centre (OC) has started to process contributions to Europol for the FP Furtum and EEOC. The MS were also asked to send their contributions to the OC. This has as effect that the exact evolution of the contributions to the FP Furtum and FP EEOC between 2012 and 2013 can not be evaluated. <ul style="list-style-type: none"> <li>- Therefore the number of requests received by Europol for the crime areas robbery, vehicles and cultural goods via SIENA</li> </ul>	

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	<p>are used as measurement. Therefore the number of messages on robbery exchanged via SIENA are used as measurement. Monitoring of the feeding is executed by using the Europol statistics from SIENA. For the future, it would be interesting to include a measurement of the quality of the messages.</p>
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**OAP/EMPACT Project for EU Policy Cycle Priority I  
Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities  
Driver: Belgium**

**Strategic Goal 3. for Priority I**  
to have prompt information exchange at the MS level involving all national law enforcement agencies and at EU level including EU Agencies, in order to enhance detection, investigation and prosecution of mobile (itinerant) organised crime groups.

**Action 3.4: Initiate 10 new major investigations on MOCG supported by Europol in 2013.**  
**Leader:** BE, FR, RO  
**Participants:** All  
**Start and end date:** 01-01-2013 until 31-12-2013

Action based on existing project/new action:	New action	
Timing	2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
- 10 investigations on MOCG - number of operational meetings - number of joint investigations	In the participating countries over 150 cases with international links are at the moment running. FP Furtum and FP EEOC offered active support in already more than 25 cases in 2013. Eurojust reports that at the moment they are engaged in 10 ongoing investigations on MOCG. However, whether these cases will evolve into major investigations on MOCG will only become clear in a later stage.	FP Furtum and FP EEOC offered active support in already more than 50 cases in 2013. In these investigations 12 actions days took place. These actions led to the arrest of more than 200 suspects including soldiers, regional supervisors and leaders. Information concerning convictions is not available.
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b> Statistics FP Europol	<b>December 2013</b> Statistics FP Europol
Stage and status (not started, ongoing, finished/ on time, delayed)	On schedule	Achieved
Target (description how far action is from the target set)		.
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>		

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 3 for Priority I</b>  to have prompt information exchange at the MS level involving all national law enforcement agencies and at EU level including EU Agencies, in order to enhance detection, investigation and prosecution of mobile (itinerant) organised crime groups</p>		
<p align="center"><b>Action 3.5: Promoting “Early Warning” with regard to MOCG movements and activities</b>  <b>Leader: Europol</b>  <b>Participants: All</b>  Start and end date: 01-01-2012 until 31-12-2013</p>		
Action based on existing project/new action:	Continuing action 2012	
Timing	Permanent	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
Number of alert reports (depending on new phenomena emerging)	0	
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	Ongoing	Achieved
Target (description how far action is from the target set)	Early warning messages are sent out if a threat has been detected by Europol. In 2013 no EWS have been sent out.	Early warning messages are sent out if a threat has been detected by Europol. Over 90 EWS have been sent out. Sometimes EWS do not reach the target audience yet.
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>		

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 3 for Priority I</b>  to have prompt information exchange at the MS level involving all national law enforcement agencies and at EU level including EU Agencies, in order to enhance detection, investigation and prosecution of mobile (itinerant) organised crime groups</p>		
<p align="center"><b>Action 3.6: Explore all other available instruments to create a permanent feeling of discomfort for MOCG members</b>  <b>Leader: BE</b>  Participants: DK, BG, CY, FI, FR, HU, IE, LT, PT, SE  Start and end date: 01-01-2012 until 31-12-2013</p>		
Action based on existing project/new action:	Continuing action 2012	
Timing	Permanent	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
Number of Art. 99.2 alerts	The use of the 99.2 notices proves it worth in the field. More and more investigators become convinced about the added value. Exact data on the number of notices in 2013 is not yet available.	The use of the 99.2 notices proves it worth in the field. More and more investigators become convinced about the added value.
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	On schedule	Achieved
Target (description how far action is from the target set)	Continue the use of 99.2 notices.	
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>		

<b>OAP/EMPACT Project for EU Policy Cycle Priority I</b> <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b> <b>Driver: Belgium</b>		
<b>Strategic Goal 3 for Priority I</b> to have prompt information exchange at the MS level involving all national law enforcement agencies and at EU level including EU Agencies, in order to enhance detection, investigation and prosecution of mobile (itinerant) organised crime groups		
<b>Action 3.7: To schedule an intelligence led action day on “metal theft” targeting scrap dealers and/or lorries, vans and other means of transportation utilized to move quantities of metal across the EU.</b> <b>Leader: BE, FR, PT</b> Participants: AT, BG, CY, DK, EE, FI, HU, LT, NL, PT, RO, SE Start and end date: 01-01-2013 until 30-06-2013		
Action based on existing project/new action:	New action	
Timing	1 <sup>st</sup> half 2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
1 action day	An action day has been scheduled for May. At the moment, 12 MS agreed to participate in this action day on metal theft.	Debriefing action day on metal theft. Results : <ul style="list-style-type: none"> <li>- Action days on metal theft</li> <li>- 18 MS participated</li> <li>- Checked persons : 58 361</li> <li>- Arrested persons : 266</li> <li>- Checked vehicles : 50 489</li> <li>- Vehicles confiscated : 30</li> <li>- Checked scrap dealers : 7 426</li> <li>- Administrative infringements : 4 539</li> </ul> For several MS it was the first time to organise a national coordination in a multi agency, multidisciplinary approach. This proved to be successful and will be repeated.
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	On schedule	Achieved
Target (description how far action is from the target set)		
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>		



<b>OAP/EMPACT Project for EU Policy Cycle Priority I</b> <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b> <b>Driver: Belgium</b>		
<b>Strategic Goal 3 for Priority I</b> to have prompt information exchange at the MS level involving all national law enforcement agencies and at EU level including EU Agencies, in order to enhance detection, investigation and prosecution of mobile (itinerant) organised crime groups		
<b>Action 3.8:</b> <b>1. To assess the interests of MS in organizing an action day with a regional focus, on harbors/airports/railway stations in order to target those MOCG who utilize this travelling route (such as i.e. Irish travellers).</b> <b>2. Once assessment is made every region will schedule one or more action days on the topic.</b> Leader: NL, CY Participants: BE, CY, DK, EE, FI, FR, HU, LT, SE, Start and end date: 01-01-2013 until 31-12-2013		
Action based on existing project/new action:	New action	
Timing	1 <sup>st</sup> half 2013 : Assessment 2 <sup>nd</sup> 2013 : Action day	
Key Performance Indicator(s):	June 2013	December 2013
1 action day	Three regional actions have already been organised : FR-BE : metal theft and burglaries in the border region BE-NL-UK : action on Irish Travellers in the harbours of Ostend (BE) and Rotterdam (NL) SE-LI : profiling and catching (MOCG) travelling criminals and their loot.	2 Observation weeks (spring and fall 2013) organised by SE, DK, FI, NO, LT, EE with support of Europol. The actions led to 152 arrests and over 80 early warning messages.
Outputs/Reporting Information to be provided:	June 2013	December 2013
Stage and status (not started, ongoing, finished/ on time, delayed)	On schedule	Achieved
Target (description how far action is from the target set)		
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
Any other comments:		

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 4 for Priority I</b>                  Explore and develop innovative, multi-disciplinary and pro-active approaches to train, prevent and raise awareness on the activities of mobile (itinerant) organised crime groups.</p>		
<p align="center"><b>Action 4.1: Schedule expert meetings on sub-phenomena related to MOCG criminality or specific sub-groups of MOCG.</b>  <b>Leader: EUROPOL</b>                  Participants: MS interested in the topics                  Start and end date: 01-01-2013 until 31-12-2013</p>		
Action based on existing project/new action:	New action	
Timing	2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
To have 4 expert meetings on specific sub-phenomena		
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	Ongoing	Partially achieved
Target (description how far action is from the target set)	A conference on metal theft is being scheduled in April 2013 with participants of the private sector and LEA, in preparation of the action day on metal theft.	3 expert meetings/conference have been organised in 2013, 1 meeting on Lithuanian Organised crime (LITOC) was already organised in 2012 but not reported on yet. The objective was to have 4 meetings in 2013.
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>	<ul style="list-style-type: none"> <li>- Operational LITOC meeting in Riga on 20 and 21 of November 2012</li> <li>- A conference on metal theft has been organised in April 2013 with participants of the private sector and LEAs, in preparation of the action day metal theft.</li> <li>- Second operational network meeting on Thieves-in-Law (16.10.2013)</li> <li>- EU Conference on Eurasian organised crime on 17th &amp; 18th of October 2013 at Europol HQ in The Hague (NL)</li> </ul>	

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 4 for Priority I</b>                  Explore and develop innovative, multi-disciplinary and pro-active approaches to train, prevent and raise awareness on the activities of mobile (itinerant) organised crime groups.</p>		
<p align="center"><b>Action 4.2:</b> Identify initiatives and platforms (LEA, public, private, ...) complementary to the activities in the EMPACT MOCG-project across Europe in order to create and enhance synergies between relevant stakeholders.  <b>Leader:</b> BE, FR                  Participants: MS interested in the topics                  Start and end date: 01-01-2013 until 31-12-2013</p>		
Action based on existing project/new action:	New action	
Timing	2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
To start collaboration with at least 3 ongoing initiatives	4	
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	Ongoing	Achieved
Target (description how far action is from the target set)	Contacts have been made and first collaboration has been established with : - Cross Channel Intelligence Community – action day on travellers - Pol-Primett – conference on metal theft - With the informal network on administrative approach of the EC contacts had already been established in 2012. This network has been asked to play a role in EU-harmonising on no-cash legislation and registration of resellers for metal theft. - Fado-system of European Council – presentation during EMPACT MOCG-meeting in January 2013	Further contacts have been made with TAPA concerning cargo theft, the banking sector for ATM-theft, DG Move for metal theft.
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	

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Source of financial resources:	-
Any other comments:	

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<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 4 for Priority I</b>                  Explore and develop innovative, multi-disciplinary and pro-active approaches to train, prevent and raise awareness on the activities of mobile (itinerant) organised crime groups.</p>		
<p align="center"><b>Action 4.3: To set up and utilize the EPE on the priority crime area of MOCG</b>  <b>Leader: BE</b>                  Participants: CY, NL, PT, FI, SE, FR, Europol as steering committee, all MS as participants                  Start and end date: 01-01-2013 until 31-12-2013</p>		
Action based on existing project/new action:	New action	
Timing	2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
Start EPE-platform on MOCG	A steering committee for the EPE has been set up and the kick-off for the EPE MOCG has been given during the January-meeting.	EPE MOCG has been launched.
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>October 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	On schedule	Achieved
Target (description how far action is from the target set)	The EPE MOCG will be tested by the participants until the next meeting in June. At that time an evaluation will be made.	EPE MOCG has been launched.
<b>Inputs: (Optional)</b>		
<i>Number of Human Resources:</i>	-	
<i>Financial resources needed:</i>	-	
<i>Source of financial resources:</i>	-	
<b>Any other comments:</b>	The EPE MOCG has been launched. However, the actual use of the platform has to be increased but proves to be difficult.	

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 4 for Priority I</b>                  Explore and develop innovative, multi-disciplinary and pro-active approaches to train, prevent and raise awareness on the activities of mobile (itinerant) organised crime groups.</p>		
<p><b>Action 4.4: Increase awareness about MOCG-criminality by organizing a webinar in collaboration with CEPOL.</b>  <b>Leader:</b> BE, CEPOL, Europol  <b>Participants:</b> MS interested in the topics  <b>Start and end date:</b> 01-01-2013 until 31-12-2013</p>		
Action based on existing project/new action:	New action	
Timing	2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
Webinar		
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	Ongoing	Achieved
Target (description how far action is from the target set)	A first webinar "Introduction to Mobile (Itinerant) OC Groups" has already been scheduled and held in November 2012! The objective is to hold at least one per year, next one not yet planned.	The webinar on "Mobile Organised Crime Groups" took place on 12 December 2013.
<b>Inputs: (Optional)</b>		
<i>Number of Human Resources:</i>	-	
<i>Financial resources needed:</i>	-	
<i>Source of financial resources:</i>	-	
<b>Any other comments:</b>		

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 5 for Priority I</b>                  To ensure that mobile (itinerant) crime related investigations and prosecutions seek to disrupt criminal money flows and remove criminal wealth.</p>		
<p align="center"><b>Action 5.1: To organize a training on financial investigations and asset recovery in the field of MOCG..</b>  <b>Leader: NL, CEPOL</b>                  Participants: All MS and Europol                  Start and end date: 01-01-2013 until 31-12-2013</p>		
Action based on existing project/new action:	New action	
Timing	2 <sup>nd</sup> half 2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
Training course on financial investigations and asset recovery	Phase 1 : organization of expert meetings to exchange information and knowledge (e.g. on legislation on financial investigations in Europe, ...), best practices, methodology, etc Phase 2 : development of a training in collaboration with CEPOL Phase 3 : training	The training "Course on itinerant groups" which will focus on "financial investigating for MOCG-investigators" took place from 28 till 31 October 2013.
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	Ongoing	Achieved
Target (description how far action is from the target set)	Phase 1 and 2 in progress.	
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>		

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 6 for Priority I</b>                  The establishment, exploration and full use of tools and best practices to confirm the identity of targets and suspects</p>		
<p align="center"><b>Action 6.1: Explore possibilities of the access to the Interpol ASF for the private sector in the MS concerning stolen and lost travel documents to prevent crime</b>  <b>Leader: DK</b>                  Participants: BE, CY, FR, IE, PT, Interpol                  Start and end date: 01-01-2013 until 31-12-2013</p>		
Action based on existing project/new action:	Continuing delayed action 2012	
Timing	2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
- Opening of ASF DB for the private sector. - Number of ASF requests (if feasible)		
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	Ongoing	Indetermined
Target (description how far action is from the target set)	ASF DB will be opened for the private sector.	No confirmation of this information.
<b>Inputs: (Optional)</b>		
<i>Number of Human Resources:</i>	-	
<i>Financial resources needed:</i>	-	
<i>Source of financial resources:</i>	-	
<b>Any other comments:</b>	Interpol informed the EMPACT MOCG-members during the meeting of 30 and 31 January 2013 that the ASF-database will be made accessible for the private sector.	



<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 6 for Priority I</b>                  The establishment, exploration and full use of tools and best practices to confirm the identity of targets and suspects</p>		
<p align="center"><b>Action 6.2: Aligning the EMPACT MOCG with existing initiatives combating identity fraud such as the Fado-system of the Council of the EU striving for common goals.</b>  <b>Leader: BE</b>                  Participants: All MS, EC                  Start and end date: 01-01-2013 until 31-12-2013</p>		
Action based on existing project/new action:	New action	
Timing	2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
Presentation of the Fado-system to EMPACT MOCG-participants	Presentation was given by a representative of the European Council during the EMPACT MOCG-meeting in January 2013.	
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	On schedule	Achieved
Target (description how far action is from the target set)	Fado-system which comprises FADO (for specialists on identification documents), IFADO (for investigators) and PRADO (for the general public) has been presented. MS are asked promote the system in their country to their investigators (IFADO) and the public and private sector (PRADO).	
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>		

<p align="center"><b>OAP/EMPACT Project for EU Policy Cycle Priority I</b>  <b>Reduce the general capabilities of mobile (itinerant) organised crime groups to engage in criminal activities</b>  <b>Driver: Belgium</b></p>		
<p align="center"><b>Strategic Goal 7 for Priority I</b>  Member States to identify and effectively address vulnerabilities in their legislation and procedures which are exploited by mobile (itinerant) organised crime groups to commit crimes.</p>		
<p align="center"><b>Action 7.1: Compile a list of vulnerabilities in the national legislations, loopholes and best practices with regard to MOCG in order to effectively address them</b>  <b>Leader: BE</b>  Participants: All forerunners, EC  Start and end date: 01-01-2013 until 31-12-2013</p>		
Action based on existing project/new action:	Continuing action 2012	
Timing	2013	
<b>Key Performance Indicator(s):</b>	<b>June 2013</b>	<b>December 2013</b>
1. Report		
<b>Outputs/Reporting Information to be provided:</b>	<b>June 2013</b>	<b>December 2013</b>
Stage and status (not started, ongoing, finished/ on time, delayed)	Ongoing	Achieved
Target (description how far action is from the target set)	<p>Identification of loopholes: BE has sent out a questionnaire to all forerunners in March 2013.</p> <p>Harmonisation of the legislation on sales of metal (scrap metal) has already been identified as one of the opportunities for the approach of metal theft. This topic will be addressed inter alia during the conference on metal theft of 22 and 23 April 2013 at Europol.</p>	The final report has been sent out at the end of 2013.
<b>Inputs: (Optional)</b>		
Number of Human Resources:	-	
Financial resources needed:	-	
Source of financial resources:	-	
<b>Any other comments:</b>		

**Operational Action Plan 2013:**

**Final Drivers Report**

**Priority H : Cybercrime**

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This report has been provided by the Driver of the priority, based on contributions from the action leaders.

## EMPACT Driver's Report

### Priority: Cybercrime

**The project was supported by the following countries and agencies:** BE, BG, DK, EE, ES, FI, FR, HU, IE, IT, NL, RO, SE, UK, Europol, Eurojust and Cpol.

### **General remarks:**

In the cybercrime area there are many institutions with responsibilities and different ongoing projects with different topics (Council of Europe, UNODC, ENISA, EC, etc).

Considering all the actors involved and the evolution of the cybercrime, we believe that there is a need for a better coordination and cooperation between institutions, private sectors and joint projects. In this respect, EC3 can play an important role for the next coming years in setting up priorities and effective coordination for the operational activities.

EMPACT project should integrate the priorities from different organisations and MS and coordinate them in order to have the best harmonisation and identify the key aspects in the cybercrime area.

Based on these key aspects in the OAP should be identified and created relevant operational activities with impact in the cybercrime.

MS who participate in the project can be driving forces for initiating activities to open new ways of cooperation between LEA (UE and non-UE), academia and private sector.

The project is the framework where the relevant actors and priorities at the EU level should be brought and solutions to be identified.

Cybercrime is a critical area if we consider the attacks on the critical infrastructures, the impact on the other crime areas and the amount of financial losses. There are important evolutions and new trends of the phenomenon and the future is related to:

- computer attacks, financial malware, TOR, botnet, hacktivism,
- credit card frauds on the internet, data bridges, card forums and
- child online exploitation.

In this respect, the Cybercrime priority for the period 2014-2017 has been divided in three areas:

- Cybercrime Attacks
- Cybercrime-Child online exploitation and
- Cybercrime On-line credit card frauds.

This new approach is a positive one considering the importance of the phenomenon, the organizational structure at EC3, the particular topics for each domain and possibility for the MS to send experts in different areas.

There are also few aspects which are common for all three domains like: financial instruments and tools used by criminals, common legislation for the on-line environment, common training for the law enforcement and judiciary, common instrument for international cooperation and cooperation with the private sector.

The activities from the OAP 2012-2013 were good learning exercises for the new circle and the experience of the people participating in the project will be used in the new format of the project.

The main areas covered in the project within this period were related to: legislation, Internet governance, capacities to fight against cybercrime and cooperation with the private sector.

In OAP 2012 there were ambitious activities proposed, but most of them were not necessary operational but related to drafting documents (best practices, guidelines, etc) and supporting different projects or proposals.

Some activities and results from OAP 2012 continued in 2013 (EX: activity 5.1 from OAP 2012 and 2013).

Most of the activities from OAP 2012 were finalized in time and the reporting process was completed according to the schedule.

In the OAP 2013 there were more operational activities proposed (EX: activities 4.1 and 5.1) but MS still did not necessary engaged in very detailed operations.

OAP 2012 and OAP 2013 were good learning exercises and OAP 2013 was better defined and structured and includes more operational activities;

It was an important contribution from Europol and Cepol in OAP 2012 and 2013.

The results from the project will be useful for all MS (even we are talking about some documents guidelines, operational activities or trainings)

Activities from the OAP Cybercrime did not interfere with activities from other priorities.

### **Status of the activities from 2013**

**Completed activities with no additional details:** 1.1 (Council of Europe will continue the work on the legislation), 3.1, 3.3, 3.5, 4.1, 4.2, 4.4, 6.2

**Activities which will continue:** 3.4 (Cyber attacks), 3.5 (Cyber attacks), 4.3 (Child Sexual Exploitation), 5.1 (Cyber attacks), 5.2 and 5.3 (Cyber attacks and Child Sexual Exploitation);

**Activities postponed: 3.2** (The training needs assessment has suffered a delay due to the sudden change within the cybercrime group that initially included only cyber-attacks. The change has been done without the consultation with CEPOL. This issue was raised by CEPOL already at previous OAP meeting. CEPOL has to deal with 3 different groups now. The training needs assessment has been put again into the programme of OAP 2014 with the delivery by 2<sup>nd</sup> Quarter. The product will include 'core cybercrime' and credit card frauds but not child sexual exploitation), **4.5** (CIRCAMP project -No MS expressed the intention to take the driver position for the project. The work from the CIRCAMP project will be transposed in the OAP 2014 for the priority Child Sexual Exploitation) and **6.1** (The activity will continue in 2014 in order to have a better coordination with other projects related to this area conducted by different organizations. The activity will have a more targeted approach to the specific sectors and benefit from communication material that was already developed. Some material have been used for the Internet Safer Day 2014).

### Difficulties

- At the beginning participants in the project had no clue about the activities and how to act in the project;
- In 2013 we expected more knowledge and engagement from participants, but some of them were active only during the meetings;
- The participants in the project were very experienced people, but not all of them with clear mandate from their own authorities on the limits of engagement (even we had the experience of the first year);
- Evaluation of the activities was a difficult task because some of the leaders did not coordinate the activities and send the feedback in time;
- At the evaluation meeting for OAP 2013 only few countries participated (the short period- 2 weeks, to organize the meeting is not necessary the real reason) and this shows the level of engagement in the project;
- Italy did not participate in the activities and meetings from 2013 even they were registered in the project;
- Some of the activities from OAP 2013 were delayed or postponed and there will be continuation in the new priorities from cybercrime area in the next circle;
- Considering the particularities of cybercrime not all strategic goals for the cybercrime priority were related to operation activities (Ex: legislation);

### Achievements

- Identification of the most relevant areas for developing and cooperation in the cybercrime;
- identification of some common activities between MS participating in the projects;
- Relevant international, regional and national problems included in the project in order to be addressed in a coordination manner;
- A sort of level for coordination between MS participating in the project in operational and non-operational activities in the Cybercrime areas;
- Common and relevant operational action for MS;
- A good level of understanding for the format of the project;
- Good level of engagement from european agencies: Europol, Eurojust and Cepol.

### Proposals

- The role of the EC3 is crucial, there should be a joint ownership and responsibility between Europol and MS. The EC3 can lead activities with a real involvement of participants and probably its role is closer to a coordination role. The OAP should be topic on the EUCTF and FP meetings.
  
- The format of the project group should be improved by:
  10. better understanding of the MS about the role of the project
  11. better selection of the participants from the MS
  12. clear mandate from the MS for the participants in the project
  13. strong engagement from the national institutions responsible with prevention and combating cybercrime through the participants in the project in setting up the operation activities and implementation process;
  
- The need for a coordination at the national level between the NEC and participants in the projects;
- MS should include in their national priorities the priorities from the projects considering the fact that the next circle is for a period of four years.