

# Harmony



With the support of the Prevention of and Fight against Crime Programme of the European Union.





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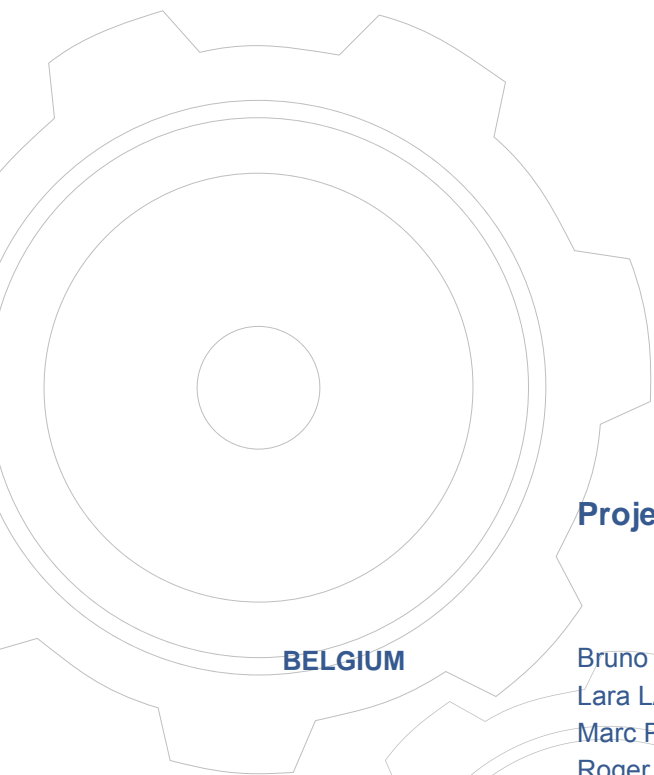
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# Harmony



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# PART 1

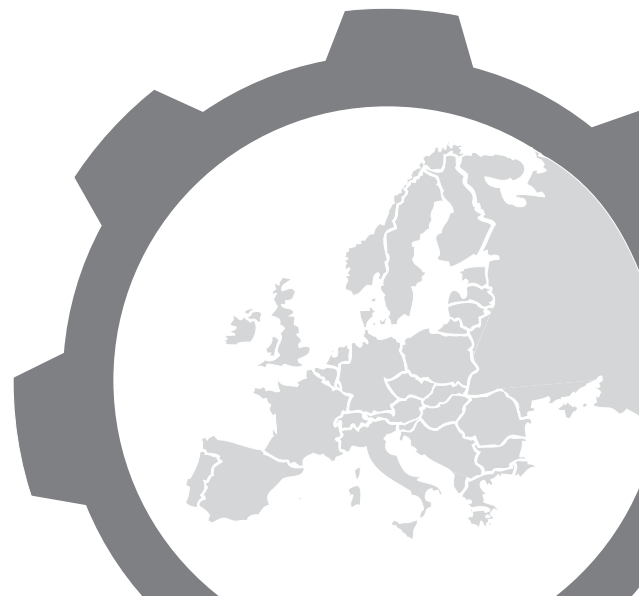
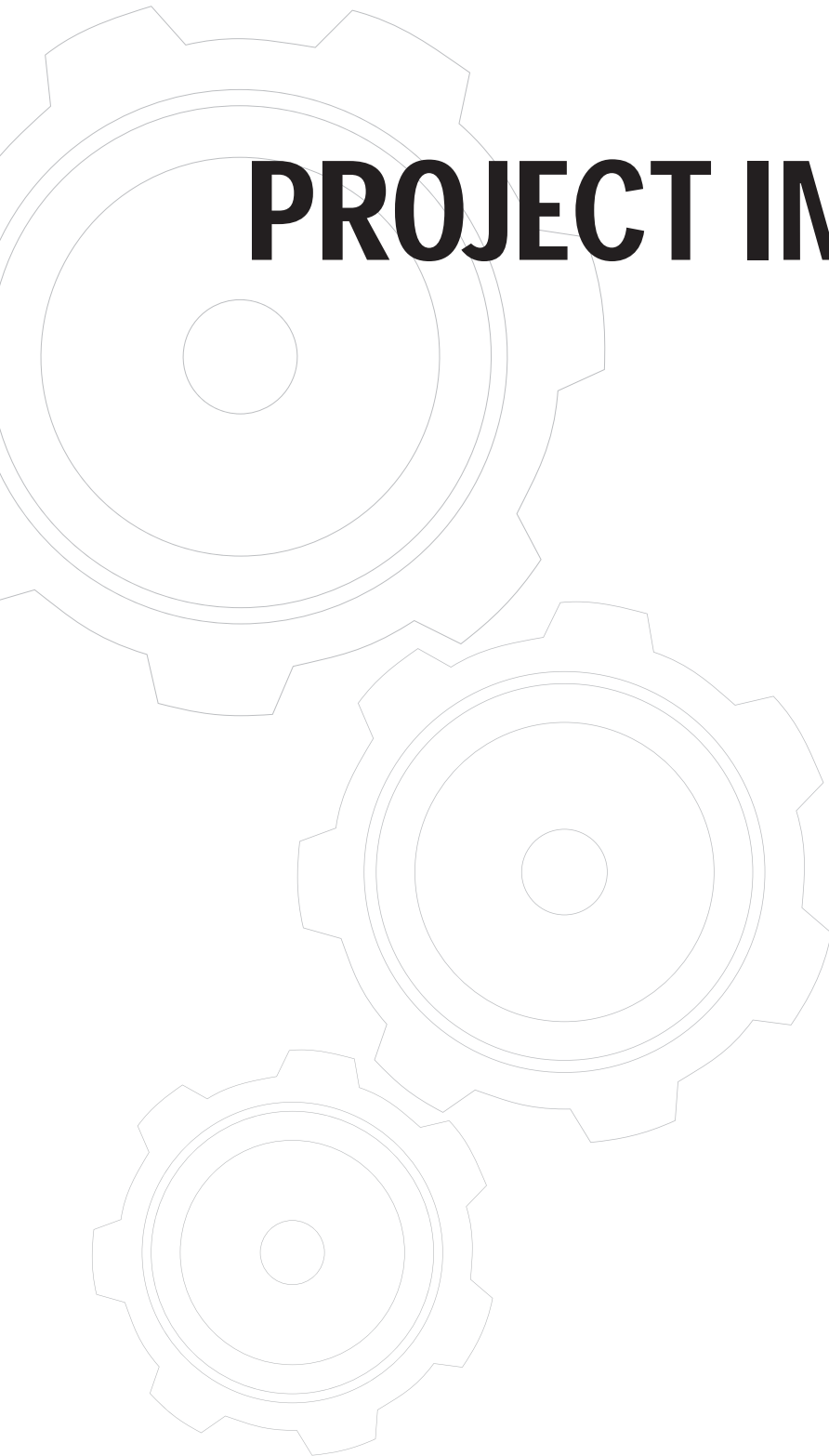


During the last years quite a few initiatives have been taken in the field of JHA cooperation, but their implementation has not been developed enough. This chapter explains the core ideas behind project Harmony.





# PROJECT INITIATION





## 1.1 Introduction

According to the conclusions of The Hague Programme (November 2004), the ECIM (European Crime Intelligence Model) should become a core concept and methodology to tackle organised crime (OC). The ECIM stands for a shift from reactive policing to a problem solving approach, based on analysis, by developing action plans (focused on crime prevention as well as on repressive action) and involving multiple actors (both private and public partners). The advantages of a well functioning ECIM are multiple: it supports priority setting, it guarantees more adequate resource management, it provides better coordination of activities and consequently it is a precondition for the implementation of intelligence led law enforcement.

The Hague Programme:  
Strengthening Freedom, Security and Justice in the European Union (doc 16054/04 JAI 559 – 13 December 2004)

In 2005, the UK hosted a conference on the ECIM (European Criminal Intelligence Model) “Bridging the Intelligence Gap” where the principles of the concept were explained in a more detailed way. The ECIM should become a fully fledged policy cycle to fight serious and organised crime. According to the action plan to implement the Hague Programme (agreed by the JHA Council), an organised crime threat assessment (OCTA), as a core product in the ECIM, is the beginning of this policy cycle. The second step of the policy cycle is the decision-making. Based upon the OCTA, the JHA Council will set the priorities that EU agencies and the Member States will take forward in their fight against serious and organised crime. For each of these priority areas, a strategy should be developed to tackle the problem. In the next step, these strategic plans need to be converted into operational plans, both at the European and national levels. At the end of the process an evaluation is carried out to evaluate if and to what extent these strategic and operational activities had a positive impact on the expected outcome.



Over the last decade, a lot of initiatives have been undertaken at the European level to improve the fight against organised crime. Although most of these initiatives contribute to the implementation of the ECIM, there is a lack of commitment and coherence among Member States which affects the effectiveness and the efficiency of the fight against organised crime.

The Belgian Presidency wants, in close cooperation with Europol (as a key player) and the UK and the Netherlands (because of their experience in intelligence-led policing), to streamline and integrate the already existing EU instruments into a more coherent and effective approach, resulting in a genuine European policy cycle.



## 1.2 Objectives

This project aims to bridge the gap between European and national strategies and also between political decisions and the way law enforcement agencies convert them into operational activities. It acts on both horizontal and vertical level. The horizontal approach aims to achieve better alignment between the activities of the EU agencies in their fight against organised crime and the political priorities of the JHA. The vertical approach means that the Member States get the opportunity to integrate the European decision-making process into their national strategies. To achieve these objectives, the project wants to streamline and integrate the already existing EU instruments (e.g. OCTA (Organised Crime Threat Assessment), the role and tasks of the EPCTF (European Police Chiefs Task Force), COSPOL (Comprehensive, Operational, Strategic Planning for the Police) projects, etc.) into a more coherent and effective approach, resulting in a genuine European policy cycle. The project aims to achieve a better link between the OCTA and the definition of Europol's Work Programme and the COSPOL projects; more interaction/coherence between Europol's annual Work Programme and the operational activities within COSPOL; a better link between national strategies and European decision making; a realistic timeframe to implement political priorities and to convert them into strategic and operational activities and a more transparent and coherent system to evaluate the effectiveness of the action plans. Furthermore, both Europol's Work Programme and the COSPOL projects should produce fully fledged action plans, involving all relevant actors.

The project could be the next step to a future European internal security plan. In creating a more coherent cycle, law enforcement's fight against crime should become more efficient and hopefully more effective and hence provide the public a safer society.





## 1.3 Methodology

### 1.3.1 Process methodology

Within the project, we distinguish three important steps. The first phase (3 months) is a technical one with a limited number of participants (project group with partners). Their work is the basis for further discussion in a wider audience during the following phase. The second phase (4 months) of the project gives the opportunity to discuss the proposals of the working group with all the relevant parties through the organisation of two seminars at expert level, with further meetings of the project group in between. During the final phase (8 months), a detailed roadmap with concrete recommendations for improvement is sent through the appropriate channels for validation by the political authorities. According to the level of progress, the project team wants to implement the first improvement projects "quick wins" under the Belgian presidency. During the last working group meeting (scheduled in December 2010) the project's outcome and success will be evaluated.

### 1.3.2 Methodology related to the content

Part 2 presents the first phase of the project and starts with the description of a general crime intelligence model (based on several government management cycles and in line with what has already been consolidated at the level of the European Union). Then, part 3 gives an overview and a state of play of the different existing instruments and actors of the current incomplete European cycle. Then, a gap analysis is made between the ideal model and the current situation. The final aim of the project is to arrive at a politically endorsed European Union document describing the ideal ECIM, and the steps that need to be taken to come to a more holistic approach to realise such an ECIM. The part 7 contains a detailed roadmap with priorities and action plans.

Conclusions ECIM-International Conference-Bridging the Intelligence Gap (London 20 May 2005) supported by AGIS funding, Internal Security Architecture (Doc. 9596/1/06 JAI 271 CATS 104 rev 1 – 22 May 2006) Cospol Methodology (Doc. 5859/4/06 ENFOPOL 20-10 October 2006) and common implementation procedure for COSPOL projects (Doc. 13412/1/07 ENFOPOL 156 rev 1)



### 1.3.3 Organizational structure

The project group, consisting of Belgium, Europol, The Netherlands and the UK, functions as an international steering group. Although Belgium leads the project group, all partners have an equal vote and role in the project's group work. The project is implemented through regular meetings of the project group. During the first 3 meetings the organisation of a smaller active seminar for frontrunner MS (Member States) are prepared (organisation of workshops, documents sent to the participants in advance). The outcome of that seminar is used to further scrutinise the results in order to prepare a seminar aimed at all EU MS and law enforcement agencies, Croatia, Norway, Iceland and Switzerland. The results of that seminar are used to produce the final outcome of the project as a document to be submitted for political endorsement in the Council structures.



## 1.4 EC Framework partnership agreement «Prevention of and fight against crime»

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The realization of this ambitious project requires extra resources and can fortunately be developed within the European Commission's Framework Partnership Agreement "Prevention of and fight against crime". The Belgian Presidency believes that the content of the project is related to one of the most important topics to be developed in Justice and Home Affairs cooperation. Furthermore, it falls directly in the scope of The Hague Programme and policies that have already been endorsed at Council level. If successful, the project will have a direct impact on national law enforcement by making the European process and its outcome more relevant for the national level. Vice versa, the preparation for the European process will also prove to be more useful and thus trigger more commitment from the relevant national services. Finally, the outcome of this project will also strengthen the role of Europol in the EU internal security architecture.

Application JLS/2008/ISEC/FPA/  
C4/073

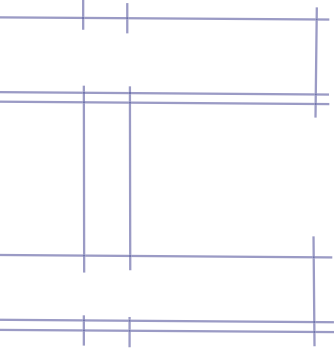
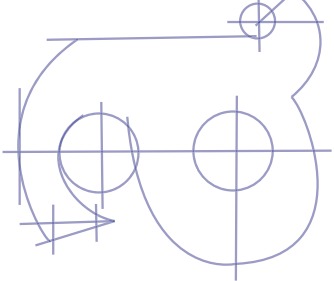
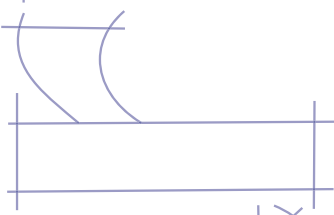
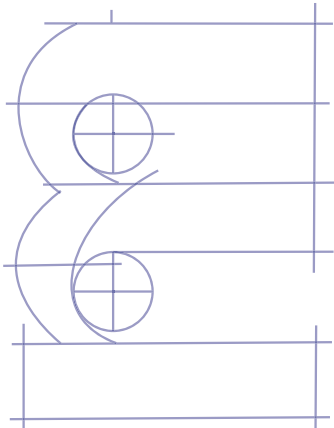
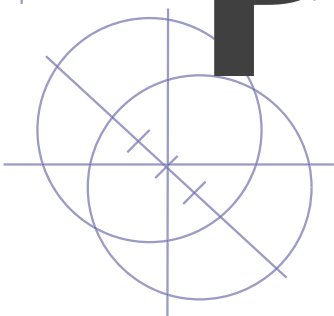
Because the project is in total conformity with the ISEC programme objectives and corresponds to one of the priorities set out in the 2009 call for proposals, the European Commission granted funding for 95% of this project.

Visibility of EU funding is ensured through the inclusion of the EC (European Commission) logo in all documents presented at the seminars. When introducing the recommendations and action plan, the EC funding will be mentioned. EC representatives are invited to participate in the seminars.

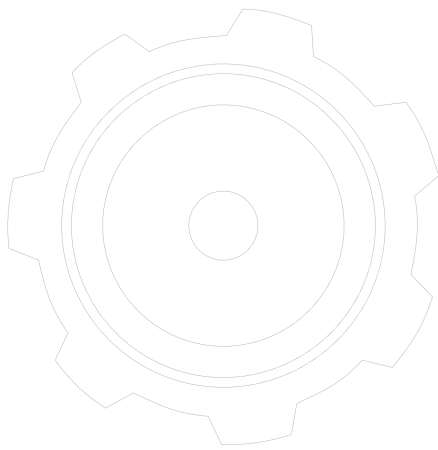




# PART 2



The purpose of this chapter is to design a theoretical framework for a policy cycle in the context of an internal security policy. This cycle is made up of a number of steps, each of them including a number of essential activities.







# **SECURITY POLICY AND POLICY CYCLE : A THEORETICAL FRAMEWORK**

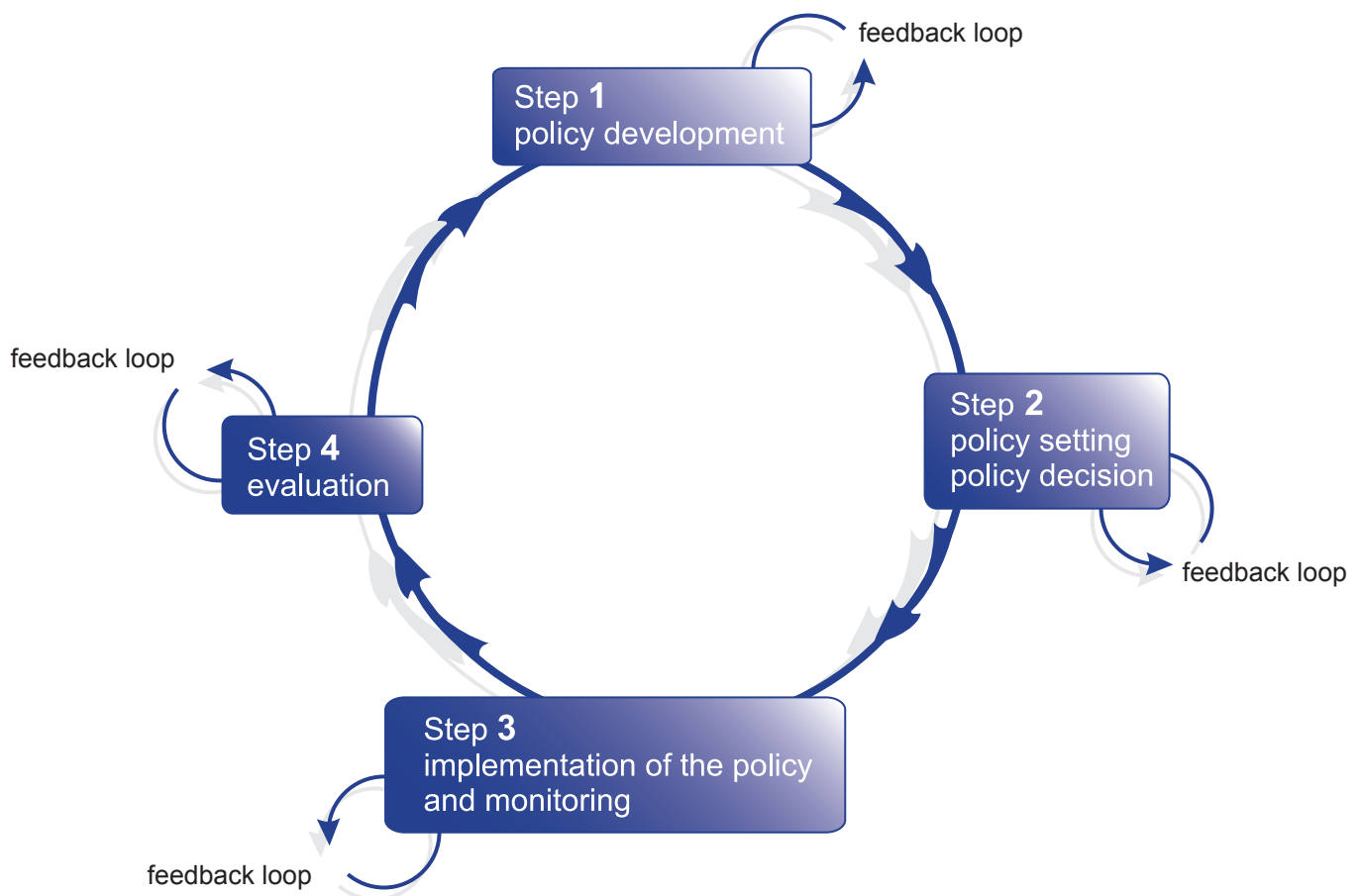






## 2.1 The policy cycle

A traditional and much applied methodology consists of four steps or phases: policy development (1), policy setting (2), implementation of the policy and monitoring (3) and evaluation (4). The policy cycle is a dynamic and continuous process. Once a cycle is passed through, the next cycle immediately starts up. Ideally, the results of the evaluation are an input for the policy development and policy setting of the next cycle.





### Step 1: the policy development

It generally involves research, analysis, consultation and synthesis of information. It should also take into account the evaluation of the former policy cycle. Based on their expertise and available information, the police services are well qualified to undertake the policy development for the police component of the internal security policy. The goal of this step is to detect, to identify and to analyse the internal security problems in the society. The result of this step is an overall internal security image or picture. In the development of that image, not only the seriousness of the phenomena (dimension, impact and consequences, damage, perception) is studied, but also (1) the potential threat from perpetrators and (2) the vulnerable target groups (human) and targets (material). Furthermore, trends and future evolutions are also described and analysed.

An example such a global security image or picture is the "Nationaal Politieel Veiligheidsbeeld" (National Police Security Image) which is drawn up by the Belgian Federal Police. The OCTA, drawn up by Europol, is an example of a threat analysis.

### Step 2: the policy setting

The policy makers make decisions based on this internal security image. Priorities and goals have to be formulated and it has to be decided in what way and with which resources these goals will be realised. As multiple actors are usually involved, it has to be clear who is responsible for each contribution. Finally, the way in which the monitoring and the evaluation will be organised, has to be determined as well.

Evidently, other elements and factors (politics, economics) will also have to be taken in consideration.

The setting of priorities implies a classification of the security phenomena which have to be tackled. The best way to do this is to use a number of well thought out weighed selection criteria. Thanks to adapted IT applications and software, several scenarios can be presented. Formulating policy goals (effect or outcome goals) is done at the level of the authorities who are politically responsible for the police (mostly the Minister of the Interior or Justice).



Once the priorities and the policy objectives are known, in-depth analyses are carried out. In-depth analyses are analyses which describe and explain certain aspects of one determined security problem (mostly sub-phenomena), and which explore the problem “in- depth”. The analyses are a preparation for the further development of projects or action plans. In-depth analyses give an overall picture of the problem in order to determine the most suitable proactive and reactive measures to tackle the problem. On the basis of the results of the in-depth analysis, cause-oriented solutions are defined.

See a.o. the course strategic analysts, Federal Police, Belgium.

Once the prioritised issues are determined and thoroughly analysed and the most effective or desired approach is known, (thematic) strategic objectives are formulated. Strategic objectives remain rather general. They will be translated into more operational objectives afterwards, when the projects and action plans are developed.

After step 1 and 2, the policy and the strategy are written down in a plan. In practice several kinds of plans are developed depending on the level. A global policy or security plan deals with different security themes or phenomena (for example: security plan UK, Home Office ‘Cutting Crime 2008-2011). A (strategic) action plan is more likely to deal with a single theme or phenomenon (example: EU drugs action plan 2009-2012).



### Step 3: the implementation

The implementation of plans has to be monitored systematically and continuous. The purpose of this monitoring is to examine whether the planned initiatives or actions are delivered according to plan (periods, allocation of resources, etc.). This mostly implies measuring the output. For example, it is examined whether the planned police checks in the field are carried out in terms of scope, place, time, and with what result (the latter being outcome).

### Step 4: the evaluation

After the implementation of the plan, the fourth phase of the cycle begins: the evaluation.

However, when the plans are long-term, an interim evaluation can be useful. The evaluation aims at examining to what extent the implemented actions and measures have contributed to the desired effect (effectiveness). The way in which the actions and measures were delivered is also evaluated (efficiency), as is the complete process of the policy cycle (process evaluation). The aim is to identify improvement possibilities in each step of the policy cycle, and to take them into account in the next cycle.





## 2.2 The national and EU level policy cycles and internal security plans

At national level, most of the EU Member States use some kind of policy cycle in their approach to internal security. At a strategic level, overall internal security plans and/or thematic action plans are developed.

There is an increasing need to tackle internal security problems at EU level with a common policy and a common effective strategy, due to the growth of cross-border security problems. It is therefore advisable to integrate all EU initiatives in the field of internal security into a single EU internal security plan. The crucial question is how the European cycle and internal security plan can be aligned and integrated with the national cycles and security plans.

The harmonisation and integration of these policy cycles is a particularly complex issue. There are a number of obstacles: the timing of the cycles in the different countries does not usually correspond, national priorities and expectations do not necessarily correspond with EU priorities, a long-term policy cycle does not correspond with a short-term budgetary cycle, and so on. Hence, the successful alignment of the policy cycles depends on several critical factors, e.g. the willingness of the Member States to elaborate a common security plan at EU level and to fit such an initiative in a policy cycle and their willingness to adopt a common methodology in their national policy cycles.

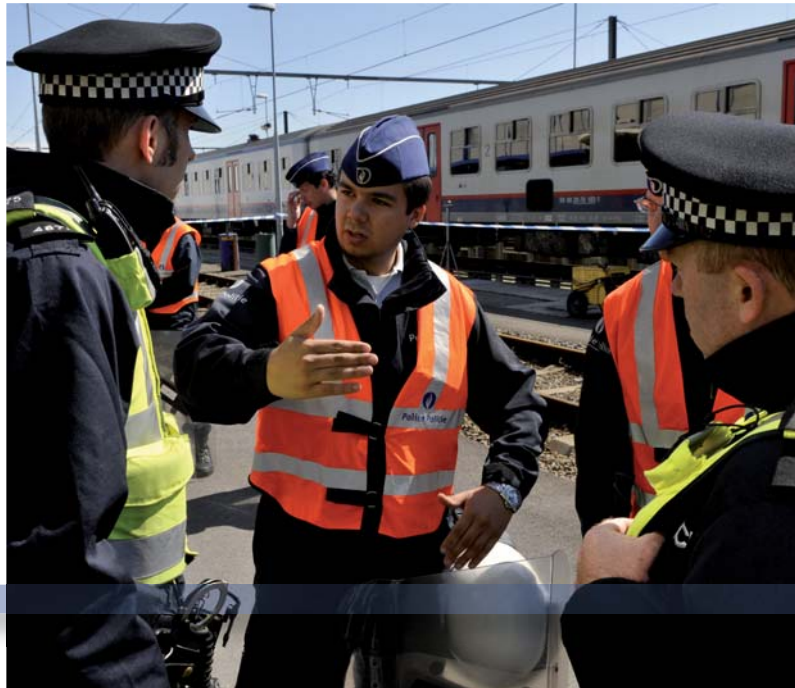




# FRAMEWORK

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# PART 3



This chapter aims to give an overview and a state of play of the existing elements in the (incomplete) European internal security policy cycle.



# **THE EUROPEAN INTERNAL SECURITY POLICY: A STATE OF PLAY**

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## 3.1 Problem identification



In the area of Justice and Home Affairs, there is a common agreement that some crime phenomena require a common approach because of the scale, significance and consequences of these offences. What should be regarded as “serious crime” evolves in accordance with a changing environment (creating new needs and expectations). Within the framework of intelligence-led law enforcement, it goes without saying that the activities of law enforcement agencies should be driven by strategic and operational intelligence to guarantee that the **real** problems are tackled in the **right** way. To identify these problems, one needs a broad scan for two reasons. Initially, a broad scan should take into account and analyse a large range of security problems to avoid that Law Enforcement Agencies (LEA) only pay attention to those areas in which they have the most experience and/or expertise. Furthermore, an exercise of this kind also provides an opportunity to compare the seriousness of the different problems in order to determine a ranking.

At the moment, there are different products providing a descriptive survey or a more future oriented assessment in one or more crime areas.

As the cornerstone of the ECIM, the **OCTA** is the most formal tool aiming at identifying security problems at EU level and proposing recommendations to combat these forms of serious crime. The OCTA requests contributions on the criminal organisations involved, as well as on a limited list of types of crime. It is drafted by Europol since 2005. Until 2009, Europol produced a yearly OCTA. Nowadays, it is drafted every 2 years.

The OCTA aims at anticipating the evolution of organised crime. It therefore looks at indicators evaluating the existing/potential threat posed by criminal organisations and/or crime phenomena, as well as the factors influencing them, instead of (only) describing the current situation. Generally, the first versions of the OCTA contain 4 main parts: one depicting the criminal organisations (typology), one depicting a limited list of criminal markets (illicit markets), one giving a geographical overview of the phenomena throughout Europe (hubs)





# OF PLAY

and a last one attempting to identify environmental factors (trend and development) influencing the phenomena.

The results of the OCTA are officially used for the setting of EU priorities. Although it is an important document (as the cornerstone of the ECIM), the document has its weaknesses.

The used concepts, typology and methods are discussed at Europol through unofficial working groups within which all Member States can take part. Nevertheless, there is no official Advisory Board overlooking and adopting the methodological processes and content, so no external validation is provided. Furthermore, the threat assessment is clearly focussed on the criminal organisation aspects, while the approach towards the illicit markets (and link with criminal organisations) is insufficient. It is therefore difficult to develop a policy both at European, supranational and national level. Moreover, the Europol requirements are developed and change from year to year, while previous (MS) experiences and national structures already put in place are sometimes disregarded. Thirdly, there is no document that clearly outlines the objective and customers of the OCTA report.

Another issue is the fact that there is no anticipation for the future, nor clear conclusions, recommendations or priorities. Finally, the timeframe (1 or 2 years) is too short to develop a solid methodology, to implement the results, to evaluate both methods and content and, finally, to fine-tune the processes.

Due to the high priority on terrorism, both Europol (TE-SAT) and SitCen provide an analysis in this area. In other domains, a similar analysis is more the consequence of, for instance, the existence of an agency dealing with this phenomenon (OLAF, FRONTEX) than a political request for strategic or policy relevant information.

CCWP, European Commission, CERIFI, FDWG, ...

Besides the OCTA, which should be considered as an overall OC assessment, there are strategic reports with a scope of a very particular aspect of OC such as the Russian Organised Crime Threat Assessment (ROCTA) or the South-East Europe Organised Crime Threat Assessment (SEEOCTA). Next to the OCTA, different **EU reports** on specific crimes are officially established by EU agencies and bodies. Those reports are of relevance to identify and prioritise specific EU forms of crime.



## 3.2 Setting of priorities

As described in the previous chapter, Europol has to produce an OCTA to support the further development of a common intelligence model. In 2009, it has been decided that Europol has to produce an OCTA only every two years. In the intervening year, Europol has to report to the Council whether the main findings of the previous OCTA are still valid.

Council Conclusions of  
October 12th 2005

Europol presents the OCTA to the Council. The “appropriate” Working Parties then have to prepare recommendations on strategic priorities in the fight against organised crime, taking into account the advice of Eurojust on the priorities. The Council consequently adopts strategic priorities on the basis of the OCTA.

The OCTA is to be considered as the final product of the phase of policy preparation of an overall policy process. Based upon the OCTA, the Council sets the EU priorities in the fight against organised crime, that are to be taken forward by the Member States and all relevant agencies and bodies at EU level.

This fulfils the need for the EU to set up an architecture for its internal security, by adopting and implementing a methodology for intelligence led law enforcement, putting an emphasis on the collection and analysis of information and intelligence in order to identify where action by law enforcement and prosecution authorities would be most effective.

However, the OCTA does not prepare in a sufficiently explicit way the next phase of policy formulation with the setting of political priorities. It is generally descriptive, there is no ranking of priorities and it does not suggest any kind of policy to address the threats. Several Member States have requested that the OCTA should be more directly useful for Member States' law enforcement authorities in setting their operational priorities and defining concrete countermeasures. Secondly, there is no coordination with the many other priorities which are being set at another EU level. The several existing action plans are not taken into account.



# OF PLAY

Finally, the role of the European Police Chiefs Task Force (EPCTF) in this process is very unclear. The Police Chiefs themselves consider they have a role to play in the process of setting of priorities. Until now, the final conclusions do not really take the input of the EPCTF into account.

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© Belgian Federal Police



## 3.3 Existing multi-annual EU internal security plans



After the drawing up of a general security image or picture, the priorities and goals need to be decided upon by the policy makers (political level) and translated into multi-annual EU security plans. These plans should identify strategic objectives to tackle the most important crime phenomena for the EU through a comprehensive and multi-disciplinary approach.

Since the Amsterdam Treaty a lot of strategic documents and action plans have been adopted in the JHA field. In this section, the strategies and accompanying action plans that could fit the scope of a multi-annual EU Security Plan are (briefly) covered. An overview of action plans by crime phenomenon is presented.

### 3.3.1 Organised Crime

After 1999, no specific action plans on organised crime have been adopted. In 2000, the Council presented: **“The prevention and control of organised crime: a strategy for the beginning of the new millennium”**. This document was intended to be a cross-pillar strategy and aimed for an integrated and multidisciplinary European strategy. It spells out the actions to be taken at European level to combat organised crime and provides details of priorities, the bodies responsible for implementation and target dates. Secondly, it contains political guidelines and 39 detailed recommendations around 11 objectives. For each objective, details are given of the initiatives taken in the relevant field and an assessment is made of the specific mandate for the development of future actions.

OJ C124 - 03.05.2000

The document was evaluated within the MDG in 2003. No traces of further or final evaluation or further continuing work have been found. Though several ideas of the document have been taken on board in a later stage (such as in The Hague Programme), its specific strategic priorities still have not been implemented to date.





# OF PLAY

COM 232 final (02.06.2005) -  
not published in the OJ

In 2005, The Commission sent a Communication to the Council and the European Parliament: “**Developing a strategic concept on tackling organised crime**”. This Communication was a direct answer to the Council conclusions of 2 December 2004 (informal Council) on the development of a strategic concept with regard to cross-border OC at EU level (doc. 15050/04, 13463/2/04). The strategic concept was to be developed in close cooperation between relevant Council Working Parties, EC, Europol, Eurojust, CEPOL and the EPCTF. With this Communication the Commission aimed at focusing the strategy for tackling organised crime on priority objectives such as the collection of information and intelligence, prevention and cooperation between law enforcement authorities, judicial authorities and third countries and organisations. Its purpose was to identify and define political, legislative and operational policies for the coming years in line with the Hague Programme and to complement the Hague Action Plan.

Two elements must be taken into account to explain the reasons for this lack of follow-up: (1) The Hague programme and its Action Plan, which already set the priorities for the whole area of Freedom, Security and Justice and contained detailed proposals related to the work of the MDG, (2) the new architecture for internal security, which is especially developed in the field of organised crime, with annual priorities adopted by the Council on the basis of the OCTA.

doc 10554/07 - 13.07.2007

The strategic concept was to be considered as a living document that either should be accompanied by a yearly scoreboard or a progress report on the strategic concept. A specific evaluation was foreseen by the end of 2006.

However, there was never any real follow-up and the Council has not adopted any conclusions or recommendations on the basis of the communication. In 2007, on the basis of the document “**Multidisciplinary Group on Organised Crime 1997-2007: looking back and preparing the future**”, it was finally decided “not to initiate any new work on a comprehensive strategy on organised crime as such a general strategy would require significant efforts with the risk of creating only more confusion”. Recently, the Commission gave an overview of implementation of The Hague Action Plan accompanying the Commission Communication with regard to the so-called Stockholm Programme. That document contains an evaluation of objectives that were also described in the 2005 communication.

doc 10953/09 ADD3 - 10.06.2009

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### 3.3.2 Terrorism

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In the fight against terrorism, the EU has a **Counter-Terrorism Strategy**. The Strategy aims at constituting a cross-pillar, multi-disciplinary and comprehensive response to the international terrorist threat. It contains for each of the strands of work (prevent, protect, pursue and respond) a list of key priorities to be developed. Its content consists of pure policy recommendations and legislative work to be developed. It has no operational content.

doc 14469/05 - 30.05.2005

Once per Presidency a high-level political dialogue on CT is held between Council, European Parliament (EP) and the Commission to ensure inter-institutional governance. The CT Strategy is supplemented by the Action Plan and additional strategies and action plans (e.g. radicalisation and recruitment, financing of terrorism).

The first **Action Plan to combat terrorism** was adopted in June 2004 by the European Council as a follow-up of the March 2004 European Council Declaration on combating terrorism. However, that Action Plan has been updated since then. It contains for each strand of work a detailed list of measures/actions to be implemented, indicating the competent body and deadline. It also provides for information and the status of implementation and observations, but without a concrete operational focus.

doc 7233/1/07 - 29.03.2007

The CT Strategy and Action Plan are to be evaluated every 6 months. To this date there have been several reports, some of them resulting in a change of the Action Plan. Mostly, the reports give a brief summary with regard to the progress made. Since Gilles De Kerckhove became the EU Counter-Terrorism Coordinator (CTC), the reports are often accompanied by a discussion paper. The Working Party on Terrorism, *Comité de l'article 36* (CATS) and *Comité des représentants permanents* (COREPER) are involved. The reports usually pass as "A-points" on the Council agenda.



### 3.3.3 Drugs

doc 15074/04 - 22.11.2004

The EU Drugs Strategy and Action Plan were launched in 1999/2000, following the 1994-1999 Global Action Plan to Combat Drugs. In December 1999 the EU Drugs Strategy 2000-2004 was approved by the Helsinki European Council. It was later replaced by the **EU Drugs Strategy 2005-2012**.

The Strategy's aim is to be an integrated, multidisciplinary and balanced approach to drugs. It covers the four political priority domains of the new strategy (2 policy fields: demand reduction, supply reduction and two cross-cutting issues: international cooperation and research, information and evaluation).

The EU Drugs Strategy is regarded as an integral part of The Hague Programme and is as such not a real stand alone strategy. It aims at impacting on national drug strategies and allows for local, regional and national approaches.

The eight-year strategy forms the umbrella for two consecutive four-year EU action plans on drugs. It provides clear criteria for actions to be selected for the action plans (clear added value, measurable and realistic; clear timeframe and identifying who is responsible; clear link with the Strategy; cost effective; limited number of actions in each field).

The first **Action plan**, for the period **2005-2008**, lists around 100 specific actions to be implemented by the EU and its Member States by the end of 2008. Most of those actions are aimed at creating better structures or legislation, but there are also objectives of an operational nature to be found, mostly in the chapter on supply reduction. It targets drug trafficking and related organised crime as well as other drug related crime. It calls for tougher law enforcement and more cooperation to combat the diversion and smuggling of chemical precursors. This also involves Europol, Eurojust, non EU countries, and international organisations.





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On the basis of the evaluation report of the 2005-2008 Action Plan, a second **Action Plan** for the period **2009-2012** was proposed. Although its scope remains the same as the previous Action Plan, the number of operational objectives has increased considerably. The EU drugs Action Plan (2009–2012) includes wide-ranging measures to strengthen European cooperation to curb the adverse consequences of drug use and to reduce drug related crime. It is conceived around five priorities:

- reducing the demand for drugs;
- mobilizing European citizens;
- reducing supply;
- improving international cooperation;
- improving the understanding of the drugs phenomenon.

The Strategy and its action plans provide for a comprehensive framework that sets priorities and provides indicators and assessment tools for each objective and action. It tries to provide for operational activities and is (also) directed at the Member States. Compared to other Strategies and action plans, it is written in a significantly less abstract manner. However, the Plan is still too long and contains too many actions, several of which seem to overlap. Also, the Plan is not flexible enough to address new trends and developments. Thirdly, most of the objectives are vaguely formulated, while specific objectives are not specific enough. Finally, there is no clear hierarchy between the objectives.





### 3.3.4 Trafficking in human beings

OJ - 2005 C 311/01

In 2005, The Council EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings was drafted to implement objective 1.7.1 of The Hague Programme. It contains four broad principles to guide the implementation of the action plan and an Annex with more detailed objectives, divided over eight headings (coordination of EU Action, scoping the problem, preventing trafficking, reducing demand, investigating and prosecuting, protecting and supporting victims of trafficking, returns and reintegration, external relations). For each objective specific actions, a timetable, responsible party and assessment tool/indicator are mentioned. It is intended to provide for an integrated and horizontal strategy in the area of JHA, external relations, development cooperation, social affairs and employment and non-discrimination. The plan provides for some objectives of an operational nature. Most objectives are aimed at legislation or creation of structures.

The scope of the plan fits an EU internal security plan, but it is 'superficial'. It is vague, too abstract and non-methodological.

COM (2008) 657 final

In response to the JHA Council conclusions of 8-9 November 2007, the Commission produced a report on the evaluation of the EU Plan THB. The report provides an overview of Member States' answers to a questionnaire sent out by the Commission, a state of play of the implementation of the EU Action Plan and finally the Commission suggests to concentrate efforts on a few key actions in the short term and to set up a new strategy on the basis of the results achieved by the end of 2009. It is unclear for the moment whether or not the limited list of key actions actually constitutes the revised Action Plan.



### 3.3.5 Conclusions

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Most of the strategies and action plans contain objectives and actions on a strategic level (political guidelines) and are aimed at harmonising legislation and improving/creating cooperation structures. All strategies and action plans are horizontal, cross-pillar and multi-agency oriented. However, it is clear that there is no coordination between the different Strategies and action plans. Each Strategy and action plan considers its respective crime phenomenon to be of primary importance. Moreover, the current strategies and action plans exist within different (and in some cases even unclear) timeframes. Finally, the degree to which the strategies and action plans are evaluated varies significantly and is mostly insufficient.

Only the Drugs Strategy and its Action Plans consistently and truthfully apply a clear methodology.



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### 3.4 Multi-annual EU Law Enforcement plans

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An important element of an “ideal” or “generic” policy or strategy cycle would be for the “joint police capacity in the EU” to define its contribution to the overall multi-agency EU internal security plan. This phase would take place after the phase of elaborating the multi-agency multi-annual EU internal security plan, which is the guiding document for all relevant actors in the integrated fight against organised crime and terrorism. Such a multi-annual EU policing plan should describe what the Member States’ police forces, together with and supported by Europol, and in coordination with other relevant actors, will undertake to address the political JHA Council priorities.

The analysis of the current situation shows that there are presently three instruments which can (partially) be considered as aspects of an “ideal” multi-annual EU police plan:

- **Europol’s five-year business plan** as foreseen in the Europol Convention, which will cease to exist as per 01 January 2010 when the Europol Council Decision becomes applicable.
- **Europol’s Vision and Strategy**. Although there is no legal basis under the Europol Convention for these multi-annual plans, practice has demonstrated that there seems to be a need for such plans. This has been confirmed legally by means of a provision for a strategy in the Europol Council Decision.
- The **Comprehensive Operational Strategic Planning for the Police (COSPOL)**, implemented under the Dutch Presidency, which is a multi-annual police plan guided by the EPCTF.

These 3 documents are briefly discussed hereafter.



### 3.4.1 Europol's five-year Business plan

The Five-Year Business Plan (5YBP) is a long term (multi-annual) strategic document. This plan translates Europol's Mission statement into key strategic objectives for the following five years. Besides the vision and strategy of Europol, the 5YBP also takes on board external strategic input like for instance the European Council Conclusions or EU strategies and action plans.

The key objectives in the 5YBP are clustered in three main areas (corresponding to the structure of Europol): support for the MS in the fight against OC and terrorism, IMT and corporate governance. Key objectives are further elaborated into concrete actions, products and services via the annual work programmes. Besides activity planning, the 5YBP also provides guidance for the financial planning (allocation of resources), as expressed in a Five-Year Financing Plan.

The 5YBP is set up to plan as much as possible future activities while leaving also space to adapt and respond to the changing environment (flexibility). Its main weaknesses are that it only relates to the organization Europol and not to the MS and that it is only partly related to the political priorities decided by the JHA Council. The document contains no goals or objectives related to the EU internal security situation.

### 3.4.2 Europol's Vision and Strategy documents

In October 2007 the Management Board adopted "The Strategy for Europol" which covered the period until the end of 2010. However, due to a number of important changes brought about with the replacement of the Europol Convention by the Europol Council Decision as of 1 January 2010, Europol's Management Board (MB) agreed to the proposal of the Director of Europol to adopt a new Strategy before the end of 2009. A new Europol Strategy, covering the period 2010-2014, was adopted by the MB in November 2009.





None of Europol's past or present Vision or Strategy documents can be considered as a multi-annual EU police plan. These documents relate mostly to the organization Europol, and only to a limited extent to the MS. Secondly, the content of the Vision and Strategy documents relate mostly to issues of "organizational development" of the organization in order to better fulfil its mission. In this respect that content is generic and not specifically linked with the political JHA priorities.

### 3.4.3 COSPOL

COSPOL is a multi-lateral law enforcement instrument under the guidance, support and direction of the Police Chiefs Task Force (PCTF). It is intended to achieve tangible operational results in terms of arrests of top level criminals and the dismantling of criminal and terrorist organisations or networks, while ensuring that the Member States' Competent Authorities make use of Europol's analytical support, in particular its Analysis Work Files (AWFs).

The rules and commitments related to the Comprehensive Operational Strategic Planning for the Police (COSPOL) are described in [ENFOPOL 156](#). This document sets out the framework for COSPOL, explaining its relationship with the ECIM, the OCTA and the Council priorities and strategies in the fight against organised crime and terrorism. It also specifies the roles and responsibilities of the different COSPOL participants, taking into account the annual evaluation of the COSPOL projects as well as the Council Conclusions setting the EU priorities for the fight against organised crime based on the OCTA.

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As COSPOL addresses the priorities set out by the Council on the basis of the OCTA and those set in the fight against terrorism in a project-based approach, it can be considered as an EU multi-annual policing plan. COSPOL should fit into a system, together with the OCTA, of intelligence led policing, whereby projects are set up and analysis work is done on the basis of political priorities and operational needs.



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This top-down and forward-looking approach, requiring a common way of working, is what makes COSPOL different and also more difficult than bilateral or multilateral cooperation as it currently exists, which is mostly based on the concrete need of a particular Member State, which is then assisted by others.

However, though COSPOL should be a strategic plan oriented towards an integrated approach, it is currently focused on investigations only. Secondly, there is a total lack of alignment of the time cycles of the OCTA process, the COSPOL projects process, the elaboration and adoption process of Europol's multi-annual Strategy and the elaboration and adoption process of Europol's Annual Work Programme. Resulting from this lack of alignment of the time cycles of COSPOL and Europol's Work Programmes, the content of the latter will only be partially aligned with the efforts agreed upon by the MS in the context of COSPOL. The only current direct link between COSPOL and Europol are the AWFs. Moreover, there is no indication that the possibility "even" exists to align the Member States multi-annual policing plans with the EU's process cycle. Finally, the (voluntary) selection process of Driver, Co-driver and Forerunners within COSPOL does not guarantee that all relevant MS are indeed jointly addressing the political priorities which are relevant to them.





## 3.5 Annual Action Plans



At this moment, the only existing action plan is the **Europol Work Programme**, which sets out the activities for the organization on a yearly basis. (Operational activities and action plans for the MS are conceived by COSPOL projects but because their time scope is longer than one year, they are not addressed in this chapter.)

Europol begins preparing the Work Programme in the second half of the year X-2 (approximately 18 months in advance). To put it briefly, the Europol work programme is influenced by four perspectives: the expectations of the political level, the requirements of the Member States, the availability of resources and Europol's day to day experience. The consultation methods have evolved over the years. Until 2006, Europol conducted an annual questionnaire exercise via the Heads of Europol National Units (HENUs), in order to gather information about which Europol products and services were most valued. The intention was to use this information in planning and prioritising Europol's activities, as reflected in the annual Work Programme. The exercise was skipped in 2007 (Work Programme 2009) because of the extensive consultations in preparation of the Strategy for Europol. In 2008, Europol intended to return to the questionnaire exercise, but the HENUs questioned the value of this approach, citing two issues in particular:

- Europol's planning should be based more on the ECIM, and its activities should be prioritised based more on Europol's Strategy, the OCTA and other strategic findings, and less on ad hoc requests from MS.
- The HENUs are not (always) in the best position to assess the priorities. In each mandated area, the relevant experts should have the opportunity to discuss and recommend priorities.

Europol agreed to explore the way expert meetings are managed, and to link the outcomes of such meetings to Europol's objectives and planned activities. Besides input given by the HENUs, operational guidance is also provided by strategic documents like the Rhodes Vision, the Hague Programme, and the Five Year Business Plan. Furthermore,





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with a similar aim, strategic orientations defined by EU bodies influencing the Europol planning are integrated into the Work Programme. It also incorporates those necessary elements that Europol should implement to contribute to the realisation of the action plans as outlined in the COSPOL projects.

The products and services described in Europol's Work Programme are rather generic and can be divided into four main categories: operational intelligence (AWF reports, analytical output and support to Joint Investigation Teams (JITs)) – operational support (investigative support, coordination, logistic/planning and financial support) – strategic reporting (threat assessments, situation reports and specific crime profiles) and knowledge products (guidelines, best practice, training and expertise).

The crime areas correspond with the Europol mandate. They can be clustered into organised crime groups, drugs, crimes against persons, financial crime, property crime, counter terrorism, counter proliferation and forgery of money. Each of these crime areas is further divided into different sub-phenomena. For instance, financial crime is broken down into money laundering, asset tracing, fraud, intellectual property rights infringements and corruption.

The annual Work Programme should be the translation of a long term strategic plan into concrete actions for one year. After monitoring and evaluation, this output combined with the long term strategic multi-annual plan, should be the input for the new Work Programme. However, the reality is that the preparation of the (for example) 2009 Work Programme begins in July 2007, whereas the Evaluation Report for 2008 is not finalised until February/March 2009. Therefore it is necessary to refer to the evaluation of earlier activities, as well as ongoing monitoring results.

The Europol Work Programme has its strong and weaker points. For instance, the document doesn't focus solely on operational activities, but also describes a number of activities in the field of "internal functioning". Also,





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the programmes are becoming more and more detailed by describing actions with a specific scope, besides the products and services with a more general character (but what can be expected/will be developed is still rather vague). Moreover, there is a clear and positive evolution in the quality of the Work Programmes. They outline the major projects every year, but leave room for flexibility that is needed to respond to unforeseen external development. Finally, the possibility for the MS to express their requirements is a user friendly approach, which demonstrates the willingness of Europol to provide for tailor made support and assistance.

A less positive aspect of the Europol Work Programme is the fact that the planned activities are rather general, since the planning of the operational activities has to start nearly two years in advance. Furthermore, the clarity and transparency of the document need to be increased. Thirdly, there is not enough correlation between the Work Programmes and the OCTA. Finally, the supportive role of Europol in the planning process of the COSPOL projects is not enough embedded in the Work Programme and is so far limited to analytical support.





## 3.6 Reporting about progress

An important element of an “ideal” or “generic” policy or strategy cycle is the fact that the implementation of the action plans of that policy or strategy should be monitored. The monitoring of the implementation is periodically reported to the authority to whom an organization is accountable. This reporting not only serves the purpose of accountability, but also creates possibilities to intervene or re-adjust the implementation process.

In the context of the current practice, two elements can be considered as aspects of reporting about the progress of yearly police action plans at EU level:

- The Interim Evaluation Report of Europol;
- The COSPOL reporting mechanism to the EPCTF.

### 3.6.1 The Interim Evaluation Report of Europol

The Europol Council Decision defines explicit requirements for reporting and evaluating by stipulating in Article 38.4.(j) that the Director of Europol shall be responsible for: “establishing and implementing, in cooperation with the Management Board, an effective and efficient monitoring and evaluation procedure relating to Europol’s performance in terms of the achievement of its objectives. The Director shall report regularly to the Management Board on the results of that monitoring”.

In practice, Europol draws up two different kinds of report:

- The official Annual Report, in conformity with article 28. 10. 1) of the Europol Convention, adopted by the Management Board and consequently sent to the Council. A sanitized version is made available for the public.
- A six-monthly Interim Evaluation Report and a yearly Evaluation Report, in conformity with article 29. 3. 6) of the Europol Convention, adopted by the Management Board. This document remains at the level of that Management Board.





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Like the final yearly Evaluation Report, the Interim Evaluation Report provides the Management Board and the Europol management and staff with an account of the performance of Europol during the year underway, in relation to the Strategy and the objectives stated in the Work Programme of that year. It provides a quite detailed and comprehensive overview of the performance of Europol in all its fields of activity.

However, an important finding of both the Interim and the yearly Evaluation report of Europol of 2008 is that the implementation of the Strategy Benchmark Framework (to measure the Strategy for Europol) on the one hand, and the one for measuring the Work Programme 2008 on the other hand, essentially resulted at Europol in two separate and parallel frameworks for performance reporting and a plethora of indicators to measure.

It is stated that, ideally, there should be only one set of objectives and indicators for the organisation and, even more importantly, that the Work Programme should be designed to support an existing strategy. This statement reinforces the finding of a lack of coherence in the strategic or policy cycle of the EU, starting from the JHA Council political priorities based on the OCTA, the Strategy of Europol which should be its multi-annual policing plan to implement these priorities, and its yearly Work Programmes which should be the yearly action plans to implement the multi-annual policing plan.

Secondly, both the Interim and the yearly Evaluation Report of Europol give a full overview of the global functioning of the organisation. Therefore, the reporting about the performance of the implementation of the goals and objectives related to the JHA Council political priorities gets somewhat lost among the details of other organisational goals and objectives. Furthermore, as the current performance measurement framework of Europol is still partly based on the internal corporate Departmental and Unit reporting systems and as these systems are not based on an organization-wide time tracking system, the



performance reporting system does not allow a clear interpretation of resource investment and efficiency. Finally, Europol's Interim and Evaluation Reports tend to reflect the structure of the organisation, which does not necessarily fully reflect the JHA Council political priorities.



### 3.6.2 The COSPOL reporting mechanism to the EPCTF

According to ENFOPOL 156, COSPOL should be measured, using existing Europol's tools, via the input, output and outcomes of the related AWFs at Europol and also on its concrete law enforcement results in the MS.

For that reason, each driver or co-driver of the COSPOL projects shall report twice a year at the operational meetings of the EPCTF. This "status report" should focus on:

- The overall project objectives and the specific operational outcomes and achievements;
- Whether the objectives have been achieved or an explanation why not;
- What action the group intends to undertake to meet its objectives and within what timescales;
- Suggestions towards the EPCTF to support and help the project meet its objectives.

The EPCTF Support Unit at Europol assists the EPCTF by proactively requesting necessary actions and compiling the project documentation well in advance of the meetings of the EPCTF. In practice, each Presidency determines autonomously how it wants the (co-)drivers to report. The Swedish Presidency (July-December 2009) has elaborated a template for the reports. This template will be mandatory for all future reporting.





## 3.7 Evaluation



An important element of an “ideal” or “generic” policy or strategy cycle is the fact that the implementation of the action plans of that policy or strategy should be evaluated. Such an evaluation serves essentially two main objectives; the process evaluation (has the policy or strategy actually been implemented by means of the action plans?) and the effect/impact evaluation (has the implemented policy or strategy actually led to the desired outcome?).

In the context of the current practice, 4 elements can be considered as aspects of such an evaluation:

- The evaluation of the EU Strategies and Action Plans
- The Evaluation Report of Europol
- The COSPOL evaluation mechanism of the EPCTF
- The evaluation of OCTA priorities

### 3.7.1 The evaluation of the EU strategies and Action plans

An evaluation mechanism is foreseen for all of the strategies and action plans. However, the degree to which the strategies and action plans are evaluated following a clearly elaborated and agreed upon methodology varies strongly and can be regarded as mostly insufficient. Only the Drugs Strategy and its Action Plans are consistently and truthfully evaluated via a clear methodology.

When trying to assess the evaluation mechanisms that are in place, one must take into account the political nature of the strategies and action plans. Goals are sometimes defined too vaguely, which makes it difficult to measure the effect or impact. On the other hand, there are equally goals with regard to the creation of structures or cooperation mechanisms, new legislation, etc. Therefore, it is not difficult to determine whether or not the latter goals have been achieved, but it doesn't say anything about the impact on the particular crime phenomenon.





Furthermore, the generic distinction between a strategy (more general strategic level) and action plans is not applied consistently: often goals in action plans are a repetition of the ones in the strategy. In this regard a normal evaluation process is hampered. Finally, most of the strategies and action plans contain too many goals, which make a thorough evaluation nearly impossible.



### 3.7.2 The evaluation Report of Europol

3.6.1, pages 43.

### 3.7.3 The COSPOL evaluation mechanism of the EPCTF

According to ENFOPOL 156, COSPOL projects are subject to an annual evaluation in order to improve project managing and to measure the realization of objectives and tasks as defined in the action plan. It is recommended that this evaluation be undertaken with the benefit of the OCTA and ECIM along these lines. This evaluation has to be produced by the EPCTF Support Unit (SU) to brief the EPCTF about the developments and to provide the basis for decisions on initiating, closing or continuing projects.

In 2007, the German Presidency elaborated an evaluation framework for the present but also for the future COSPOL projects which would be independent of the respective life spans of the projects. The fundamental principle of the evaluation was the “peer review”, which means that the participating law enforcement entities, as the experts in their field, assess from their point of view the contributions of the cooperating partners. The evaluation was based on four categories: “administration”, “activity”, “information processing” and “results”. The evaluation has since been carried out by the first presidency of each year. In 2008 and 2009, the Slovenian and the Czech Presidencies used the same framework, albeit highly adapted in order to make it more user-friendly.





The current evaluation method is however not suitable for achieving all the goals outlined in ENFOPOL 156. The first goal "to improve project management" is not achieved at all. The way the (co-)driver manages the project is graded by the forerunners; there is however no room for suggestions for improvement. The second goal "to measure the realisation of objectives and tasks as defined in the action plan" is usually reached. However here as well, when the objectives and tasks are not realized, there are no consequences. As for the third goal "to give the basis for decisions on initiating, closing or continuing projects", this is not achieved by the evaluation itself. The EPCTF SU gives advice to the Presidency on this subject, based on not only the evaluation but especially on the members' experience resulting from participation in the projects. However, no decision has been taken following this advice, if the driver was not of the same opinion.

### 3.7.4 Evaluation of OCTA priorities

Since 2006, when Europol produced its first OCTA, the JHA Council adopted Council conclusions setting the EU priorities in the fight against organised crime, based on the OCTA. Until now, Council conclusions of this kind have been adopted in 2006, 2007 and 2009. At the end of the policy cycle, the implementation of the EU priorities in the fight against organised crime, based on the OCTA should be evaluated. Implementation reports were produced in 2006 and 2008.

In **2006**, all MS and relevant EU bodies and agencies were invited to provide a report on their state of implementation, in order to prepare the interim implementation report. No specific questionnaire or format was foreseen. The answers were processed by the Presidency with the help of the Council Secretariat. They drafted a report that can be divided into two parts: first a general summary and then an annex with a table resuming all measures of the annex of the Council conclusions. For each measure it was specified which MS had "taken into account" or "not yet taken into account" the measure or if the situation was



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“unknown or unclear”. The report was presented to the Multidisciplinary Group on Organised Crime (MDG). Subsequently it was sent - via the Article 36 Committee (CATS) and COREPER - to the JHA Council, who took note of the report.

In **2007**, the Council decided to adopt new Council conclusions setting EU priorities for the fight against organised crime based on the OCTA only every two years. Hence, the next Council conclusions would be adopted in 2009. In the intermediate years (beginning with 2008), the OCTA, as well as a report on the EU-wide implementation of the priorities, had to be presented to the Council, in order to consider whether there was an urgent need for action which exceptionally required the setting of new priorities.

This means that the Council had two tasks in **2008**:

- To take note of the report on the implementation of the 2007 OCTA Council conclusions;
- To evaluate the 2008 OCTA to consider if there was an urgent need for the setting of new priorities.

The implementing measures annexed to the 2007 Council conclusions were divided into the following categories: strategic and methodological/organisational measures; operational measures aiming at addressing facilitating factors; general operational measures; regulatory measures. This last category was not addressed to the MS but only to the EU bodies. The implementation report was prepared and presented to the Council in June 2008 in the same way as the previous one. The decision as to whether the 2008 OCTA required the setting of new priorities by the Council was taken by the MDG, chaired by the Presidency. The Chairperson orally asked if any delegation was of the opinion that new priorities were needed. In the absence of any reaction, the Chairperson concluded that it was not the case. This was confirmed by the CATS and the Council.





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In the most recent Council conclusions based on the **2009** OCTA and the ROCTA, the same working method is being followed and the Presidency, in association with the Commission, is asked to draft an implementation report and to submit it to the Council by 30 December 2010. The listing of the measures to be taken by the different stakeholders changed again: general counter-measures common to the priorities; specific counter-measures for the Member States to confront drug trafficking (including drugs from South America and Caribbean) using the West and Central African route; specific counter-measures for Member States to cope with trafficking in human beings (including from Africa and for the purpose of sexual exploitation) and specific counter-measures for Member States to cope with financial crime, in particular in connection with Russian-speaking organised crime groups (OCG).

It is clear that the Council is aware of the importance of an evaluation of the priorities. The Council tries to make its conclusions more concrete by annexing very clear measures to be taken by the different stakeholders and obliging the MS and EU bodies and agencies to report on the implementation of the Council conclusions. This indicates the importance of an integrated approach. Furthermore, the decision to adopt new Council conclusions setting EU priorities for the fight against organised crime based on the OCTA and the evaluation of the implementation only every two years, is a first step towards more realistic time scales for a real policy cycle. It is an opportunity to give every actor in the cycle more time to fulfil its obligations, but it is still flexible enough to allow for the setting of new priorities if there is an urgent need for action.

However, there are a few points of concern. Firstly, there is a lack of a proper methodology to carry out the evaluation, both of the implementation of the measures annexed to the Council conclusions and of the need to exceptionally set new priorities. Secondly, the assignment of the evaluation to a Presidency (changing every six months) is perhaps not the best choice. A solid and pertinent evaluation requires knowledge and expertise which is not necessarily provided in this





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approach. Thirdly, there is only an evaluation at the end of the cycle. A policy cycle also foresees monitoring during the operational phase to analyse the situation and to adapt the strategy when necessary.

Furthermore, if the measures that need to be taken at the level of the different stakeholders are not translated into specific and clear objectives, evaluation afterwards becomes difficult (the results are not measurable). The qualification “have (not) been taken into account” is too vague and isn’t representative for what happened in reality. The preparation of both kinds of evaluation is entrusted to the MDG. Where the preparation of the Council conclusions itself provoke some substantive discussions, the preparation of the implementation report and the evaluation of the need for new priorities until now have not really been discussed at any level. Also, if the implementation report states that a certain MS does not take into account a certain measure, there are no consequences.

Finally, the importance of the evaluation is also in a certain way undermined by the fact that the Council conclusions and the implementation reports are put on the agenda of the JHA Council only as an A-item (for information only).







# PART 4



In this part the project group describes what they consider to be the ideal situation, i.e. a fully fledged European policy cycle from a theoretical and ideal point of view.



# THE IDEAL SITUATION

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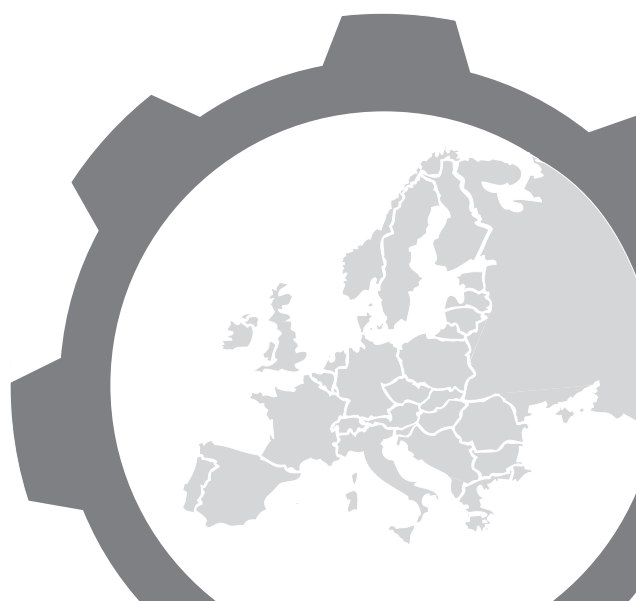
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# THE IDEALS

## Key Assumptions

The synchronisation of Justice and Home Affairs (JHA) policies at the European Union (EU) level is realized by means of the development of an **EU internal security policy cycle**.

It is recognised that the development, priority setting, implementation and evaluation of a policy cycle requires **4 years to be completed**.



### 4

## 4.1 Step 1 : policy development

01. A policy cycle starts with the **evaluation** of the previous cycle (step 4 of the **previous cycle**). This information serves as an additional input which complements the new threat assessment. The methodology should be adapted according to the intelligence requirements of the new policy cycle.
02. The data collection processes should start **early enough** (circa one and a half year before the new cycle) in order to deliver a threat assessment at the beginning of the policy cycle.
03. In the current situation, Europol is still too dependent on the contributions of the Member States. The applied data collection mechanism results in a higher level of involvement and responsibility of the MS, but is paired with a slow process and an insufficient use of Europol's knowledge. In the future, the threat assessment should **rely more on the "in-house" information and expertise of Europol**, which requires a willingness by Member States and other contributors to share information with Europol at an earlier stage and in a more systematic way.
04. To be able to determine priorities within the JHA framework, there is a need to develop a threat assessment focussing on the current and future developments of **organised and serious international crime**. It is important to find an adequate, efficient and flexible methodology.




05. There are arguments to integrate terrorism within this exercise because it falls within the mandate of Europol and therefore requires an active role from the organisation. On the other hand, terrorism is a sensitive matter, depending on specific data requirements and involving different actors. It is clear that the political level needs to be informed about the terrorist threat, but not necessarily in the same threat assessment.
06. Formal agreement on the threat assessment methodology is mandatory. The existence of an **Advisory Board** would create a platform guaranteeing a high level of acceptance and commitment. Greater acceptance of the methodology would lead to greater legitimacy and assurance of the end product. To this end, the advisory board should be composed of relevant actors, appointed on a voluntary or rotational basis. In assisting Europol, the advisory board can play a role in assuring the appropriate methodology and in validating the processes.
07. An **environmental scan** is required to integrate societal (PESTEL) developments in order to anticipate possible evolutions. An environmental scan is not a conclusion on its own, but needs to be part of the threat assessment. This environmental scan should not be seen as a complex and scientifically oriented exercise carried out by a team of academics, but a pragmatic analysis of environmental developments to identify the possible impact on the criminal landscape. Therefore (and to integrate this exercise in the overall planning), it is considered that Europol should be responsible for this scan.
08. The facets of organised crime are diverse. Therefore, the threat assessment should provide strategic information on **criminal phenomena (including groups and types of crime)** impacting the EU. The information must be clearly presented to properly advise the policy makers in their priority setting. At the end, the threat assessment should present a **ranking system**. A ranking system is not merely an enumeration of criminal groups and/or





types of crime that require specific attention but it should clearly indicate the relative level of threat for each of them.

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09. As organised and serious crime show important differences throughout the European Union, it is important that the threat assessment provides strategic information on criminal organisations or illicit markets impacting across the EU (Pan-European) and/or impacting on/in specific **areas or sectors**.
10. Converting strategic information into operational initiatives requires a threat assessment with **detailed quantitative and qualitative information**. The threat assessment itself should present concise information on, and recommendations relating to, the main criminal organisations and/or types of crime impacting the whole EU or specific geographic regions within it. It should be complemented by annexes providing:
- Additional in-depth analysis and recommendations relating to selected thematic or regional phenomena;
  - Recommendations for further analysis to address identified “blind spots” (intelligence gaps).

In the case of a concise threat assessment, the analysis would be presented in one document. For a detailed threat assessment, it is recommended to draft a document which presents a general overview, supported by detailed assessments in annexes (“one size doesn’t fit all”).

11. As the criminal landscape is permanently changing, the threat assessment can not realistically cover a period of four years. To ensure that the conclusions of the threat assessment stay valid during the whole policy cycle, **complementary mechanisms** must be implemented. On the one hand, there is the need for a monitoring system to update the initial threat assessment and, on the other hand, a mechanism to report new emerging threats (“an early warning system”). The threat assessment at the beginning of the policy cycle should also be complemented by an interim assessment after two years.





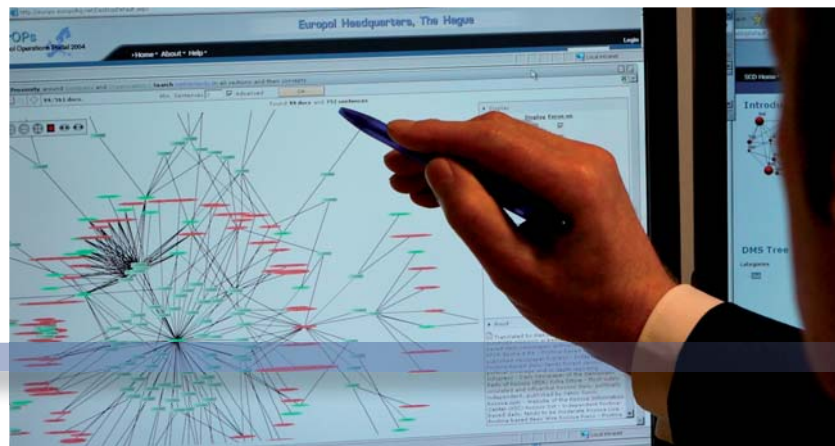
# SITUATION

12. The political decision- makers should use the threat assessment in order to:

- Determine EU priorities;
- Initiate additional in-depth analysis where necessary;
- Translate the priorities into multi-annual strategic plans (at EU and regional level).




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## 4.2 Step 2: Decision-making

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01. Before the JHA Council can come up with conclusions, the decision-making process needs to be prepared by COSI. One of the tasks of COSI is the development, the monitoring and the implementation of a coherent internal security policy. A first step within this is the interpretation of the threat assessment in order to provide guidance to the Council on setting priorities.
  02. The threat assessment carried out by Europol should, beside the analysis of information, contain conclusions. In this step, these conclusions need to be converted into recommendations. This task can be carried out by the COSI with Europol's assistance. The full threat assessment and its conclusions, produced by Europol, stay at the level of the Law Enforcement services/community. A policy advisory document comprising an executive summary, accompanied by a proposal for priorities and recommendations, drafted by Europol under the guidance of COSI, is forwarded for political consideration.
  03. The **JHA Council** remains the responsible political body which **decides upon the priorities** to be tackled, based on the policy advisory document.
  04. The Council Conclusions must determine **priorities** concerning crime phenomena (including criminal groups and types of crime) and organised crime groups. Priority setting has to be done on a pan - European and regional level. The priorities on a **pan-European level** can contain direct tasking. The conclusions for the **regional level** should be more carefully articulated, "invitations", directed towards the Member States. Tasking of EU agencies can always be direct.
  05. Priorities are set to tackle cross-border structural problems via a more planned and long term approach. This doesn't mean that other areas of internal EU security are not of concern, however these problems may be better tackled by a swift and reactive approach.





06. There is a need for a formal co-ordination body to steer the above-mentioned process. To guarantee coherence in the decision-making, this role should be assumed by COSI, which must have a clear mandate - reinforced by the Council Conclusions - to initiate, coordinate and monitor the development of strategic goals in the different multi-annual strategic plans and to monitor the coherence of the different initiatives taken within the field of internal security.

07. Once priorities are set, COSI will steer the process to implement the Council priorities. On the one hand, the Council Conclusions can already contain specific objectives (for instance legislation, capacity building) and immediate tasking. On the other hand, it is possible that there is a need for a more in-depth analysis. In this case, COSI should indicate which EU agency (Europol, Frontex, OLAF, CCWP...) will be responsible for the in-depth analysis and indicate a deadline.

Based upon the criminal picture (provided by an all encompassing threat assessment containing detailed information or as the result of an in-depth analysis), COSI should commission the relevant actors to develop a **multi-annual strategic plan** for each priority. These actors should include experts from the Member States and all relevant EU agencies.

08. Specific attention should be given to the definition of achievable strategic objectives, **based upon** detailed quantitative and qualitative strategic information. In this way the multi annual plans can be converted directly into operational action plans.

09. Within the concept of an integrated and multi-disciplinary approach, these multi-annual strategic plans should contain non-law enforcement related objectives (e.g. demand reduction, legislation) as well as expectations towards law enforcement agencies and services.

10. Once drafted, the multi-annual strategic plans must be validated by the COSI.





11. In an attempt to align and integrate already existing EU strategies into a more coherent and effective policy cycle, it is recommended to stop producing strategies for criminal phenomena which have not been identified by the JHA Council as a priority. Multi-annual programmes (such as The Hague Programme, the Stockholm Programme and future Programmes) should not anticipate priorities.

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## 4.3 Step 3: Implementing and monitoring

01. All relevant actors (Member States and EU agencies) that must contribute to the realisation of the strategic objectives have to develop their respective products and services. These contributions will be integrated in operational action plans. Therefore, the multi-annual strategic plans, drafted under the guidance of and validated by the COSI, will serve as starting point for the implementation process.
02. To implement and monitor **non law enforcement related topics** (legislation, actions taken by the Commission...), the relevant and competent bodies will be tasked by the JHA Council.
03. To implement and monitor the **law enforcement related issues**, different actors can be involved according to the type of crime phenomenon. If horizontal (at EU level) and/or vertical (between EU bodies and the MS) interaction or cooperation is necessary, an EU agency should be designated to take the lead. In most of the situations, as far as the crime phenomenon falls within the mandate of Europol, we recommend that Europol should assume this responsibility. Driver-ship, especially in the framework of tackling regional problems, can also be assumed by a MS.
04. To implement and monitor the operational activities within the area of law enforcement, one can identify three main actors: Europol; other EU agencies or bodies (FRONTEX, EUROJUST, OLAF, CEPOL, CCWP, etc); and, the MS. These actors, tasked through one or more multi-annual strategic plans, have to come up with a **detailed action plan** explaining who is going to do what and how, according to an agreed timeline.
05. It is recommended to work with annual instead of multi-annual action plans. An **annual operational plan** requires a higher level of detail and creates more possibilities (through monitoring) to assess and reengineer the process (especially the objectives) where necessary.







06. In order to make monitoring and evaluation possible, it is mandatory that the operational plan defines **Specific, Measurable, Achievable, Realistic and Time-phased (SMART)** objectives. Each operational objective must include performance indicators to measure progress.

07. **Linking European Commission Funding to action plans** could be an incentive.

08. Operational plans can be elaborated in different ways:

- **Hypothesis 1**

All the EU agencies and bodies (Europol included) draft their own operational plan based upon the strategic objectives of the multi-annual strategic plan. The relevant or involved MS do the same exercise, describing their contribution to the action plan. The implementation of the EU strategic plan is the sum of the various action plans. This approach is possible when the strategic objectives task different actors without a strong need for interaction or cooperation.

- **Hypothesis 2**

Europol, in close co-operation with the relevant and involved MS, draft action plans to realise the strategic objectives determined by the multi-annual strategic plans. These projects will also mention the expected contribution of the other EU agencies to implement a horizontal approach, but they will never serve as detailed action plans for the respective EU agencies and bodies.

- **Hypothesis 3**

It brings together all relevant actors in one platform, to realise horizontal and vertical integration from the beginning. This solution is a variant of H2 but the approach is richer because of the direct input by, and the combination of ideas from all relevant actors. This working method is only useful if, beside Europol and the MS, there are clear roles and responsibilities for the other involved EU agencies and bodies.






The choice on how to draft an action plan (H1>H3) is also dependent on whether the problem is pan-European or regional. Where possible, it is recommended to utilise hypothesis 3 whereby all actors contribute to the implementation from the beginning, guaranteeing a higher level of commitment.

09. The **COSPOL** concept remains the most **appropriate platform for multilateral cooperation but requires the full engagement of all actors**. Therefore, Europol should systematically take part in these projects and can ensure support, continuity and coherence. Europol's analytical support is another important added value of their involvement, but this is dependent upon Member States contributing quality intelligence.
10. The contribution expected from each EU agency or body in delivering these action plans should be integrated into their respective annual work programmes. The same applies for the MS when planning their operational activities at national level.
11. The implementation of action plans requires **monitoring**, which is an ongoing process. Monitoring supports an internal follow up, carried out by each management level in the organisation (EU agency or MS), to verify if the activities are in line with the action plan.





## 4.4 Step 4: Evaluation

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01. Besides monitoring, there is a need for a **formal evaluation** within the policy cycle to measure progress: step 4. This evaluation must take place to guarantee that the operational results are assessed in line with the SMART objectives, to allow the reallocation of resources as necessary, to adapt the strategy in case of new emerging trends and to assess the level of commitment and contribution by all relevant actors.
  02. There is need for **two types of evaluation**: the evaluation of the implementation of the action plans at the end of the year; and, the evaluation of the multi-annual strategic plan at the end of the whole cycle. The recipient of the first type is COSI, the second type is sent to the JHA Council via COSI.
  03. The evaluation should cover both **the results** (looking primarily at effectiveness), as well as **the process** (looking primarily at efficiency). Both aspects of the evaluation should not only be based on “facts and figures” (the more quantitative aspect), but also cover qualitative aspects.
  04. The yearly evaluations should rely more on **quantitative aspects** resulting from reporting templates; whereas the multi-annual evaluation should be based on an **in-depth qualitative approach**, using different techniques such as interviews. The “bottom-line” will be: did we make a difference, and – if so – what kind of difference? (the real outcome)
  05. The evaluation will be (more) effective if the following conditions/prerequisites are fulfilled: standardized action plans, SMART objectives and performance indicators, good monitoring mechanisms based on standardised reporting templates and, professional support to ensure the close cooperation and alignment of operational mechanisms, such as COSPOL projects with the AWF Projects.

Lessons concerning evaluation can be learned by maintaining a dialogue with other existing evaluation mechanisms such as the Schengen Evaluation, the MDG evaluation, etc.



## 06. Evaluation of the annual action plans

- **Existing reporting mechanisms** should be sufficient for the purpose of annual evaluation of delivery against the action plans. For example, Europol, in particular the Director of Europol, is accountable to the MB. The evaluation of the actual COSPOL projects is carried out by a Support Unit. If the strategic objectives of a multi-annual plan are taken on board in a (specific) work program of an EU agency, reporting should take place towards the MB of that agency.
- The findings of these evaluations should be sent to the COSI, based on a **template** developed by this body. COSI will also be responsible for the **integration** of all these partial evaluations into one assessment.
- **No formal reporting** to the JHA Council would be required at this level.
- When the evaluation identifies **shortcomings or problems**, the chosen objectives and/or the Performance Indicators should be verified to assess whether they are still the most appropriate to measure the implementation of the objective. The problem can also be situated at the level of commitment. The “failing contributor” would be tasked to address the situation or will be asked to come up with a concrete proposal to remedy the identified problems.

## 07. Evaluation of the multi-annual strategic plans

- The overall evaluation of the process should be carried out by an **independent body**, with a clear mandate to do so. This assessment is not to be limited to the activities in the area of law enforcement, but also includes the evaluation of the implementation of strategic objectives outside the scope of law enforcement (like for instance new health legislation).







- As well the **operational aspects** of the multi-annual strategic plans, the evaluation should cover **strategic and/or organisational development issues** (e.g. not only evaluating if the crime phenomenon has indeed been positively impacted by the chosen strategy, but also if the threat assessment methodology has been improved and if the developing monitoring system for emerging trends is functioning).
- The output of the multi-annual evaluation process should at least consist of the following elements:
  - ▶ Were the planned actions carried out and did they have the desired results?
  - ▶ What worked and why?
  - ▶ What didn't work and why?
  - ▶ The identification of best practices.
  - ▶ Recommendations for improvement.

The question remains if there would be a need for an interim (bi-annual) evaluation and if it would be feasible to organise such an interim evaluation. The experience with the EU Drugs Action Plan seems to confirm this need.

- The evaluation of the multi-annual strategic plans can be based on one of the following options:
  - ▶ A small group of volunteering MS (3-4) committing themselves for the full policy cycle period using the yearly reporting templates and evaluations complemented by qualitative in-depth analysis.
  - ▶ The use of an (amended) Support Unit with professional expertise.
  - ▶ COSI
  - ▶ Assigning the task to the Commission.





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- When comparing these possible alternatives in order to select the most appropriate, one should consider the following criteria:
  - ▶ Does this solution have the required level of professionalism to conduct an in-depth evaluation?
  - ▶ Does this solution offer a sufficient level of “independence” to guarantee an objective evaluation?
  - ▶ Does this solution offer a good level of continuity combined with sufficient resources to guarantee a sustainable evaluation process?
- The results of the evaluation of the multi-annual strategic plan have to be taken into account for the following policy cycle and therefore the result of the evaluation must be available at the latest when Europol on behalf of COSI prepares the (next) policy advisory document.



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# PART 5



This gap analysis compares the current situation with the ideal situation in order to detect blind spots and/or inconsistencies. For each of these shortcomings, concrete proposals are formulated.

The recommendations (to be developed) will be based on the results of the gap analysis.



# THE GAP ANALYSIS

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## Key assumptions

The synchronisation of Justice and Home Affairs (JHA) policies at European Union (EU) level is realized by means of the **development of a coherent EU internal security policy cycle**.

The implementation of such an EU internal security policy cycle will be **a medium or long term project** in which, step by step, **recommendations are suggested to achieve the ideal situation**.

## 5.1 Step 1: Policy development

The gap analysis of step 1 of the policy cycle can be summarised into two main themes: the **format of the threat assessment** and the necessity to **create an Advisory Board**.

### 5.1.1 The format of the threat assessment

01. The OCTA in its current format does not meet the requirements of the desired policy cycle, which demands a more in-depth analysis serving as a solid input. Therefore, **a thorough new threat assessment should be carried out every four years**. In order to update the initial assessment and to detect emerging threats, **an interim threat assessment should be produced after two years**.
02. The new requirements demand an overhaul of the methodology and resources used in the process. The current time span between the collection of data and the drafting of the OCTA is too limited. Furthermore, the resources to collect and to analyse the information are not sufficient to meet the expectations for a more ambitious threat assessment. Beside the absolute necessity for **the data collection processes to start one and a half year before the new cycle**, there is also a requisite for **more Europol staff to be allocated to the further development of the methodology and the production of a proper assessment**.






03. In the current situation, Europol is still too dependent on the specific contributions of the Member States to the OCTA data collection process. In the future, the threat assessment should **rely more on “in-house” information and the expertise of Europol**, which requires the willingness to systematically share information with Europol at an earlier stage and in a more systematic way.
04. As the threat assessment is the cornerstone of the European Criminal Intelligence Model, it should steer the operational activities of the LEA within the EU. It is therefore important that all facets of crime (according to the expanded and updated mandate of Europol) are thoroughly analysed before deciding on conclusions. As the OCTA has developed, OCGs have been at the heart of the analysis. Moreover, the OCTA does not provide a value judgement on the level of threat of these OCGs. The threat assessment should however also **provide strategic information on types of crime** (besides crime groups) impacting the EU. This information must be presented clearly in order to properly advise the policy makers in their priority setting. At the end, the threat assessment should utilise a ranking system to present the gap results.
05. Although some facets of an environmental scan are part of the current OCTA methodology, the new threat assessment should **integrate systematically societal (PESTEL) developments** in order to anticipate on possible evolutions. This is of vital importance because the threat assessment is the foundation for a four-year strategic plan and, therefore, the analysis should also provide far **more future-oriented strategic information**.
06. In line with what has been said in the previous paragraph, it seems logical to also include terrorism in the assessment. However, due to the nature of the phenomenon (involving different actors and depending on specific data requirements), **a specific threat assessment on terrorism should be developed** to plan the (operational) activities of European and national LEA in this area.





The current TE-SAT does not fulfil these requirements as it is more a situation report. This analysis **must be aligned with the threat assessment on serious and organised crime** in order to integrate the outcome of this exercise in the overall strategic planning of the different EU and national agencies. In terms of the threat assessment on terrorism, Europol should work closely with SitCen.

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07. To date, the OCTA has provided a strategic analysis, without conclusions or recommendations. As the threat assessment is a crucial link in the policy cycle (being the document which provides the basis for political decisions to be taken) this report must reflect **clear conclusions, making the difference between pan-European and regional internal security problems, and proposing priorities on the level of crime phenomena and OCGs by ranking them according to their level of threat.**

## 5.1.2 The creation of an Advisory Board

01. The informal Contact and Support Network of the OCTA and the different OCTA working groups created under the guidance of Europol are not representative enough to validate the threat assessment methodology. As the elaboration of an adequate methodology requires technical skills, the existing OCTA working group - if necessary, assisted by academics - should continue its activities. There is a need for a formal platform, where the direct customers of the product (JHA council, the European Commission, other EU agencies and the MS) discuss methodological issues, put forward by the working group(s). **A formal agreement** on the threat assessment **methodology is mandatory**. The existence of an **Advisory Board** should create a platform guaranteeing a high level of acceptance and commitment. To this end, the Advisory Board should be composed of relevant actors, appointed on a voluntary or rotational basis.



## 5.2 Step 2: Decision-making

01. Before the JHA Council can come up with conclusions, the decision-making process needs to be prepared. Sending a complete threat assessment to the JHA Council for discussion and priority setting does not seem to be the most effective approach. **The JHA Council should not need to analyse the whole report in order to set priorities.** Moreover, an advantage of not putting the threat assessment on the political agenda is the fact that the analysis carried out by Europol can provide more detailed and sometimes very sensitive information, which is absolutely necessary for subsequent strategic and operational planning.
02. The current OCTA is provided to the Council's Secretariat in its full form, without conclusions and recommendations. The existing informal cooperation between Europol's OCTA team and the Council Secretariat in order to prepare the priority setting needs to be replaced by a structured and formal procedure. According to the Lisbon Treaty, the COSI is the most appropriate platform to prepare the political decision-making (because it brings together the Member States, the Commission, the EU agencies and any other relevant actors). In order to facilitate the work of the COSI, **Europol has to convert the threat assessment into a very concise executive summary, including conclusions and recommendations on priorities. The COSI, in close collaboration with Europol, will use this synthesis to prepare the Council Conclusions.** The result of this exercise **will be the policy advisory document as referred to in the ideal situation**, introduced and discussed at JHA level.
03. The **JHA Council** remains the political body to **decide upon priorities**. Priority setting has to be done on a pan-European and a regional level. Currently, the Council receives the full OCTA and, as there are no recommendations or priorities identified therein, it's left to draw its own conclusions. Instead, once the priorities have been defined, **the JHA Council should delegate to COSI**





**the task of defining strategic guidelines or objectives which would serve as the basis for operational action plans.** Once the political decisions have been taken, it is again up to the COSI to further steer the process.

**04.** The conversion of the political priorities into strategic plans is crucial. In order to be able to tackle a priority in an effective way a medium to long term strategic plan is necessary (the current existing multi-annual strategies also have a similar lifespan). It provides a clear framework during which actions can be developed coherently in a step by step and a multidisciplinary approach. In order to tackle EU internal security problems by a multidisciplinary approach, full use must be made of the expertise and competences of each agency. Within the concept of an integrated approach, these multi-annual strategic plans must contain non-law enforcement related objectives as well as expectations towards law enforcement agencies.

**05.** Therefore, **a four-year strategic plan should be developed for each priority.** The **coordination and steering of** this process must be assumed by the COSI. This body must have the power and the responsibility to task EU agencies and Member States. The four-year strategic plan can be immediately elaborated based upon the threat assessment provided by Europol (in step 1), if the strategic information in the report is detailed enough. If not, the COSI must task the relevant agency(ies) to come up with a prior in-depth analysis, before drafting a strategic plan.

**06. The role of the European Commission in this process must be strengthened,** because of its experience in drafting multi-annual strategic plans and to guarantee an integrated approach.

**For three specific crime areas (drugs, THB, terrorism),** multi-annual strategic plans and the working groups responsible for the drafting of these already exist. However, these activities are apparently developed completely independently. This means that these strategic plans are not based on the priority setting in the



framework of the OCTA (in fact, the recommendations are inspired by strategic information gathered outside the OCTA process) and all the operational activities that stem from these strategic plans have their own planning and timing. All existing multi-annual strategic plans in the field of EU internal security should be aligned and integrated into a more coherent and effective policy cycle.

As a consequence, the strategic information must, to the extent possible, be gathered in the framework of the threat assessment of Europol and the elaboration of the multi-annual strategic plans happens at the same time as the conversion of the (other) JHA Council priorities into four-year strategic plans. The implementation, the monitoring and the evaluation of the strategic plans in all crime areas must follow the same logic.

Finally, it is recommended that programmes such as The Hague Programme, the Stockholm Programme and future Programmes, should not elaborate their own (often differing) priorities because they turn upside down the strategic plans by pre-empting the findings of the relevant threat assessments.

07. There is no need to create further formal EU working groups. However, to address the identified priorities, the COSI should have the power and responsibility to commission the relevant actors to develop 4 year strategic plans. These actors should include experts from the Member States and the relevant EU agencies and **the European Commission**.
08. These groups of experts should be active for the time needed to elaborate their strategic plan. They do not have a **permanent character**. The COSI will task and coordinate the different groups of experts, which will include the working level experts in specific area and not the COSI delegates themselves. Involving the **experts of all relevant agencies** at an early stage has a double advantage: because of their different backgrounds (LE/non LE, repression/prevention, reactive/proactive, public/private sector), the combination of various types of expertise will prove enriching in






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the elaboration of the strategic plans. Furthermore, this approach guarantees a higher level of commitment afterwards, when operational activities are carried out.

**The quality of these strategic plans is crucial** for the effectiveness of the planned policy. The already existing Strategic Plans (drugs, terrorism and THB) consist of an integrated and multi-disciplinary approach, but the high number and the level of abstraction of the strategic objectives, make practical implementation difficult. Moreover, these plans have an unclear timetable and the roles and responsibilities of the different agencies are not always sufficiently identified. These shortcomings can be overcome by defining **achievable strategic objectives**, with clear links to the findings of the threat **assessment**. The involvement of all relevant experts at an early stage should guarantee the production of **concrete problem-oriented solutions**.

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09. Once drafted, the multi-annual strategic plans need to be formally endorsed to achieve support and commitment at European and national level, from all actors that are involved. These strategic plans could be sent to the JHA Council for **endorsement**, but this role could better be assumed by the COSI because the COSI is in a better position to evaluate the relevance of the proposals (provided that the COSI has a clear mandate for this).





## 5.3 Step 3: Implementation and monitoring

01. For different reasons, **the implementation** of current strategies and their conversion into operational actions **is probably the weakest point** in the policy cycle.

- The existing arrangements do not provide a framework for the translation of political priorities into operational delivery. A top-down approach is used for the policy development and the decision-making, whereas a bottom-up approach is used for the planning and implementation of operational plans by the various agencies and Member States.
- There are only three crime phenomena for which a formal multi-annual Strategic Plan exists (drugs, terrorism and THB) and they do not have any link with the decision-making process in the framework of the ECIM. Furthermore, new initiatives, often stemming from EU Presidencies, are difficult to integrate into existing work programmes. Also, the involvement of relevant actors in drafting a strategic plan and the tasking of the responsible agencies afterwards leaves room for improvement. Therefore, most of the actors (both at EU and national level) who should contribute to the realisation of these strategic objectives, don't demonstrate the required commitment to address the identified problems.
- Finally, the provided efforts and achieved results can hardly be evaluated, because the vague and general objectives do not allow for meaningful evaluation.

02. As a result of what has been described above, the **current working programmes** elaborated by the various agencies don't correspond with the concept of EU action plans and strategies as described in The Ideal Situation. Instead, they **serve other purposes** (legal obligation, accountability towards their management board, allocation of resources, etc) **and** they are **mainly focussed on organisational development**. They will continue to exist, but they **need to be complemented by plans of operational and strategic activities to tackle the prioritised crime phenomena**.





## 03. Genuine operational action plans don't exist for the moment.

For each JHA Council priority, the multi-annual strategic plan must be converted into an operational action plan on a yearly basis. An annual plan requires a higher level of detail and creates more possibilities (through the monitoring) to re-engineer the process (especially the objectives) where necessary. So **at the end of a policy cycle, there will be one four year strategic plan and four yearly operational plans to tackle each of the priority areas** in the field of EU internal security.

## 04. It is of utmost importance that the operational plans are based upon the **SMART** methodology and that they integrate **performance indicators** to support and facilitate subsequent evaluation.

## 05. For the time being, there is little experience in drafting operational action plans in a multi-disciplinary context. **Depending on the (geographic) extent and nature of an internal EU security problem**, different actors and different combinations of actors can be involved. If horizontal (at EU level) and/or vertical (between EU bodies and the MS) interaction or cooperation is necessary, an **EU agency** should be designated by the COSI **to take the lead**. In most of the situations, as far as the crime phenomenon falls within the mandate of Europol, we recommend that Europol should assume this responsibility. In certain circumstances, especially in the framework of regional problems or because of the required expertise, drivers can also be drawn from Member States.

## 06. All involved actors, both at European and national level, could draft separately their own operational plan based upon the strategic objectives of the four year strategic plan. The weak point in this procedure is the one-sided approach of problem solving (in line with the mandate and competences of the different actors) and the potential obstacles for multi-agency collaboration afterwards.



Therefore, **bringing all the relevant actors together in one platform** to realize horizontal and vertical integration from the beginning is the better solution. This method is much richer because of the direct input by, and the combination of ideas from all relevant agencies. Involving everyone in the planning phase also guarantees a higher level of commitment in the later stage, when operational activities have to be carried out.

07. For the implementation and monitoring of **non-law enforcement related topics** (legislation, actions taken by the Commission etc), the **JHA Council will task** the relevant and competent bodies.
08. For the implementation and monitoring of **Law Enforcement related topics**, the only existing formal platform for operational multi-lateral cooperation is COSPOL, which remains a **suitable platform** to host all relevant actors to draft and implement the annual action plans. **However, the current format needs to be changed.** In the past, COSPOL projects were platforms of multi-lateral cooperation between Member States only, under the guidance of the European Police Chiefs Task Force (EPCTF) and with the support of Europol. Given the anticipated reduced role of the EPCTF, **Europol** should play a **more prominent role** in these projects to ensure continuity and coherence. Also **the systematic involvement of other EU agencies and bodies** (if relevant) would be an important step forward. Linking EC funding to COSPOL projects could be an incentive to improve the use of this concept.
09. Once an operational action plan is finalised, the **contribution of each EU agency or body to the implementation** of it needs to be integrated in its respective annual work programmes.





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10. The same applies for the MS who should ensure that their **commitments** towards EU initiatives are reflected in the planning of their national activities. The fact that not all Member States have a national policy cycle is not a problem, and this should, therefore, certainly not become mandatory. It is however important to have a formal commitment that Member States guarantee the allocation of the necessary resources to implement operational initiatives according to the annual EU action plan(s) (of course, only for those Member States involved in the prioritised problems).
11. Since operational action plans - as described in the ideal situation -, do not exist, **there is currently no monitoring either**. This is a **permanent process** and needs to be **integrated in the day-to-day management** of all contributing actors.





## 5.4 Step 4: Evaluation

**01. A number of conditions or prerequisites need to be fulfilled** before an adequate evaluation can be implemented: standardized action plans, SMART goals and performance indicators, standardised reporting templates and the involvement of an external and independent evaluator. Most of the deficiencies in the current evaluation processes can be traced back to the absence of the aforementioned prerequisites. Therefore, it's nearly impossible to conduct the gap analysis.

**02. An overall evaluation of the process must be carried out.** This assessment is not limited to the activities in the area of law enforcement, but it also includes the evaluation of the implementation of strategic objectives outside the scope of law enforcement (like for instance new Health legislation).

There is need for **two types of evaluation**: the evaluation of the implementation of the action plans at the end of the year and the evaluation of the multi-annual strategic plan at the end of the whole cycle.

**03. Currently, there is no formal evaluation, or at least not an effective one.** Most of the evaluations relate to the implementation of the yearly action plans or work programmes, at the end of the year. Only for three crime areas (drugs, THB and terrorism) an evaluation takes place at the end of the multi-annual strategic plan. The MDG evaluation of the implementation of the JHA Council priorities after two years could also be considered as an evaluation at the end of the whole cycle.


**The current evaluations** of the implementation of the **yearly action plans/work programmes** (evaluation report of Europol, yearly report of Eurojust, the COSPOL evaluation mechanism, etc) are not specifically addressing the way that EU organisations or Member States tackle prioritised crime phenomena. These evaluations do not fulfil the needs of the policy cycle.

**For the evaluation** of the implementation of the JHA Council priorities and **the multi-annual strategic plans** on drugs, THB and terrorism, there is **also room for improvement**.





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04. Taking into account the principles laid out in the ideal situation, the yearly evaluations should rely more on **quantitative aspects** resulting from standard reports, whereas the multi-annual evaluation should be based on an **in-depth qualitative approach**, using different techniques such as interviews.
05. The evaluation of the annual action plans can be based on the **existing reporting mechanisms** (e.g. Management Board for Europol and Frontex; the Support Unit EPCTF for the COSPOL projects; etc). These different evaluations need to be **integrated, using a template, into an overall evaluation** at the end of the year. The **COSI should be the recipient** of this overall evaluation. COSI must also have the right to intervene in order to remedy the identified problems or shortcomings if and where these are identified by the evaluation.
06. The evaluation of the four year strategic plans must cover **operational aspects** as well as **strategic and/or organisational development issues** (e.g. not only evaluating if the crime phenomenon has indeed been positively impacted by the chosen strategy, but also if the threat assessment methodology has been improved and if the monitoring system for emerging trends is functioning). The recipient of this evaluation is the COSI, who informs the JHA Council on the main findings. This evaluation should be carried out by the (proposed) Working Group on General Matters, including Evaluation.
07. The results of the evaluation of the 4 year strategic plan have to be taken into account for the following policy cycle and therefore the result of the evaluation must be available at the latest when Europol on behalf of COSI prepares the (next) policy advisory document.



# ANALYSIS



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5





# PART 6



In April 2010 a seminar was held in order to discuss the core concept and principles during panel sessions. At the end of the seminar a number of recommendations were adopted as the conclusions of the seminar. These provided an important input for the further development of the project.



# THE SEMINAR CONCLUSIONS

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## 6.1 Acknowledgements

The seminar recognizes that:

01. The **internal security architecture** provides a **useful basis** for internal security initiatives on the EU level.
02. Such an approach delivers **benefits** for Member States and the European agencies.
03. There is a need to make **maximum use of already existing structures and instruments**, including EU Agencies' role in assessing threats and supporting the MS' operations.
04. There is a need to further develop a coherent policy cycle on the basis of an **Intelligence Led Policing approach**. This approach needs to be coherent, multidisciplinary and integrated in order to increase consistency, transparency and accountability.
05. This should be a **medium to long-term** ambition to be achieved incrementally.
06. The policy cycle should further develop and **clarify the role of the different structures** to provide clearer steering mechanisms thus enabling a more efficient use of resources.





## 6.2 Recommendations

01. The policy cycle should consist of **four steps**:

- policy development;
- decision-making;
- implementation and monitoring;
- evaluation.

02. A **four year cycle** should be envisaged to allow the planning and effective delivery of actions to address the identified threats.

03. The existence of an intelligence led approach at national level would facilitate the effective implementation of the policy at the EU level. EU bodies should be active in promoting this approach through **raising awareness and building capacity** in the Member States.

04. COSI's mandate should include a central role in ensuring the **coherence** of this policy cycle and its products.

05. There is a need for a **threat assessment** at the beginning of the cycle that meets the requirements of the decision-makers in terms of scope, format and timing.

06. In addition, a **mid-term review** should be conducted, based on analysis of the criminal landscape. Furthermore, a mechanism should be established to report issues which demand immediate response.

07. The threat assessment **methodology** should be developed by Europol, based on the experience of the OCTA, and formally agreed upon by an Advisory Board representing the stakeholders, including the Member States.

08. Council should select a limited number of high-level pan **European and regional priorities**, based on the threat assessment.







09. There should be **achievable multi-annual strategic plans** with clear objectives, linked to the identified priorities. Temporary groups of experts should be tasked by COSI for the specific purpose of elaborating these strategic plans.
10. In an attempt to **align and integrate already existing EU strategies** into a more coherent and effective policy cycle, it is recommended to stop producing strategies for criminal phenomena outside the context of this policy cycle.
11. Multi-annual strategic plans must be converted into **operational action plans** on a yearly basis. Therefore, all the relevant actors need to be brought together in a platform for multi-lateral cooperation, building on the experience of COSPOL.
12. The action plans must be reflected in the **operational planning of the respective EU Agencies** and at national level. The European Commission should align funding with the agreed plans to support implementation.
13. **Annual monitoring** of the implementation of the action plans is necessary, preferably by using the existing reporting mechanisms. Transparent reporting would ensure the commitment of the relevant actors.
14. At the end of the 4-year cycle, an **independent overall evaluation** must be carried out.
15. Lessons learned from this evaluation should serve as an input for the new cycle.
16. Based on the experience gained from efforts to implement both ECIM and Intelligence Led Law Enforcement, a “**roadmap**” should be drawn up to support implementation of the above recommendations.





# VS SEMINAR



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# PART 7



Based on the seminar conclusions, the project team developed a table and graphic presentation of the policy cycle, setting out the different steps - supporting processes - actors and products needed to implement the policy cycle.



# THE ROAD MAP

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## 7.1 Policy cycle 2011 - 2013

(Initial and reduced policy cycle for international and organised crime)

The reference numbers (Ref. Nr.) are linked with the numbers present on the time line scheme (at the end of the chapters 7.1 and 7.2).

**Blue text** refers to steps in the policy cycle

**Black text** refers to the supporting processes

### Important preliminary remark

Acknowledging that a fully fledged policy cycle will only start based on the EU **SOCTA** 2013, the following approach - as a learning process for the first policy cycle - will be followed based on the OCTA 2011:

- Strategic goal setting by expert group of MS and Agencies per crime priority (commissioned by COSI) area instead of the elaboration of fully-fledged multiannual strategic plans;
- The conversion of the strategic objectives into operational plans in the COSPOL framework using the template to be developed (see activity 6);
- Covering a time span of two years (instead of four-year policy cycle) to bridge the period between the OCTA 2011 and EU SOCTA 2013;
- The approach to address the crime priority areas will be organised within the (reviewed) COSPOL framework (see activity 13) mainly focussing on law enforcement related issues, instead of an integrated approach.

Ref. Nr.	Action/activity	Responsible/ leading actors	Other actors involved <sup>1 2</sup>	Timing
01	Establishment of an Advisory Board, <b>hosted by Europol</b> , as a COSI expert group, to prepare the customer requirements for the EU <b>SOCTA</b> .	COSI	EC MS Europol & other Agencies	Before end 2010
02	<b>Agree</b> on customers requirements for (first) EU <b>SOCTA</b> .	COSI	EC MS Europol & other Agencies	Beginning of 2011
03	Elaboration of methodology for reporting on emerging threats (and production of an emerging threats report when required).	Europol	Expert group of MS & Agencies Advisory Board	From 2011 on

<sup>1</sup> Considering the importance of the external dimension of the ISS, when and necessary, third parties should also be involved.

<sup>2</sup> When reference is made to expert groups it should be noted that these expert groups are not meant to become permanent, formal working Council structures and need to be considered as flexible and temporary meetings.



Ref. Nr.	Action/activity	Responsible/ leading actors	Other actors involved	Timing
04	Development of the new methodology for EU <b>SOCTA</b> in line with the identified customer requirements.	Europol	Expert group of MS & Agencies	From 2011 on
05	Review of the COSPOL terms of reference, including considering the possibility to fund the projects by EC.	COSI EC	MS Agencies	Second half 2010
06	Development of operational action plan template to be presented to COSI.	Europol	Agencies Experienced COSPOL drivers MS	Before mid 2011
07	Production of the OCTA 2011.	Europol	MS Agencies	March 2011
08	Production of an executive summary of the OCTA including conclusions and a list of recommended crime priorities.	Europol		March 2011
09	<ul style="list-style-type: none"> <li>Production of the Policy Advisory Document.</li> <li>Draft Council Conclusions on JHA crime priorities.</li> </ul>	COSI <b>together with EC</b> COSI		April 2011
10	Political decision on JHA crime priorities.	Council		May 2011
11	Identification of the relevant actors at EU and MS level to set up strategic goals covering the period 2011 – 2013 with main focus on LEA activities per priority crime area decided by the Council.	COSI	EC Agencies MS	June 2011
12	Discussion on and adoption of the 2Y strategic goals, including tasking the relevant MS and Agencies.	COSI	MS EC Agencies	October 2011
13	Converting the strategic goals into annual operational plans according to the developed template.	MS Agencies		Oct-Dec 2011 (repeated annually)
14	Validation of each operational action plan.	COSI	MS Agencies	End 2011 (repeated annually)





Ref. Nr.	Action/activity	Responsible/ leading actors	Other actors involved	Timing
15	Elaborate a reporting collection mechanism for COSI integrating reporting of MS and Agencies (to their respective Supervising Authorities).	EC	MS Agencies	End 2011
16	Implementation of operational action plans 2012 / 2013 including 6 months monitoring progress by COSI.	MS drivers Agencies	COSI	Start in 2012 - until end 2013
17	Formal validation of EU <b>SOCTA</b> methodology.	COSI		May/June 2012
18	Evaluation of the functioning of the (reviewed) COSPOL framework with a view to further improve it as the platform for multi-lateral cooperation to implement the multi-annual strategic plans.	COSI EC	MS Agencies	End 2012
19	Based on the reporting mechanism in point 15, yearly state of play for COSI, focussing on implementation of planned activities and horizontal cross-cutting issues.	EC	COSI	Beginning of 2013 (repeated annually)
20	Evaluate lessons learned from the first 2Y policy cycle in order to integrate these into next policy cycle	COSI	MS EC Agencies	Beginning of 2013
21	Develop and deliver a training/awareness package about (reviewed) COSPOL framework (see activity 5)	CEPOL	MS Agencies	2011 - 2013
22	Consider further measures to ensure effective implementation of MS' National Intelligence Models (NIM) aligned with ECIM	EC COSI	MS	From 2011 on
23	Consider aligning ISEC funding with the policy cycle and the identified priorities.	EC	MS Agencies	From 2011 on
24	Align and deliver training package ECIM/ILP with the European Policy Cycle.	CEPOL	MS Agencies EC	2011
25	Develop and deliver training/awareness package to further support MS in implementing National Intelligence Models	CEPOL	MS Agencies	From 2011 on





01-Jul-10 - 31-Dec-10



01-Jan-11 - 30-Jun-11



01-Jul-11 - 31-Dec-11



01-Jan-12 - 30-Jun-12

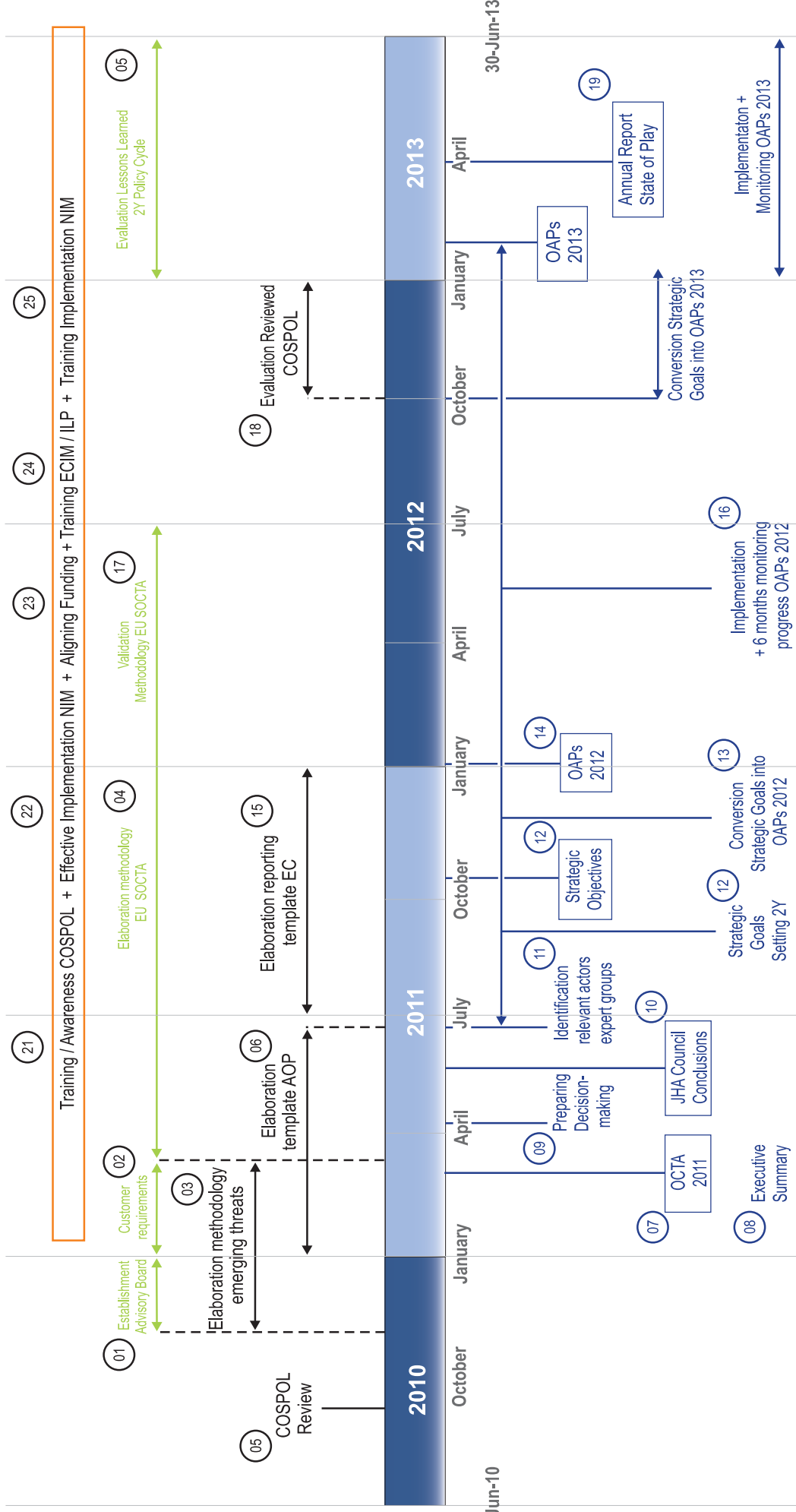


01-Jul-12 - 31-Dec-12



01-Jan-13 - 30-Jun-13

## SUPPORTING PROCESSES



Legend:

- : supporting procedure to prepare the implementation of the fully fledged policy cycle
- : supporting procedure to prepare the implementation of the initial and reduced policy cycle
- : step in the policy cycle



## Policy Cycle 2011-2013





## 7.2 Policy cycle 2013 - 2017

(Full fledged policy cycle for serious international and organised crime)

Ref. Nr.	Action/activity	Responsible/ leading actors	Other actors involved <sup>1 2</sup>	Timing
26	Production of the first EU <b>SOCTA</b> according to the activities 1, 2 and 4 in the policy cycle 2011 – 2013 (Advisory Board, requirements and methodology).	Europol	All relevant actors	March 2013
27	Production of an executive summary of the EU <b>SOCTA</b> , including conclusions and a list of recommended crime priorities.	Europol		March 2013
28	Elaboration of methodology of Interim EU Assessment.	Europol	Expert group of MS & Agencies Advisory Board	2013 - 2014
29	Further development of methodology for reporting on emerging threats.	Europol	Expert group of MS & Agencies Advisory board	2014 - 2017
30	<ul style="list-style-type: none"> <li>Production of the Policy Advisory Document.</li> <li>Draft Council Conclusions on JHA crime priorities.</li> </ul>	<b>COSI together with EC</b> COSI		April 2013
31	Political decision on JHA crime priorities.	Council		May 2013
32	Identification of the relevant actors at EU and MS level to draft multi-annual strategic plans per priority crime area decided by Council.	COSI	EC Agencies MS	June 2013
33	Elaboration of draft multi-annual strategic plans by elaborating concrete problem-oriented solutions to address the crime priorities, including key performance indicators to measure achievement.	Expert groups of MS & Agencies, coordinated by EC		June - September 2013

<sup>1</sup> Considering the importance of the external dimension of the ISS, when and necessary, third parties should also be involved.

<sup>2</sup> When reference is made to expert groups it should be noted that these expert groups are not meant to become permanent, formal working Council structures and need to be considered as flexible and temporary meetings.



Ref. Nr.	Action/activity	Responsible/ leading actors	Other actors involved	Timing
34	Discussion on and adoption of the multi-annual strategic plans, including tasking the relevant MS and Agencies.	COSI	MS EC Agencies	October 2013
35	Converting each multi-annual strategic plan into an annual operational plan according to the developed template.	MS Agencies		Oct - Dec 2013 (repeated annually)
36	Validation of each operational action plan.	COSI	MS Agencies	Starting from 2014 (repeated annually)
37	Implementation of annual operational plans including 6 months monitoring progress by COSI.	MS drivers Agencies	COSI	Start in 2014 - until end 2017
38	Align the ISEC funding and/or the Internal Security Fund with the multi-annual strategic plans and the annual operational plans.	EC	MS	2013 - 2017 ISS Fund (from 2014 on)
39	Based on the reporting mechanism in point 15, yearly state of play for COSI focusing on implementation of planned activities and horizontal cross-cutting issues.	EC	COSI	Beginning 2015 (repeated annually)
40	Production of the interim EU assessment.	Europol	All relevant actors	March 2015
41	Review, if necessary, of the multi-annual strategic plans.	COSI		October 2015
42	Elaborate an independent evaluation mechanism.	EC <b>MS</b>	Agencies COSI	2015
43	Commencement of an independent evaluation.	EC	MS Agencies COSI	2016





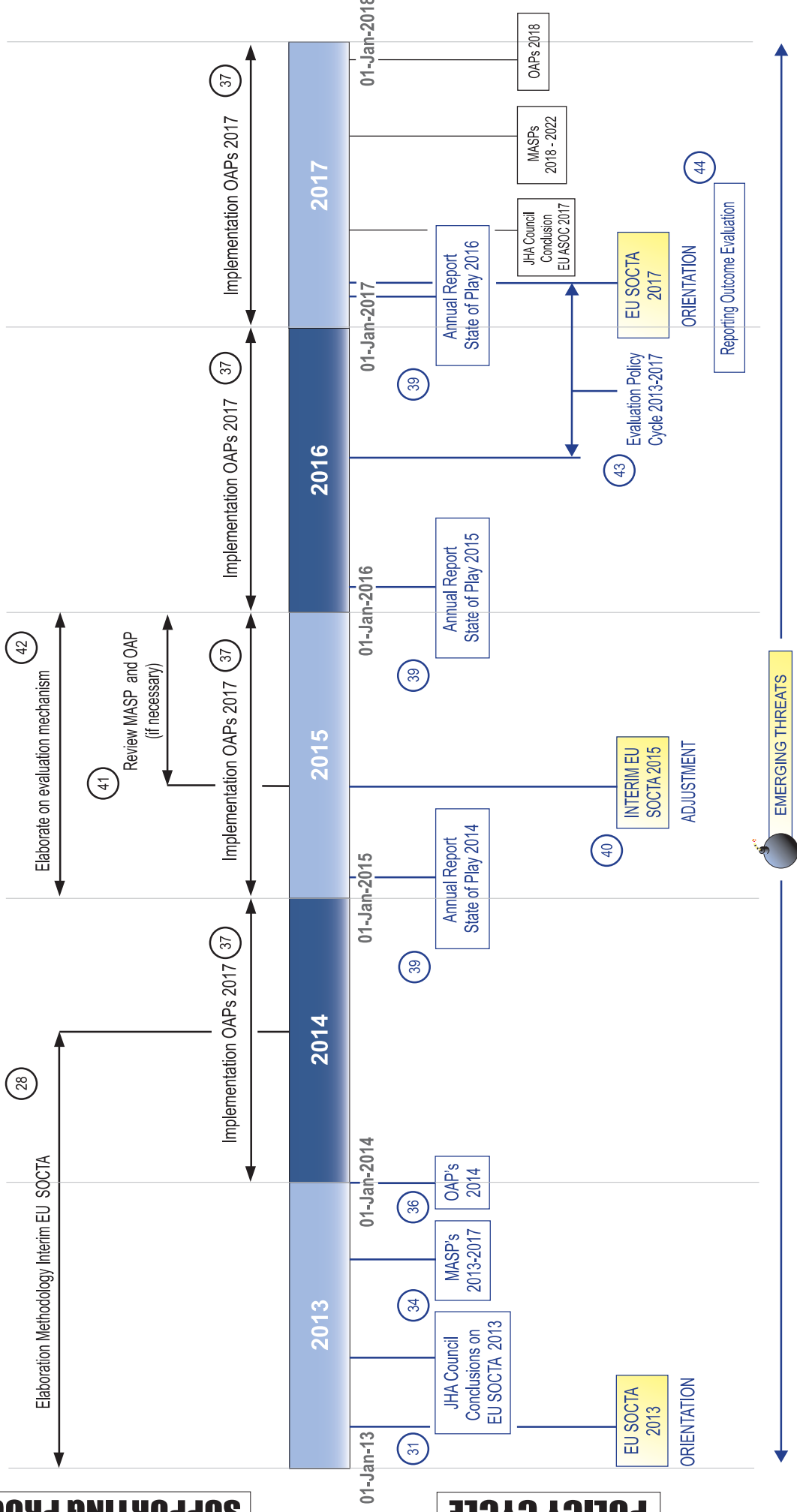
Ref. Nr.	Action/activity	Responsible/ leading actors	Other actors involved	Timing
44	Reporting on the outcome of the independent evaluation to JHA Council.	EC	MS Agencies COSI	March 2017
45	Evaluate lessons learned from the policy cycle in order to integrate these into next policy cycle.	COSI	MS EC Agencies	Second half 2017
46	Amended training and awareness packages about (reviewed) COSPOL framework, based upon the evaluation of 2012 (see activity 18).	CEPOL	MS Agencies	2014 - 2017
47	Provide funding as an incentive for Harmony "good practices" .	EC	MS Agencies	From 2014 on
48	Compile "good practices"/lessons learned for the implementation of MS' National Intelligence Models aligned with ECIM.	Europol	MS Agencies COSI	From 2011 on
(22 continued)	Consider further measures to ensure effective implementation of MS' National Intelligence Models aligned with ECIM.	EC	MS	From 2011 on
(24 continued)	Align and deliver training package ECIM/ILP with the European Policy Cycle.	CEPOL	MS Agencies EC	2011
(25 continued)	Develop and deliver training/awareness packages to further support MS in implementing National Intelligence Models.	CEPOL	MS Agencies	From 2011 on



## SUPPORTING PROCESSES

Effective Implementation NIM (22) / Training ECIM/ILP (24) / Collect Good Practices NIM (48) / Training/Awareness NIM (25)

Amended Training/Awareness COSPOL (46) / EC Funding Harmony Good Practices (47) / Align Funding with MASP/OAP (38)



Legend:

— : supporting procedure  
— : step in the policy cycle

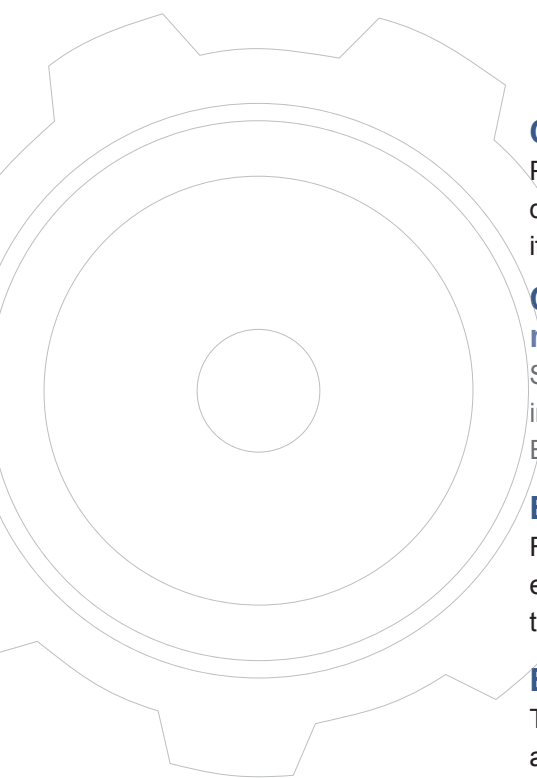




# GLOSSARY







### **Complementary mechanisms**

Process that permanently checks an initial threat assessment and detects emerging threats in order to review and update the assessment if necessary.

### **COSI (Comité permanent de coopération Opérationnelle en matière de Sécurité Intérieure)**

Standing Committee on operational coordination on internal security, in accordance with Article 71 of the Treaty on the functioning of the European Union.

### **Environmental scan**

Far reaching analysis taking into account current and future political, economic, social, technological, environmental, legal and organisational activity.

### **Evaluation**

The evaluation aims at examining to what extent the implemented actions and measures have contributed to the effect that was aimed at (effectiveness). Also the way in which the actions and measures were delivered is evaluated (efficiency). The complete process of the policy cycle is also evaluated (process evaluation). The aim is to identify improvement possibilities in each step of the policy cycle, and to take them into account in the next cycle. The evaluation will answer questions on how and in particular why results and effects have/have not been reached.

### **Expert group**

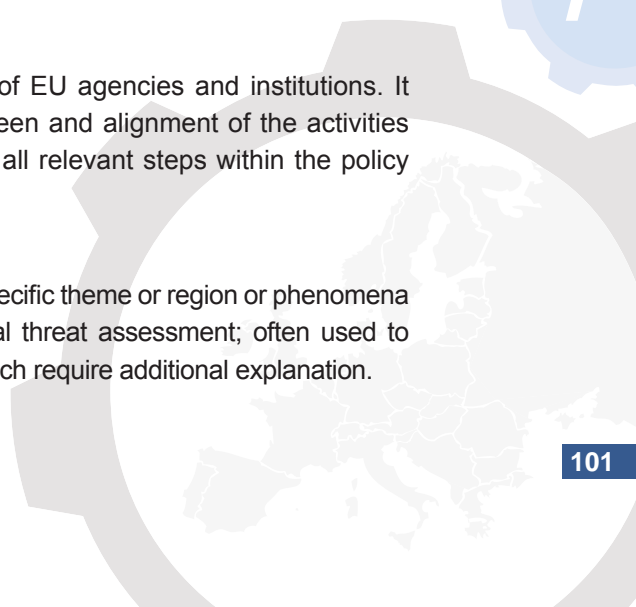
Ad hoc- group, involving experts from the Member States and the relevant EU agencies and the European Commission, set up for the time needed to elaborate strategic plans.

### **Horizontal Integration**

To be taken on board at the level of EU agencies and institutions. It implies structural cooperation between and alignment of the activities of EU agencies and institutions for all relevant steps within the policy cycle.

### **In - depth assessment**

An assessment which deals with a specific theme or region or phenomena but in greater detail than the general threat assessment; often used to highlight new or emerging threats which require additional explanation.







## **Integrated multidisciplinary approach**

An approach best utilising and aligning complementary multilateral strategic, tactical and operational mechanisms.

## **Intelligence-led policing**

A strategic, future-oriented and targeted approach to crime control, focusing upon the identification, analysis and 'management' of persisting and developing 'problems' or 'risks'.

## **Monitoring**

Examination whether the planned initiatives or actions are delivered according to plan (periods, allocation of resources, etc). This mostly implies measuring the output.

## **Operational action plans**

Emergency response programmes and other initiatives requiring precise comprehensive planning documents that effectively communicate critical information to all levels. It convincingly conveys the need and rationale for the desired course of action, a clear objective and clear milestones towards anticipated outcomes.

## **Pan – European level**

The prefix 'pan' implies that it applies throughout Europe and more in specific in a European Union context.

## **Performance indicator (PI)**

A measure of performance (e.g. response time) that, when combined with a target, will indicate progress and against and achievement of objectives.

## **Policy advisory document**

Comprises of an executive summary of the OCTA, accompanied by a proposal for priorities and recommendations, drafted by Europol under the guidance of COSI to be sent to the JHA Council for consideration.

## **Policy cycle**

(In this context) a structured cycle driven by key actors and stages, utilizing EU mechanisms, to manage the input of operational and tactical information into strategic and operational plans, through to operational delivery.





### **Political endorsement**

Preferably COSI publicly declares its support for the strategic multi annual plans and by doing so takes the responsibility of these plans at political level.

### **Priorities**

Council Conclusions indicating the most threatening crime phenomena (including criminal groups and types of crime) to be used for direct tasking in case of Pan – European matters and “urgently inviting” towards responsible Member States of the European Union.

### **Regional level**

Two or more Member States within the European Union with a specific common threatening crime phenomena and/or crime groups.

### **SMART**

Specific, Measureable, Achievable, Relevant and Timed.

### **Strategic multi annual plans**

These documents set down, for each identified EU-priority, the vision, objectives, the strategic framework and the milestones to be implemented. These plans cover a time span of 4 years. They aim mainly to provide a basis for programming the implementation of operational action plans and to ensure coherence of all projects on their effective planning and management and common agreement on implementation.

### **Threat assessment**

An assessment of current and identified new or emerging threats to (and within) a geographic area.

### **Vertical Integration**

Decisions taken, actions decided on the EU level need to be followed up at the national level by integrating them into the national planning.

