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**JAI 894
COSI 102
ENFOPOL 442
CRIMORG 235
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NOTE

From: Presidency
To: Delegations

No. prev. doc.: 17796/3/11 REV 3 JAI 895 COSI 103 ENFOPOL 443 CRIMORG 236
ENFOCUSTOM 162 PESC 1559 RELEX 1265 COAFR 343 COWEB 272
TRANS 335 UD 344 FRONT 190 GENVAL 130

Subject: Operational Action Plan related to the EU crime priority C: "illegal immigration"

Delegations will find in annex the Operational Action Plan regarding the EU crime priority C: "*Weaken the capacity of organised crime groups to facilitate illegal immigration to the EU, particularly via southern, south-eastern and eastern Europe and notably at the Greek-Turkish border and in crisis areas of the Mediterranean close to North Africa*", developed under the overall responsibility of IT as the driver for this OAP and agreed by COSI on 8 December 2011.

Operational Action Plan 2012:
Priority Crime Area C: Illegal Immigration

1. Aim

This Operational Action Plan (OAP) has been created within the framework of the new EU policy cycle for organised and serious international crime¹. Based on the OCTA 2011², Council decided on a total of 8 priority crime areas³. This OAP corresponds to the following priority;

“Weaken the capacity of organised crime groups to facilitate illegal immigration to the EU, particularly via southern, south-eastern and eastern Europe and notably at the Greek-Turkish border and in crisis areas of the Mediterranean close to North Africa”.

Subsequently, COSI has adopted strategic goals corresponding to this political priority, for the period 2012-13⁴. This OAP contains a breakdown of all the operational actions that will be carried out during 2012 to achieve these strategic goals. It also gives an overview of the tasking and responsibilities of the Member States and the Agencies involved in the delivery of the plan, in terms of leadership of, or participation in a given operational action.

2. Inter-dependencies

The priority crime area which this OAP addresses, overlaps with the following other political priorities

- Priority B (*Western Balkans*) because most organised crime groups operating in the Western Balkans are engaged in the facilitation of illegal immigration and smuggling of migrants; therefore, possible actions focusing on these criminal groups could be potentially carried out both under this OAP and under the OAP for the priority on Western Balkans.

¹ doc. 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94

² doc. 8709/11 JAI 217 COSI 19 CRIMORG 45 PESC 453 RELEX 355

³ doc. 11050/11 JAI 396 COSI 46 ENFOPOL 184 CRIMORG 81 ENFOCUSTOM 52
PESC 718 RELEX 603

⁴ doc. 15850/11 JAI 758 COSI 84 ENFOPOL 371 CRIMORG 191 ENFOCUSTOM 128
CORDROGUE 67 PESC 1321 RELEX 1081 COAFR 296 COWEB 236 TRANS 283 UD 275
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- Priority F (THB) because there are so many similarities and connections between the criminal activities related to illegal immigration and those related to the trafficking in human beings.

These possible overlaps and redundancies between different OAPs will be the subject of careful coordination and management attention (see end of paragraph 5.2.).

3. Structure

The plan is essentially a coordination overview presenting the general outline of operational activities, rather than the specific detail of each. That detail will be found in the related activity documentation which is referenced within this plan.

The Annex to the plan contains individual tables corresponding to:

- Operational activities (one sheet showing all activities to achieve the goal)
- Member State tasking (one sheet per MS – to be created by EMPACT SU once the OAP is approved)
- Agency Tasking (one sheet per Agency – to be created by EMPACT SU once the OAP is approved)

The tables incorporate a means to facilitate

- Cross-reference between different, but related, activities within the same priority
- Cross-reference between activities which also contribute to a different priority
- Reference (hyperlink) to detailed project documentation for a given activity
- Cumulative progress reporting

4. Management & Project Support

4.1. Management

Overall responsibility for this OAP lies with COSI who has delegated the management to Italy which will now be referred to as the Driver.

Each of the individual operational activities that make up the OAP has a designated Leader duly tasked and empowered for this role. Leadership of each activity is clearly shown in the list of operational activities.

The management approach shall be in line with the EMPACT Terms of Reference⁵.

4.2. Project support

In order to allow the EMPACT Driver to focus on project management (of the common actions), and to reduce the national responsibility for overall EU coordination, Europol, Frontex, Eurojust and Cefpol shall provide the project support for this OAP.

4.3. Information management

The Europol Analysis Work File Checkpoint⁶ shall be the primary means by which operational data emanating from the activities within this plan shall be processed. The Europol Information System may also be used where appropriate.

It is recommended that all operational information exchange and progress reporting within the OAP shall be done using the SIENA (Secure Information Exchange Network Application) system which provides a quick, secure and auditable means of communication between all competent authorities and Europol. This does not exclude the possibility to use other appropriate, available channels / platforms.

⁵ doc. 15386/3/11 REV 3 COSI 79 ENFOPOL 355

⁶ Taking into account the new AWF concept in development at Europol

5. Methodology

5.1 Strategic goals addressed in the OAP

In total, 7 strategic goals to be achieved during the period 2012-2013 have been developed for this priority crime area. This OAP only relates to the first year (2012) and a subsequent OAP will be developed for the following year (2013). However, all the strategic goals are addressed in the OAP for 2012.

Goal 1:

To maintain a comprehensive intelligence picture, at national and EU level through MS and EU Agency collaboration (in particular Europol and Frontex), including a common integrated risk analysis, on organised crime groups and the routes/modus operandi used by them for facilitating illegal immigration at the external borders and within the EU territory.

Goal 2:

To use the intelligence picture and risk analysis for more effective and cost-efficient border control, investigation and prosecution at the external borders and within the EU territory.

Goal 3:

To enhance the measures to tackle smuggling of minors including implementing the EU action plan on unaccompanied minors and the cooperation with third countries.

Goal 4:

To improve the effectiveness of inter-agency cooperation at EU, bilateral and national level including by enhancing vertical and horizontal information exchange.

Goal 5:

To make full use of innovative and efficient administrative procedures to disrupt organised crime groups/facilitators that abuse vulnerabilities and legal proceedings for their criminal activities.

Goal 6:

To enhance cooperation at bilateral and European level with third countries in particular with relevant illegal immigration source and transit countries.

Goal 7:

To contribute to and make full use of the existing and future EU tools in the fields of external border management, immigration and law enforcement such as EU databases, networks, information exchange systems and funding programmes.

5.2 Planning

This OAP has been developed by experts of Austria, Bulgaria, Cyprus, Denmark, Finland, Greece, Hungary, Italy, Malta, Poland, Romania, Slovakia, Slovenia, United Kingdom, together with representatives from the European Commission, General Secretariat of the Council, Europol, Frontex, Eurojust and Cefpol. The scope of operational activity included in the plan corresponds to the conclusions and recommendations emanating from the specific assessment of the problem which is central to the priority crime area.

The joint actions will take advantage of the EMPACT framework in line with the EMPACT terms of reference and in accordance with the competences of the EU Agencies involved. Wherever possible, existing activities, structures and instruments have been co-opted before initiating anything entirely new.

In particular, this OAP takes into account the various joint operations/projects/initiatives already planned by Europol and Frontex in the respective Work Programmes for 2012.

The individual participation of MS/Agencies in the operational activities mentioned here reflects the extent to which the given crime problem manifests itself within a given MS, the experience of tackling the problem in that MS and the ongoing LEA activity of a relevant nature.

The activities listed are primarily front-line operational activities to be carried out on the ground, with the explicit aim to immediately impact upon criminals, their crimes and their commodities.

When available, this could also include administrative measures. Wherever possible due note will be made of opportunities and processes by which a fuller inter-agency approach could be taken in anticipation of when the integrated approach is implemented for the 2013-17 policy cycle. The actions developed in the plan should be integrated at the appropriate level into the MS national planning and dedicated resources should be allocated to ensure full support to the common EU approach. Similarly, the Agencies should integrate the actions developed into their yearly working programmes.

The OAP will be validated by COSI, and the tasking responsibilities contained in the plan confirmed. That process will also identify any actions contained in this plan which are related to other plans, and vice versa, and this will be managed by the EMPACT Support Unit.

5.3 Implementation

This OAP will be implemented according to the breakdown of actions and timeframes contained in the attached activity planning table. The Action-Leader (MS or Agency) will be in charge of implementing the single action and give account for that to the Driver, according to the Terms of Reference of the EMPACT framework.

The MS, which will not accomplish with its commitments, notwithstanding the exhortations by the Driver, will be considered no longer participant in the OAP, whenever its conduct or inactivity turns out to jeopardise the delivery of the OAP (so called “exclusion clause”).

The Driver will constantly maintain contacts with the Action-Leaders and with the other stakeholders to follow-up the implementation of this OAP and convene coordination/operational meetings, whereas necessary.

5.4 Monitoring and reporting

See doc. 17803/11 COSI 105 ENFOPOL 445 CRIMORG 238 ENFOCUSTOM 164.

5.5. Good practice

Experiences within the delivery of the OAP which provide examples of good (and bad) practice will be duly recorded. This will be a responsibility of the Europol project support function, who is empowered to request and seek out examples of good practice for wider sharing amongst other OAPs within this overall policy cycle.

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Strategic Goal 1: To maintain a comprehensive intelligence picture, at national and EU level through MS and EU Agency collaboration (in particular Europol and Frontex), including a common integrated risk analysis, on organised crime groups and the routes/modus operandi used by them for facilitating illegal immigration at the external borders and within the EU territory.

#	Activity	Leader	Participants	Description	I/D SG	I/D OA	Timing	Target	Results>June	Results>Dec
1.1	Tailored risk assessment (TRA) on illegal migration secondary movements emerging from southern, south-eastern and eastern Europe through the EU, and the involvement of organised immigration crime groups.	Frontex Europol	All MS, Europol	<p>Preliminary consultation between Frontex, Europol and MSs to define the scope of this TRA.</p> <p>Frontex will draft this TRA in close cooperation with Europol and on the basis of information to be provided by MSs.</p> <p>Outcomes of the HIOs – 1st phase to be carried out at main Italian Adriatic ports and at IT/SI land border (see Action 2.1) will be used for the TRA.</p>	SG 2, SG 4	2.1, 5.2	September	<p>Gathering information and data from MS on secondary movements to fill any intelligence gaps and identify possible responses.</p> <p>KPI: Report finalised within the timeframe.</p>		

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1.2	Workshop on Common Risk Analysis at the EU level, involving customs, immigration services and border guards/police, including on the use of the CIRAM at national level.	Frontex	All MS, Europol	<p>Bringing together different authorities dealing with border and immigration issues to share and foster the concept of IMB and the implementation of the CIRAM at MS level.</p> <p>The action is linked to the Internal Security Strategy (ISS) and will facilitate MSs authorities work in establishing a common risk analysis.</p>	SG 4		April/May/June	<p>Contributing to the development of Common Risk Analysis at the EU level.</p> <p>KPI: Dissemination of outcomes of the workshop</p>		
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1.3	To present the findings of the Annual Risk Analysis (ARA) to the COSI in preparation of future policy cycle on the threat of illegal migration.	Frontex	All MS	The ARA describes the threats related to illegal migration, ranging from facilitation to illegal border crossing to illegal border crossing to visa abuse, as well as other relevant cross-border crimes detected at the external borders.	SG 4	2.1	March/April	Provide EU decision makers with comprehensive risk analysis dealing with the threat of illegal migration. KPI: Presentation of the Annual Risk Analysis (ARA).		
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Strategic Goal 2: To use the intelligence picture and risk analysis for more effective and cost-efficient border control, investigation and prosecution at the external borders and within the EU territory.										
2.1	Based on the outcomes of the risk analysis under Actions 1.1 and 1.3, MS concerned will develop High Impact Operations (HIO) along the main routes of illegal immigration, in particular towards IT from TR, EL and the Western Balkans in line with the EU acquis, notably the Schengen Border Code	IT ⁷	UK, SI, Relevant MS	1/2-week HIO consisting of joint or coordinated patrolling + debriefing activity at main Italian Adriatic ports and at IT/SI land border. Experience and information gathered during these HIO will be used for the development of the TRA on secondary movements of illegal immigration to the EU (see Action 1.1). Other possible locations to be targeted in a second stage will be based on the outcomes of the aforesaid TRA.	SG 1, SG 4	1.1	1 st phase: 1-2 weeks in April/May 2 nd phase: 1-2 weeks in October/November, based on the outcomes of the TRA on secondary movements of illegal immigration to the EU.	Detect illegal migrants. Identify/prosecute/disrupt organised immigration crime groups. Collect and analyse information for intelligence and investigation purposes. KPI: Number of HIO		

⁷ Frontex is leader for any possible operations at the external borders.

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2.2	Operation FIMATHU focusing on facilitated illegal border crossings at HU-RS section of the EU external border and consequently on the illegal immigration channel starting from TR and proceeding through EL, the Western Balkans into HU, AT and other MS.	HU, AT and Frontex	Europol, PL, SK, RS	It consists in a joint analytical and investigation team of HU and AT central investigation bodies, supported by Europol Checkpoint AWF (Thunder Focal Point), focusing in OCGs active along the illegal immigration route of TR-EL-FYROM-RS-HU-AT. RS authorities cooperate in the project.	SG 1, SGs in priority B	1.1, 2.1, 2.3	Coordinated day of action in the 2 nd and 3 rd quarter, based on operational meeting planned for Dec 2011. Application for ISEC funds in the 1 st quarter. Analysts meeting in Budapest or Wien in the 1 st semester. Participation in Thunder FP operational meetings to be planned by Europol.	Collect and analyse information for intelligence and investigation purposes. Detect illegal migrants. Identify/prosecute/disrupt organised immigration crime groups. Enhance operational cooperation between MSs and with RS. KPI: Number of arrests / detected illegal immigrants		
2.3	MS provide to AWF-Checkpoint intelligence from domestic investigation on OCG known to be operating using South-Eastern Europe routes to identify the main facilitation organisations.	Europol	All MS	Checkpoint AWF (in particular Poseidon FP) will be fed with information and data resulting from investigation.	SG 1	1.1, 2.2	Whole year	Identify, prosecute/disrupt OCGs involved in facilitated illegal immigration. Increase number of (common) action days and number of arrests. KPI: Number of contributions to AWF Checkpoint		

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								Number of action days		
								Number of arrests		
Strategic Goal 3: To enhance the measures to tackle smuggling of minors including implementing the EU action plan on unaccompanied minors and the cooperation with third countries.										
3.1	To organise a workshop aimed at sharing national experiences and best practices on how EU Action Plan has been implemented, in particular in the field of returning minors.	EC, Europol, CEPOL	All MS, Frontex, and other relevant EU Agencies and International Organisations.	Workshop shall take into account the results of the 2011 studies and seminars. Special focus will be dedicated on returning unaccompanied minors.			September	Best practices are exchanged and authorities/agencies awareness is raised on the phenomenon of unaccompanied minors, particularly on the return procedures. KPI: Workshop organised and dissemination of its outcomes.		
Strategic Goal 4: To improve the effectiveness of inter-agency cooperation at EU, bilateral and national level including by enhancing vertical and horizontal information exchange.										
4.1	Operational meeting(s) of relevant regional ILOs and LOs including those working in neighbouring third countries, to exchange information about current routes and organised immigration crime.	Acting EU Presidency, Europol, Frontex	Relevant MS	Knowledge of ILOs/LOs used in EU level risk analysis to improve knowledge of illegal migration flows from/through Turkey, Russia, Ukraine and Africa.	SGs in priority B and priority F		May to October ILOs/LOs meetings could be organized in Turkey, Russia and Africa.	To enlarge the intelligence picture on illegal immigration at EU level. KPI: Number of meetings organised Operational Outcome of meetings		

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4.2	Notification by Eurojust of the relevant coordination meetings related to illegal immigration to Europol (AWFs/Focal Points).	Eurojust	Europol, Relevant MS				Whole year	<u>With the agreement of MS involved in a particular case at Eurojust, Europol's presence will be requested at the coordination meeting</u> KPI: Europol's presence at coordination meetings		
Strategic Goal 5: To make full use of innovative and efficient administrative procedures to disrupt organised crime group/facilitators that abuse vulnerabilities and legal proceedings for their criminal activities.										
5.1	To carry out a day of action to establish the levels of cash being repatriated to source countries for illegal migration.	UK	Europol, Relevant MS	Participating MS, where legislation allows, to target flights to high risk destinations where intelligence supports the presence of OC groups involved in facilitating illegal immigration. AWFs Checkpoint and Sustrans will be used.			February/June Identification, in agreement with participating MS, of a destination country to target. Understanding legal instruments/obstacles to achieving that goal, based on a questionnaire prepared by the UK and on a meeting with Europol and participating MSs (to be held prior to June). A day of action to be established for October/November 2012	To determine the extent to which passenger luggage is used to repatriate money (cash) to source destination countries for illegal migration. KPI: Number of action days / locations		

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5.2	Follow up activities of COSPOL VOIC focused on illegal migration of Vietnamese nationals.	UK, HU	Europol, PL, SK, DE	Three-year project about Vietnamese organized crime in Europe, especially in the field of illegal immigration and related criminal activities.	SG 1, SG 2, SG 4	1.1	<p>January to August</p> <p>Study visit in VN in the 1st semester.</p> <p>Study visit in US in the 1st semester.⁸</p> <p>Checkpoint AWF (Twister FP) operational meeting in the 1st semester.</p> <p>Coordinated day of action in the 2nd quarter (one will take place within the end of 2011).</p> <p>Case officers' meetings in the 1st and 2nd quarter.</p>	KPI: Outcome of action days		
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⁸ The proposed study visits to Vietnam and the USA would need to be financed by the participating MS. Europol is not in position to finance this. COM underlines that ISEC can only fund activities related to the EU internal security, not outside EU territory. UK is content for the proposed study visits to stay in, so long as there is genuine business need for these and the Member States engaged in these are able to fund them (if funding for these is not already budgeted for within the existing VOIC budget).

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Strategic Goal 6: To enhance cooperation at bilateral and European level with third countries in particular with relevant illegal immigration sources and transit countries.										
6.1	To restart the SAHaraMED project ⁹ , aiming at improving the capacity of Libya in controlling and managing land and sea borders.	IT	EC, IOM, EL, Frontex	This project intends to improve Libya's capacity to: <ul style="list-style-type: none"> - prevent and manage irregular migration flows at southern borders and along the internal routes from the South to the coast; - investigate and prosecute smuggling of migrants and THB networks; - efficiently deal with apprehended migrants, providing assistance and humanitarian protection to vulnerable groups. 			Whole year	KPI: Status of the project		
							Activities and timeframes will be redefined in cooperation with the EC, taking into account the developments of the situation in Libya, possibly within the end of 2011.			

⁹ The project, started in February 2010 and co-financed by the EU, has been suspended due to the Libyan crisis. Contacts between the European Commission and Italy are going on with the purpose of re-orienting and restarting the project, as soon the situation in Libya will allow that.

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6.2	In the framework of EUROSUR, to launch “Seahorse Mediterraneo” project ¹⁰ , to setup a sure satellite communication network between the countries of the two shores of the Mediterranean Sea. <u>(to be confirmed: ongoing contacts with Spain).</u>	ES, in cooperation with EC, IT, MT	MS concerned involved in EUROSUR, DZ, TN, LY, EG.				Whole year The launch of this project is subject to the adhesion of at least 2 third countries (out of DZ, TN, LY, EG).	KPI: Established connections		
6.3	To elaborate possibilities to establish an updated list of technical assistance project/actions (EU/MS) on-going in North Africa and Middle-east relevant for the fight against illegal immigration.	EC	All MS	A map on existing projects (whether capacity building, technical, returns or training – EU funded or bilaterally) will be set up, avoiding duplication with any similar initiatives.			March/April	A better picture on the actions carried out in the relevant third countries, that can help MS and other actors in planning their future actions. KPI: The list of actions established.		

¹⁰ The participation of the North African countries in the project has not been confirmed yet. The project is co-financed by EU.

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Strategic Goal 7: To contribute to and make full use of the existing and future EU tools in the fields of external border management, immigration and law enforcement such as EU databases, networks, information exchange systems and funding programmes.										
7.1	Gathering intelligence on illegal migration OC groups from the EUROSUR big pilot project.	Frontex	PL, IT, FI, FR, SK, ES, Europol.	Workshop for the initial NCC participating on the use of MS shared-intelligence on OC through the EUROSUR network at a EU level (Frontex), based on the initial intelligence shared in the first half of 2012 by MS.			Whole year Workshop to be held in October or November.	KPI: Evaluation report		
7.2	E-learning tool to share experience on the use of VIS at EU and MS level for the purpose of fighting illegal migration.	CEPOL	Frontex, EC, Relevant MS	Training for police officers and border guards will be provided, by taking advantage of the Cepol e-learning tool.			November/December	Awareness is raised especially amongst police officers on the possibilities offered by the VIS in the fight against illegal migration. KPI E-learning tool provided Number of "courses" via the tool		