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Subject: Guide for Joint Police Operations (JPOs)

Currently regular joint police operations are organised on a bilateral or multilateral level. There is, however, no overview of which operations are being planned and by whom, nor clarity on the procedure to be followed. As a consequence, a number of important actors are not always informed of these bilateral or multilateral operations even if they fall within their mandate and their participation could present an important added value.

In order to enhance the transparency regarding the setting up of such operations and thereby also their success, COSI gave a mandate to elaborate the Guide for Joint Police Operations (JPOs) (doc. 10928/10 JAI 530 COSI 37 ENFOPOL 162), which should contain:

- a procedure for selecting joint police operations;
- a preparation process of JPOs;
- models that can be used for the operations.

Following this mandate and the subsequent discussion at the LEWP meeting on 9 July 2010, several Member States as well as Europol, FRONTEX and the General Secretariat of the Council nominated their experts to participate in the drafting of the Guide for JPOs.

A highly valuable contribution to elaborate the Guide for JPOs was the approach followed by the Guide for Joint Customs Operations (JCOs) (8171/09 ENFOCUSTOM 38 + COR 1), currently revised. Nevertheless, the Guide for JPOs has also taken into account the specificities of the police services and working methods.

The draft Guide for JPOs, prepared by the experts at their meeting on 8 October 2010 and subsequently by email, was agreed by the LEWP on 17 November 2010.

Delegations will find enclosed the final version of the Guide for JPOs.

This Guide should become an essential instrument in the planning, carrying out and evaluation of JPOs. By providing a common basis for their planning and organisation, it should facilitate the cooperation between the relevant participants.

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I. INTRODUCTION

One of the political priorities defined by the European Council in the Stockholm Programme¹ is "Europe that protects", implying that security in the European Union should be further improved to protect the lives and safety of citizens of the EU and to tackle organised crime, terrorism and other threats. It also stipulates that the internal security strategy should be aimed at, *inter alia*, strengthening cooperation in law enforcement in order to make Europe more secure. The Internal Security Strategy for the EU² also underlines the need for a more effective European law enforcement cooperation.

One particular form of law enforcement cooperation are joint police operations, aimed at reinforcing internal security of the EU and preventing and combating crime.

The Guide for Joint Police Operations (JPOs) is to be regarded as a practical instrument, which should facilitate the organisation and execution of such operations. It should not be considered as a bureaucratic tool but rather, by providing a clear framework for arrangements between all the actors involved, it should facilitate the realisation of JPOs, in particular the cooperation between the relevant participants.

This Guide should be followed whenever a JPO is envisaged, in order to ensure the transparency of the planning of JPOs, the clarity of the procedures to be followed in the preparation process as well as in the execution and evaluation of JPOs.

If needed, the practical use of this Guide could be evaluated in 2 years after the approval by the LEWP in order to revise this Guide and further facilitate JPOs and/or to incorporate the best practices.

¹ Stockholm Programme - an Open and Secure Europe Serving and Protecting Citizens (OJ C 115, 4.5.2010, p. 1).

² Internal Security Strategy for the European Union: "Towards a European Security Model" (5842/2/10 REV 2 JAI 90).

The definition and the scope of joint police operations

For the purposes of this Guide, Joint Police Operations are defined as operations which have a clear EU dimension and are carried out by several Member States, while they are conducted in their respective territories, in general on the basis of the respective national law. JPOs refer to operational, coordinated and targeted measures of a limited duration. This also implies that the participating Member States ensure sufficient resources to execute the operations.

JPOs aim at reinforcing EU internal security according to the priorities set by the Council, COSI or LEWP with the overall objective to prevent, detect and tackle crime. Additionally, the JPOs encourage and intend to improve the effectiveness of operational cooperation between the law enforcement authorities.

JPOs, for the purposes of this Guide, do not cover local cross-border cooperation nor operations in connection with events in the field of public order, nor joint operations carried out within the mandate of FRONTEX. They do not cover joint investigations, but could lead to them, when appropriate.

Third countries, other administrations (e.g. customs) or external organisations (e.g. Interpol) can be involved in the organisation of JPOs if it is considered essential to fulfil the objectives of a JPO.

JPOs, conducted within the framework of existing networks of the Member States, such as TISPOL, AQUAPOL, RAILPOL, AIRPOL, EFE, vehicle crime experts, etc., should also follow this Guide.

II. PROCEDURE FOR SELECTING JOINT POLICE OPERATIONS

The following guidelines, which are to be taken in account when selecting JPOs, are not aimed to limit any considerations for joint police operations, instead they provide common selection criteria:

- JPOs are ideally organised on the basis of the priorities defined by the Council, COSI or LEWP;
- JPOs are aligned with the multi-annual EU policy cycle for organised and serious international crime and any other EU policy cycles if adopted at a later stage;
- JPOs are based on risk assessment, which provides a clear definition of the objectives of the joint operation;
- JPOs can also be based on and encouraged by the results of the evaluation of previous joint operations.

III. MANAGEMENT OF JOINT POLICE OPERATIONS

Preparation of the proposal for a joint police operation

1. As a general rule, each operation is assigned to the law enforcement authority of the Member State which volunteers to act as a leading Member State for a JPO. JPOs can also be implemented within the framework of existing networks of the Member States, such as TISPOL, AQUAPOL, RAILPOL, AIRPOL etc. In this case one Member State in that network acts as the leading Member State.
2. The leading Member State, assisted (when needed) by the relevant EU agencies as well as different networks operating under the auspices of the LEWP, presents to LEWP preferably one year in advance (with the exception of urgent operations) the proposal for a JPO for discussion and approval.

3. In order to avoid duplication or conflicting operations, the proposal for a JPO takes into account any other relevant operations in other groups. It is also ensured that the different proposed JPOs are staggered to avoid overburdening of staff and facilitate the coordination with entities/structures such as CCWP, COSPOL projects, Europol, Eurojust, FRONTEX, European Commission, in line with the Coordination Mechanism for joint operations¹.
4. The proposal for a JPO is prepared in a format containing the details of the JPO. A model proposal for a JPO specifying the items to be included in it is attached to this Guide (Annex 1).

Operational plan of a joint police operation

5. Following the presentation and approval of the proposal for a JPO at LEWP meeting, the operational plan for a JPO is drawn under the responsibility of the leading Member State. The operational plan sets out the background and the aims of the operation as well as all the relevant practical details. A model specifying the items to be included in the operational plan is attached to this Guide (Annex 2).
6. In order to make the operational objectives of a JPO measurable for evaluation purposes, these objectives are translated into concrete and measurable terms and activities in the operational plan. Criteria for assessing the results of the operation are also identified and a standardised format for providing data regarding the operation is defined.
7. Even though co-financing of JPOs is not a prerequisite, efforts are made to obtain EU funding. In that case, applications for financing from EU funds are made by the leading Member State with the support of LEWP. The relevant representatives of the Member States are invited to support the planned joint operations in the agreed priority order at the competent finance committee meetings.

¹ 13077/2/10 REV 2 COSI 54 ENFOPOL 230 ENFOCUSTOM 73 FRONT 123.

8. When intending to apply for EU funding, the operational plan also includes an expenditure budget: the running costs of coordination units in connection with room hire, communications, the costs of briefing and debriefing meetings (when required) and other costs.
9. Appropriate level of confidentiality of the operational plan is ensured, and it is not published. Only the proposal for a JPO is included in the collection of Council documents.

Coordination and communication between the participants of a joint police operation

10. In the management of a JPO, the leading Member State acts as coordinator. If necessary, it sets up an appropriate Coordination Unit (CU) for a JPO. When setting up the CU, account is taken of the nature and scope of a JPO. The role and operational parameters of the CU are laid down in the operational plan.
11. The choice of the most appropriate communication system for communication between the operational headquarters and national contact points and Europol for each JPO is agreed by the leading Member State and the participants of the operation.
12. As a general rule, JPOs are organised without briefing and debriefing meetings. Only JPOs which follow new approaches or which are of a complex nature as regards their implementation require briefing and/or debriefing meetings. The leading Member State is responsible for determining the need for such a meeting and explains it in the proposal for a JPO as well as in its operational plan. In that case, a briefing meeting is ideally held 6-8 weeks ahead of a JPO.

13. The leading Member State is responsible for notifying the participating administrations and organisations of the forthcoming operation. To enable the participants to prepare themselves for the implementation of a JPO, it is necessary that the general information on the duration and the anticipated month of a JPO is provided beforehand. To ensure confidentiality, the final start and end dates of a JPO are announced at the latest possible stage, taking into account the time necessary to prepare at local operational level. If no briefing is held, the leading Member State ensures that this information is communicated in some other way. Confidentiality is guaranteed at all times.
14. To facilitate communication, participating Member States can delegate contact officers to be included in the CU. They can act as regional contact officers, representing the interests of the Member States that do not delegate their own contact officers, if so desired and as far as possible.
15. Non-EU law enforcement authorities as well as other relevant organisations may be invited by the leading Member State to take part in a JPO upon the approval of LEWP. They may be invited to attend possible briefing and debriefing meetings related to operations in which they are involved.

Evaluation of a joint police operation and final report

16. The leading Member State is responsible for drawing up the final report to LEWP after the completion of the JPO. A model final report is annexed to this Guide (Annex 3).
17. The leading Member State collects data on the activities carried out by the participants. Particular attention is paid to the operational results of a JPO. The capacities used in the operation (such as human resources, materials and equipment) are also described. Data are provided in a standardised format as set out in the operational plan in order to make it possible to analyse them.

18. The final report on a JPO includes an evaluation whether its aims and objectives were achieved, any difficulties encountered, lessons to be learned and an assessment of the added value and usefulness of the operation (including its cost efficiency). In addition, the report contains recommendations for possible future improvements or best practices and whether or not further action is required.
19. As a basis for the final report, the participants send national reports to the leading Member State within a fixed time limit, at the latest one month after the end of the JPO. The structure of national reports is laid down by the leading Member State and is agreed upon by the participants.
20. The final report is drawn up, and the debriefing is held (if necessary) within three months after the end of the JPO.
21. Once the final report has been agreed by the participants, it is submitted to the Presidency of LEWP by the leading Member State, at the latest within four months after the end of the JPO. LEWP is then invited to approve the recommendations contained in the final report.
22. LEWP monitors whether participating countries implement the recommendations emanating from JPOs carried out in the previous year and take them into account in the planning of future operations.

ANNEX 1: MODEL PROPOSAL FOR A JOINT POLICE OPERATION

This model is intended to ensure that proposals for new JPOs are presented in a way that facilitates appropriate decisions.

The proposal for a JPO is structured as follows:

1. Introduction
2. Justification and description of a JPO
 - relation with the priorities set by the Council and the EU policy cycle(s)
 - reference to conclusions and recommendations from previous JPOs, where appropriate
 - intelligence-led basis (threat assessment and risk analysis; relation to Europol's Analytical Work Files (AWF) if available and relevant)
 - expected participants
 - objectives (strategic and operational) and indicators for evaluation
 - procedures and proposed way of implementation
 - preparation (including the need for briefing/debriefing meetings)
3. Forecast costs of a JPO
 - expenditure
 - financing
4. Reporting procedures

ANNEX 2: MODEL OPERATIONAL PLAN

As soon as a proposal for a JPO has been adopted, this model is used to formulate the operational plan for the operation. It should be structured as follows:

1. Background and context of a JPO, including reference to the proposal for a JPO and, where appropriate, to the conclusions and recommendations from previous JPOs
2. Code name of the JPO
3. Legal area/types of offences targeted by the operation
4. Type of operation and activities to be carried out (controls in specific areas (e.g. sea, air, land), data collection, etc.)
5. Standardised format for collection of data regarding the operation
6. Information on (risk) analysis (e.g. AWF) and threat assessment
7. Details of practical arrangements
 - expected participants (specifying the competent authorities, organisations and administrations);
 - officer in charge of the operation;
 - geographical area covered by the operation;
 - duration of the operation;
 - classification of the risk for the selected targets;
 - role and operational parameters of the coordination unit (CU);
 - arrangements for the communication between the participants;
 - need for briefing/debriefing meetings;
 - working language(s) (preferably English);

- arrangements for dealing with media;
- expenditure budget (when applying for EU funding), including the running costs of coordination units in connection with room hire, communications, the costs of briefing and debriefing meetings (when required) and other costs.

Annexes containing the list of contacts of participating countries and other organisations as well as any other practical information (e.g. accommodation in the case of movement of personnel) can be included and updated as needed.

ANNEX 3: MODEL FINAL REPORT

This model is intended to ensure appropriate evaluation of the operation. It does not prevent the possibility to provide additional information when needed.

The final report should be structured as follows:

1. Background of the JPO, general description and operational methodology
2. Leading Member State of the operation and coordination structure
3. Participating countries, authorities and/or organisations
4. Objectives of the operation
5. Summary of the operational results (based on indicators) and statistics
6. Costs (coordination unit (CU), briefing/debriefing meetings, special equipment, etc.)
7. Evaluation of the operation:
 - level of realisation of the aims and objectives of the JPO;
 - general assessment, including the analytical results, the added value and usefulness of the operation (including its cost efficiency) as well as difficulties encountered and lessons learned;
 - recommendations for possible future improvements or best practices and/or further action.