COUNCIL OF
THE EUROPEAN UNION

Brussels, 3 October 2005

10180/4/05
REV 4

LIMITE
CRIMORG 56
ENFOPOL 75

NOTE
From: Presidency
To: Council
Subject: Council conclusions on intelligence-led policing and the development of the Organised Crime Threat Assessment (OCTA)

1. Delegations will find in the Annex, Draft Council Conclusions on intelligence-led policing and the development of the Organised Crime Threat Assessment (OCTA). The Draft Council Conclusions have been revised on the basis of the discussions in the Multidisciplinary group on organised crime on 1 July and 9 September and in the Article 36 Committee on 21 September 2005 and taking into account views expressed in the Europol Management Board on 12 and 13 July 2005. Further revision took place after the Coreper meeting of 29 September 2005.

2. Following discussions at the Article 36 Committee, the text has been amended to take on board the key concerns expressed by Member States. Paragraph 2 has been revised to add clarity at the request of one delegation. Paragraph 5 includes the suggestion of a number of Member States that the production and analysis of the OCTA should include some comparative statistical analysis. Paragraph 8(d) has been revised to include a new sentence responding to the concerns of Member States that the OCTA should focus on organised crime. The Presidency has inserted the proposed timetable in a new paragraph 10, bearing in mind the concerns of some Member States that they would find it difficult to respond to Europol by a deadline of the end of October.

3. The Presidency invites Council to adopt the attached draft Council Conclusions.

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DRAFT COUNCIL CONCLUSIONS ON THE ORGANISED CRIME THREAT ASSESSMENT AND INTELLIGENCE-LED LAW ENFORCEMENT

Considering the Hague Programme and in particular section 2.3 which calls upon Europol to replace its Crime Situation Reports by threat assessments on serious forms of organised crime with effect from 1 January 2006,

Building on the work done, in particular under the Luxembourg Presidency but more widely, to examine the way in which the structure of and response to the EU organised crime report may be improved,¹

Considering the action plan to implement the Hague Programme which was agreed by the JHA Council on 3 June 2005,

The Council concludes:

1. From 1 January 2006, Europol will produce an Organised Crime Threat Assessment (OCTA) in place of its annual Organised Crime Situation Report. This will support the further development of a common intelligence model, by Europol and the Member States. Europol with the Heads of Europol National Units will continue to give this detailed consideration.

2. For the OCTA to be successful, the Council agrees on the importance of Europol issuing, in good time, to Member States, an Intelligence Requirement which will give Member States a clear indication of what information and criminal intelligence Europol needs. The intelligence requirement will be approved by the Europol Management Board. The intelligence requirement will be issued through the Heads of Europol National Units. The national experts previously involved in the production of the Organised Crime Report (OCR) should be used to facilitate and instigate the transmission of information and intelligence in accordance with the intelligence requirement of the OCTA.

¹ In particular relating to document 6371/05 CRIMORG 12 LIMITE.
3. Member States should respond to that Intelligence Requirement. Member States should send a structured response to Europol by a deadline to be determined by Europol in consultation with the Council. In addition, Member States should, insofar as is possible, send criminal intelligence to Europol, responding to that Intelligence Requirement as that information arises on an ad hoc basis throughout the year.

4. Europol will also communicate that Intelligence Requirement to EU agencies and bodies and to third countries and agencies with which it has co-operation agreements. The Council urges all those agencies and bodies, particularly those which are agencies or bodies of the European Union, to respond positively to that Intelligence Requirement and to support Europol.

5. Europol will consequently produce the OCTA using the information and criminal intelligence it receives from Member States, from EU agencies and bodies, particularly Eurojust, from third countries and agencies with which Europol has co-operation agreements, from information and analysis drawn from the Analysis Work Files held at Europol and from any other information that is available to Europol that is pertinent and may assist with the identification of threats from organised crime to the Member States of the European Union. As far as possible, Europol will make use of relevant comparable national statistical data in drawing up the OCTA.

6. Europol will be responsible for changing its internal processes prior to the 1 January 2006, so as to be able to produce an effective OCTA in the Spring of 2006. The Management Board of Europol will ensure that any changes are made that may be necessary within Europol.

7. Building on this framework, Europol in conjunction with the Member States will set out the detail of its proposals for the production of the OCTA, including the form of the structured response and content of the Intelligence Requirement. That methodology will be annexed to these Council conclusions but will be adapted, revised and improved as necessary.
8. a. The Heads of Europol National Units with the support of national experts, will assist Europol with ensuring the accuracy of the OCTA during its production.

   b. The findings presented in the OCTA will be and will remain Europol’s independent assessment of the nature of the organised crime threats facing the Union. Europol should present the OCTA to the Council.

   c. The appropriate Working Parties (especially the Multidisciplinary group on organised crime) will prepare recommendations on strategic priorities on the fight against organised crime, taking into account the advice of Eurojust on the priorities. The Council will consequently adopt strategic priorities on the basis of the OCTA.

   d. The OCTA and the strategic priorities adopted by the Council will be used by Europol to guide the definition of Europol’s work programme and strategic planning for Europol. The OCTA will also be used as a tool by the Council to adopt the strategic priorities that other appropriate agencies and bodies at EU level engaged in the fight against crime, (...) in particular the Police Chiefs Task, will take forward. As appropriate the OCTA may also inform the Council’s wider work on the fight against terrorism, in particular the links between organised crime and terrorism.

9. The OCTA and the strategic priorities adopted by the Council will guide the Police Chiefs’ Task Force to assist with planning its priorities and operational activity for the COSPOL strategy or any other operational strategy the Police Chiefs’ Task Force may take forward. Member States should, alongside other national considerations, take account of the OCTA and the strategic priorities adopted by the Council in planning their individual and joint responses to the threats they face from organised crime.
10. Each year, Member States should send their structured responses to Europol by the end of October so that in the Spring (March, or if possible earlier) of the following year Europol would produce the Organised Crime Threat Assessment and by the end of Spring (May, or if possible earlier) the Council will have adopted the strategic priorities for the fight against organised crime. The overall timetable for the production of the OCTA will be reviewed regularly with a view to improving the procedure. In 2005, however, due to the new process being introduced, exceptionally the deadline for sending structured responses to Europol will be extended to 30 November. Europol will produce the first Organised Crime Threat Assessment by April 2006 (or if possible earlier) and the Council will adopt Conclusions setting out strategic priorities by June 2006 at the latest.

11. This process should contribute to the goal of setting up and implementing a methodology for intelligence-led law enforcement at EU level.

12. Member States will assist with the preparation of the Intelligence Requirement for each organised crime threat assessment and will help with the identification of what further information and criminal intelligence Europol may need. This will allow Europol to adjust the Intelligence Requirement accordingly.

13. The goal of setting up and implementing a widely used and common methodology for intelligence-led law enforcement at EU level must be further enhanced through concerted and co-ordinated action by all bodies and agencies of the European Union involved in these efforts, as well as the Member States, and must be sustained over a longer period of time. The Council notes and welcomes the Commission's intention to bring forward proposals, prepared in co-operation with the relevant bodies and agencies, as well as the Member States, for further action in this area during 2006.

14. The process outlined and the OCTA will be evaluated regularly with a view to improving the quality of the OCTA and its usefulness to the Member States.