



## Experience of the Europol cooperation

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### Abstract

**Aim:** The aim of the article is to present the practical experience of cooperation between Europol, which plays a key role in international criminal cooperation, and Hungary.

**Methodology:** The author collected knowledge about the operation of Europol and its investigative support services by studying the available EU legislation, and by working as the Head of the Hungarian Liaison Bureau at Europol, as well as by carrying out the tasks of the former expert in the cyber-attacks priority and the deputy national EMPACT coordinator.

**Findings:** Europol's system of cooperation with the Member States and operational and strategic partners provides the law enforcement agencies of the countries concerned with an opportunity that no other agency, institution or organisation can offer. In addition to supporting specific investigations, the institutional system also provides countries with IT, strategic and financial support.

**Value:** The article aims to provide a practical and comprehensive overview of the state of cooperation with Europol, to give a deeper insight into the day-to-day work of the law enforcement and judicial authorities and to provide the interested reader with contextualised insights into the steps and processes involved.

**Keywords:** Europol, EMPACT, SOCTA, SIRIUS

## Europol's activities in support of investigation

Europol's main task is to support and assist the law enforcement agencies of the Member States in the case of criminal offences falling within its mandate.<sup>1</sup> In order to achieve this objective, the EU agency has a wide range of tasks, including the operation of a network for rapid, encrypted communication between law enforcement agencies of Member States and cooperating non-EU countries and other cooperating organisations, and its application SIENA, the regular production of operational and strategic reports, operational and capacity building workshops, the organisation of conferences, and the provision of a forum for countries in the field of innovation.

In Hungary, the police, the National Protective Service, the Counter-Terrorism Centre and the National Tax and Customs Administration cooperate on a daily basis with law enforcement authorities of EU and non-EU countries on international criminal matters, with regular support from Europol. The Agency is increasingly indispensable not only for cooperation with European countries but also with countries further beyond.

Among Europol's services, SIENA is the one most frequently used by domestic law enforcement agencies. The application, which has a similar interface to a mail system, allows Member States and partners to exchange criminal or strategic data. After successful completion of the attendance training provided by Europol or pre-trained trainers from the countries, the user's departmental account is created and the staff members can then send and receive requests and information concerning their department. At present, the national law enforcement agencies have 89 units that can participate in international cooperation on SIENA. By using the application, they can quickly obtain meaningful information that can effectively support their investigations.

In addition to running the application, Europol can support its partners by providing analysis as its core activity. In the field of analysis, a distinction can be made between operational and strategic reports (URL1). Operational reports are related to a specific case or group of cases and can be hit reports, cross-check reports, more complex case analyses, as well as more in-depth analyses of a broad group of cases. In terms of day-to-day work, cross-checks materials are the most common and are of great help in the initial stages of case detection.

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<sup>1</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA.

A good example of this is when the investigating agency has a case of a series of offences which, based on experience, may involve several countries, and the identifiers are checked by sending a request to Europol via SIENA, which checks the database and sends back a reply indicating the country in which the identifier was found, the procedure in which it was found and, if applicable, the other countries involved ([URL2](#)). Naturally, the checks in the Europol database must take into account the handling codes for the data shared by the countries and partners, which must be taken into account before Europol can feed back.<sup>2</sup>

In the case of more complex cases, Europol's analysis project for a given type of crime can also carry out a more in-depth analysis, during which it carries out a substantive analysis of the case or group of cases, and as a result not only establishes consistency with previously entered data, but also makes specific recommendations for obtaining further data and establishing links between entities. This type of material is resource-intensive, so Europol examines the priorities of the cases and requests received, and prioritises the activities to be carried out. In addition to the prioritisation carried out by the Agency, the liaison bureaux have the possibility to indicate which cases they consider to be of especially high priority, so that the analysis project will carry out its analysis in the light of the needs thus received.

As regards the other type of analysis, it can be noted that strategic analyses have become increasingly important in recent years. Strategic reports provide a comprehensive overview of the crime situation and challenges in a given crime area, and often include recommendations on how to address them. Among the strategic reports produced by Europol, the SOCTA ([URL3](#)), which is produced every four years in line with the EMPACT cycle, the TE-SAT ([URL4](#)), which summarises the latest developments in the fight against terrorism, and the IOCTA ([URL5](#)), which is produced annually and presents the state of cybercrime, are noteworthy. This type of material is typically produced following a deep and extensive data collection, based on a defined methodology, typically in three different formats, depending on the scope of the insight. They can be open, accessible to anyone without restriction on Europol's website ([URL6](#)), accessible only to law enforcement authorities and usually transmitted through SIENA, and also accessible only to law enforcement authorities but transmitted through classified SIENA. Such material provides a comprehensive picture of the area, enhances the skills of those working in the field, and gives decision-makers the opportunity to adapt resources to future contingencies. They can also be used to identify regions and countries facing the same challenges, to target them and

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2 Act CLXXX of 2012 on criminal cooperation with the Member States of the European Union.

to initiate closer, more coordinated action. In this area, a recent development is Europol's material on decoding organised criminal groups ([URL7](#)), a public version of which is available on the Internet, while another relevant development is the compilation of data to be provided by Member States and partners for the SOCTA report in the first half of 2024.

Beyond the analytical reports, Europol regularly organises operational meetings on ongoing cases of transnational high priority crimes, where national investigators can directly exchange information and identify lines of investigation and ways to bring perpetrators to justice. Importantly, where perpetrators commit their acts in more than one country, it may also be necessary to strengthen cooperation with judicial authorities, for which Eurojust can provide a very effective platform through its system of joint investigation teams.

In addition to the above, Europol's cryptocurrency analysis, malicious code analysis and forensic examination of seized data media, as well as its expertise in unlocking seized encrypted content, can also be relied upon, especially in the combating of cybercrime. The first step in applying for this type of support is that the case must be of high priority, international in nature and it must be evident that there has been international cooperation with other countries. In practice, this means that there should be a SIENA history of the case, which can be used as a reference to apply for the desired support. A good example is the case of forensic analysis of seized data storage media, in which a BitLocker encrypted tablet was seized, whose dataset could only be made accessible and decrypted by methods requiring more than a year of deep technical knowledge. This type of request should take into account Europol's limited capacity to respond to requests and should be requested when other methods fail or would clearly not be successful.

Of particular importance in the day-to-day work is the SIRIUS project ([URL8](#)), which aims to assist Member States and partners, especially in finding foreign service providers and in open source data collection. The SIRIUS project forum ([URL9](#)), available on Europol's thematic knowledge-sharing platform for law enforcement and law enforcement-related professionals, has collected and shared key steps and practical advice on how to contact the most frequently contacted service providers, as well as aspects of the voluntary and mandatory data request system that affect law enforcement agencies. The material on online service providers provides concrete assistance to investigators, highlighting email addresses, web interfaces where data requests should be sent and providing templates for their success. In the area of open source data collection, the platform provides a space for law enforcement agencies to publish small programs and scripts they have developed or are using and which others may find useful, and may then be downloaded and used by other agencies in their specific cases.

## The importance of EMPACT

Member States, recognising that the abolition of internal border controls and the development of technical capabilities have created a security deficit that can be addressed through effective international criminal cooperation, have made efforts to cooperate and carry out joint activities between law enforcement agencies of the countries (Hegyaljai, 2014).

Among the cooperation platforms, the EU instrument EMPACT (European Multidisciplinary Platform Against Criminal Threats) ([URL10](#)) stands out for its duration, complexity and effectiveness. From a practical point of view, the framework provides an opportunity for Member States and partners to work together to combat various forms of crime at both operational and strategic levels, in line with jointly agreed objectives ([URL11](#)).

A permanent EU instrument, with a history of more than ten years, the platform consists of successive four-year programming periods. The first step consists of a SOCTA report prepared by Europol, which, based on data provided by Member States and partners and following a detailed methodology, presents current trends, challenges and future expectations for priority crime types. The SOCTA report goes beyond the assessment of the situation to identify the key areas which will be taken into account in the second step of defining crime priorities. The report, together with the comments and suggestions of the Member States, will then be discussed in the high-level decision making process, which will finally establish the priorities for the most serious crime threats and the common horizontal strategic objectives for each priority, ensuring a coherent structure across the different areas ([URL12](#)).

From a practical law enforcement perspective, the third step is of particular importance, as it is at this point that Member State and EU experts in the respective fields determine the most effective tasks to be carried out to counter threats. The tasks are wide-ranging, including those of a comprehensive, analytical type, operational types targeting specific groups of criminals, those transferring knowledge to staff and building capacity, and preventive, awareness-raising operations.

Finally, the cycle is evaluated by an independent actor, who reviews the workflows, the tasks carried out and presents his findings in the form of a report. The evaluation helps to avoid errors that could be prevented, to present and learn from experience in a structured way and to work more efficiently overall.

Europol has a significant role in the Member State-led EMPACT system, as it is actively involved in the implementation and support of operational actions, in addition to providing a platform for strategic and operational coordination.

The Europol EMPACT Support Team should also be highlighted, as it is responsible for organising the main strategic discussions, coordinating the tasks based on applications from Member States and third countries, and monitoring and summarising the reports prepared per operational action, priority and common horizontal objectives (URL13).

For the four-year cycle 2024–2027, a total of ten priorities<sup>3</sup> have been identified, involving around 300 operational actions (URL14). Each priority is driven and co-driven by individual Member States on the basis of a voluntary application and, following approval at EU level, by the leaders and co-leaders of each operational action, who are given additional responsibilities by their own initiative and according to their capacities. In addition, Member States and partners interested in the task may join as participants in the defined operational actions. Tasks are coordinated at Member State level by national EMPACT coordinators – EMPACT coordinators for partners – while national experts represent countries in specific priorities.

In Hungary, in line with the legal environment,<sup>4</sup> the police are involved in twelve priorities, while the National Tax and Customs Administration is involved in three priorities. The ORFK Instruction 42/2013 (XI. 8.) on the implementation of the tasks defined in the EMPACT Action Plan specifies that the designated experts of the National Bureau of investigation of the Rapid Response and Special Police Services (Készenléti Rendőrség Nemzeti Nyomozó Iroda, hereinafter: KR NNI) are actively involved in the police priorities, and that the national EMPACT coordinator for the domestic tasks is the Deputy National Police Commissioner for Criminal Matters, who is assisted by the expert designated by them. An annual action plan is drawn up for the implementation of the national tasks, which contains the tasks, responsibilities, contributors, persons invited to contribute and deadlines for each department, and an evaluation report is produced every six months on the tasks carried out.

Among the recent EMPACT-related achievements in Hungary, the operation MOZAIK 2023, which took place from 6 to 17 November 2023, with the participation of eight countries (Albania, Bosnia and Herzegovina, Northern Macedonia, Montenegro, Serbia, Slovenia, Croatia and Hungary) and coordinated by Europol, is worth mentioning. The action against online sexual exploitation of children

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3 High-risk criminal networks. Cyber attacks. Human trafficking. Sexual exploitation of children. Illegal migration. Drug trafficking: production, trafficking and distribution of cannabis, cocaine and heroin; production, trafficking and distribution of synthetic drugs and new psychoactive substances. Fraud, economic and financial crimes: online fraud schemes, excise fraud, intra-Community fraud through missing traders, intellectual property offences, counterfeiting of goods and currency, proceeds of crime, money laundering and asset recovery. Organised crime against property. Environmental crime. Firearms.

4 Act XC of 2017 on Criminal Procedure 34. §.

was carried out on behalf of the Hungarian police by the Investigation Division of the Cybercrime Department of the Criminal Service of KR NNI (hereinafter: KR NNI BSZ). The investigators carried out searches in 16 locations in a total of 11 proceedings for the crime of child pornography, during which they seized 78 criminal assets, identified 16 perpetrators and arrested one person, who was also taken to re-trial custody by the competent court. It is understood that the National Bureau of Investigation was notified by NCMEC ([URL15](#)), the US-based National Centre for Missing and Exploited Children, of the proceedings against the then 24-year-old man from Budapest, indicating his illegal activities. The data showed that the perpetrator shared sexually explicit images of children with his friends on several social networking platforms. In total, he sent 23 recordings to four people, as well as several depicting the abuse of or use of violence against children ([URL16](#)). In addition to investigating and proving a specific case, crime prevention content is usually published in connection with such cases in order to reach a wider audience and prevent child victimisation.

It is also worth mentioning that the Hungarian police regularly participates in Europol's international operations to eradicate exploitation for labour purposes, and thus, in addition to Eurojust, Europol and Frontex, it also took part in the operation held from 10 to 17 June 2023. Under the coordination of the Trafficking in Human Beings Division of the International Crime Department of the KR NNI BSZ, several state law enforcement organisations participated in the implementation of the operation. Accordingly, all the police headquarters of the counties (and the capital), the KR NNI, the police staff of the KR, the regional directorates of the National Directorate General of Aliens Policing (hereinafter: OIF), the employment supervision and labour protection departments of the county government offices took an active part in the week-long operation.

Several county police headquarters (in Baranya, Komárom-Esztergom, Szabolcs-Szatmár-Bereg) and the Trafficking in Human Beings Division of the KR NNI also successfully conducted arrests during the EMPACT week of action in ongoing investigations of trafficking and forced labour.

During the EMPACT week of action, the employment supervision and labour protection departments of the county government offices checked a total of 478 workers in 90 different locations. National Directorate-General for Aliens regulatory inspection departments checked 322 foreign nationals in 68 locations. During the EMPACT operation, the Hungarian authorities once again paid particular attention to the vulnerable situation of Ukrainian nationals displaced by the Russian-Ukrainian war.

More than 1,200 people participated in the EMPACT operation in Hungary, more than 3,900 persons, 1,410 vehicles, 1,015 locations and 4,100 documents

were checked, four men were interrogated on suspicion of trafficking and forced labour and eight victims of trafficking and forced labour were identified ([URL17](#)).

## **The main grant opportunities offered by Europol**

It can be seen that in cross-border cases, Europol's coordination and support can greatly facilitate successful detection and the dismantling of criminal organisations. In addition to the aforementioned, Europol also operates grant schemes which help Member States and participants create the personnel and technical conditions necessary for the investigation of cases involving several countries, since it is often not sufficient to cover the costs of operational meetings alone, and sometimes it is also necessary to purchase technical equipment.

From a practical point of view, the Low Value Grant (hereinafter: LVG) EMPACT applications for operational purposes are of particular importance ([URL18](#)). The popularity of this application option is demonstrated by the fact that, while only six applications were successfully submitted in 2017, 108 applications were submitted successfully in 2022 ([URL19](#)). In order to implement operations under EMPACT, law enforcement agencies from at least two Member States may submit an application for reimbursement of 95% of the eligible costs, with a minimum amount of EUR 3,000 and a maximum amount of EUR 60,000 ([URL20](#)).

At a detailed level, the activities eligible for funding are those necessary to implement the operational action included in the relevant EMPACT Action Plan. It is important that the cooperation of at least two member countries on a given matter must be substantiated by SIENA communication. One of the two Member States must be the lead applicant and the other the co-applicant, and the application must be submitted by the lead applicant, who is responsible for the implementation of the commitments, for the settling of accounts between the participants in the project and between the project and Europol. The co-applicant may be a non-EU country or a non-police organisation, provided that the organisation is included in the task plan.

Eligible costs include staff costs incurred in connection with the administration of the project, travel and accommodation costs, room rentals and catering costs for meetings, operational support costs, other costs and indirect costs. Operational support costs include technical, investigative costs, in particular forensic, laboratory analysis, translation, interpretation, IT services, monitoring of network communications, and the costs of external experts, as well as less demanded expenses for pointers, undercover purchases, informant's fees, witness protection and special equipment and tools. Indirect costs may represent



up to 7% of the total eligible costs, which are intended to cover general administrative, operational and office expenses. It is important to note that indirect costs are not covered by itemised accounts and can be automatically calculated on the basis of the financial forecasts ([URL18](#)).

The call for grant applications and the applicable forms are usually published on Europol's EPE platform in January of each year, and applications can typically be submitted until mid-November. The application can be submitted to the Europol National Unit which in the case of our country is the International Law Enforcement Cooperation Centre (Nemzetközi Bűnügyi Együttműködési Központ, hereinafter: NEBEK), International Crime Directorate, International Strategy Division or the Liaison Bureaux, and requires the support of the 'driver' of the relevant EMPACT priority. The application must also be accompanied by the annexes specified in the call for proposals. The evaluation of the application normally takes two weeks, after which the project can normally last up to six months.

Experience has shown that the LVG has a real potential to support international cooperation in the field of criminal justice, including the acquisition of GPS transmitters, drones, analysis workstations, data recovery and analysis tools, image and video recording equipment, staff costs for the administrative tasks of the project and a 5% co-financing of the maximum 7% indirect costs to be borne by the applicant. In addition, it is also useful that 80% of the eligible costs are transferred once the application has been awarded and the remaining amount after the financial closure of the project.

In the domestic context, the KR NNI has successfully applied for and acquired specialised technical tools on several occasions, supporting the detection of cross-border cases and ensuring that they can be used to more effectively tackle future challenges.

In addition to the LVG application option, the HVT/OTF (High Value Target / Operational Task Force) funding scheme, which in many ways is the same as the LVG, is also of practical importance. Importantly, the application documents and the eligible costs are nearly identical; the differences are in the grant applicants and the activities to be supported.

The concept is to focus Europol's analytical activities more on tackling criminal groups that pose a serious threat to Member States, by developing a process for identifying high-value targets. For the identified HVTs, Europol sets up operational teams involving the countries concerned in addition to the Agency. In order to effectively combat high threat groups in this area, an HVT/OTF support scheme has been developed, whereby those participating in the respective operational teams can apply for funding for activities related to the objectives of the OTF.

From a practical perspective it should be noted that both EMPACT LVG and HVT/OTF are capable of providing effective support to the Member States in the fight against serious and organised cross-border crime. As far as deciding which form of grant may be the most suitable, that is often determined by the limited number of operational working groups established.

## **The traineeship program of the Hungarian Police at Europol**

In many respects, the practical experience gained in Hungary includes the traineeship program at Europol, which has been in operation since 2006 and has already enabled the participation of more than 180 people. The essence of the program is that initially, in three-month and later in two-month rotations, member of the Hungarian Police travel to and participate in the work of the Hungarian Liaison Bureau at Europol, who can later use the knowledge they have acquired at home and contribute to effective international cooperation and the successful and timely investigation of cases.

The traineeship program is a detailed project of NEBEK, financed mainly by the EU Internal Security Funds and sometimes by the national institutional budget. Following the wide publication of the application opportunity for the traineeship program, NEBEK carries out a preliminary screening of the applicants on the basis of the documents received, followed by an oral interview, which will result in the selection of the next intake of participants. Almost all the main police units involved in international criminal cooperation have already delegated staff to the program, where they learn to use SIENA at a skill level and receive in-depth training in their area of expertise through training sessions with Europol and Eurojust ([URL21](#)).

The traineeship program is significant from a practical point of view, as in May 2024, a total of 89 units in the national SIENA structure with access to the network were participating, as well as several units with direct dispatch rights. The experience of the participants in the project and the contacts established ensure the necessary expertise and high professional standards.<sup>5</sup>

Other than the police, the National Tax and Customs Administration, as well as the Counter-Terrorism Centre have also conducted/continue to conduct traineeship programs, which have also contributed to the successful domestic processes.

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5 National Police Headquarters Instruction 25/2017 (VIII. 17.) on the implementation of Joint Instruction 23/2016 (IX. 15.) of the Ministry of the Interior and the Ministry of Justice on the procedure for cooperation and exchange of information using the applications of the European Secure Network operated by the European Police Office.

It should be further noted that Europol considers the Hungarian traineeship program to be a good practice for others to follow, and that several countries have recently begun similar initiatives. Hungary provides help to these countries through its experience and connections, which contributes to enhancing the good reputation of our country.

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ORFK utasítás

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