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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 8 November 2016
To: Standing Committee on Operational Cooperation on Internal Security
Subject: Summary of discussions

1. Adoption of the agenda

The agenda set out in 13873/16 was adopted with the addition of an information point by Finland.

2. Information exchange and interoperability

- a) Roadmap to enhance information exchange and information management, including interoperability solutions in the Justice and Home Affairs area¹
 - = Implementation
- b) High Level Expert Group on Information Systems and Interoperability (HLEG)¹
 - = Progress
- c) Evolution of the Schengen Information System (SIS): additional functionalities²

¹ Exceptionally, in the presence of the Schengen Associated States.

² This item is taken in the Mixed Committee format.

The Committee discussed the state of play of the implementation of the Roadmap. It was announced that on the basis of delegations' comments, a revised report (13554/1/16 REV 1) would be submitted to the Council on 18 November 2016. No comments were made on the contribution by the group of 13 most affected Member States (G13) together with Norway and Switzerland to the Roadmap (13777/16), which would be submitted to the Council for endorsement.

The Commission representative updated the meeting on the state of play of the HLEG's work and announced an interim report in December 2016 and a final report by June 2017.

The Committee also had a brief exchange of views on the basis of the Presidency's discussion paper for the Council (13770/16) about further measures to better feed and to fully implement and use various information exchange instruments and databases. A few Member States underlined the need for interoperability of EU information systems, while suggesting that the focus remain on what is feasible for all Member States and their 28 national information exchange architectures.

Regarding the evolution of the SIS, the Commission representative commented on the Commission's two-track approach, which would consist of a first package of legislative proposals on issues where consensus exists on 7 December 2016, and further proposals based on the outcome of the HLEG's work by June 2017. A discussion on the proposed approach followed with some specific suggestions on introducing a new SIS alert with further information on dangerous offenders and the possibility for short-term detention based on terrorism-related alerts.

3. Fight against terrorism³:

- **Implementation of the statement of the Members of the European Council of 12 February 2015, the JHA Council Conclusions of 20 November 2015, and the Conclusions of the European Council of 18 December 2015**

= State of play by the EU Counter-Terrorism Coordinator (EU CTC)

The EU CTC's representative presented the CTC's report, which contains a detailed description of recent and planned CT related activities as well as a shorter paper with recommendations for future actions (13627/16 + ADD 1). The report was drafted in consultation with the Commission, the EEAS, Europol, Eurojust, Frontex and FRA, eu-LISA and Interpol. Delegations were invited to send their comments on the report before 10 November with a view to presenting a revised version to the Justice and Home Affairs Council on 18 November 2016.

³ Exceptionally, in the presence of the Schengen Associated States.

Several delegations took the floor to comment on specific recommendations, notably on recommendations 6 (designation of a security service to cooperate with Europol) and 23 (importance of making a distinction between encryption and e-evidence). Greece and Italy also suggested updating the information related to hotspots.

– **Implementation of the Foreign Affairs Council (FAC) Conclusions of 9 February 2015 on EU CT external action**

= State of play by the EEAS

The EEAS representative informed the Committee about the implementation of the FAC conclusions of 9 February 2015, briefly going through the state of play for each priority country/region. He underlined that the need for coherence between internal and external work had never been greater, with the internal and external aspects of the Union's security more intertwined than ever.

The Presidency informed delegations that ministers at the JHA Council would discuss 'Information needs in counter-terrorism: views of competent authorities' with a view to further improving cooperation between intelligence agencies and law enforcement.

4. State of play of the EU Internet Forum and the Internet Referral Unit: information by the Commission and Europol

= Exchange of views

The Commission representative informed the Committee about the state of play of the EU Internet Forum and about the Ministerial Meeting on the Internet Forum, which would be held on 8 December 2016. At the Justice and Home Affairs Council on 18 November, ministers would be invited to express positions regarding the preparation of this ministerial meeting on the basis of Presidency note 13771/1/16 REV 1.

The Europol representative presented the state of play of the Internet Referral Unit and mentioned that it had opened a dialogue with several companies and had achieved a referral rate of 88.9 %. The IRU works on two main strands: prevention and investigation. Another of its aims is to establish a knowledge platform.

5. EU Policy Cycle:

– Independent evaluation EU Policy Cycle:

COSI took note of the interim report set out in 13606/16, which was presented by the Commission. The report includes interim conclusions regarding MASPs, OAPs, monitoring and evaluation, and the results and impact of the EU Policy Cycle. The final report, which would include final recommendations, would be ready by the end of January 2017.

– Funding issues:

The Committee took note of the state of play of the mini-call launched by Europol on 20 September 2016. Four applications were submitted (two for Facilitated Illegal Immigration and two for Trafficking in Human Beings) by the deadline and the total budget requested was EUR 345 880 of the EUR 485 640 available.

COSI agreed on the strategic guidance for future funding as proposed by the Presidency (13555/16), namely: to follow a two-track approach for awarding grants; to distribute the EUR 4 million budget for 2017 as proposed by Europol (1/2/1); to allow a certain degree of prioritisation for some OAPs under the traditional calls; and to disregard the 'first come, first served' approach for awarding fast-track grants. In this regard, the Committee also agreed on Europol's proposal (annex to 13674/16) to reserve 12 % or EUR 355 000 to provide the requested flexibility to prioritise certain priorities for funding. The Committee would revert to this topic in December to decide which OAPs would be prioritised.

The alternative to the first come, first served approach, which is to set a short deadline for the implementation of the action after submission of an application, was also agreed.

– 2017 Joint Action Days and results of the 2016 JADs:

The Committee took note of the overall results and evaluation of the 2016 JADs as presented by Europol (13857/16).

The Presidency announced that the results of Ciconia Alba would be presented at the Council on 18 November 2016.

The Committee agreed on the strategic guidance for the planning of the 2017 JADs based on the Presidency proposal set out in 13555/16, namely: the 2017 JADs would be composed of a series of smaller JADs combined with one large scale JAD, building on the experience gained from the 'Ciconia Alba' operation, and would prioritise illegal immigration, trafficking in human beings, drugs (in particular synthetic drugs), cybercrime, firearms, organised property crime and excise fraud.

6. EU-PNR (Passenger Name Record) Directive: State of play of implementation: information by the Commission

The Commission informed the Committee about a series of initiatives to advance the implementation of the PNR:

- additional funding (subject to approval),
- an implementation plan by the end of November 2016 with indicative milestones and dates to promote progress⁴,
- a forum under the aegis of the Commission allowing Member States to share experiences. It had met twice, on 1 June and 28 September, and would meet again on 12 December 2016.

Delegations taking the floor welcomed the Commission's initiatives and involvement and referred to some implementation challenges which require further coordination and on which the Council should be informed (13836/16). Both the Hungarian and Netherlands delegations reminded the Committee about their own initiatives in relation to the implementation of the PNR Directive.

Some delegations asked for a simplification of procedures, with one single forum to ensure proper follow-up.

7. Europol report 'Geographical hotspots for crime in the EU': presentation by Europol

The Committee took note of the Europol report 'Geographical hotspots for crime in the EU' as set out in 13304/16 (EU RESTRICTED/RESTREINT UE) and encouraged actors involved in the EU Policy Cycle to use this document in the preparation of the 2017 JADs.

⁴ 15087/16

8. Any other business:

- Heads of JHA Agencies meeting on 14 November 2016
- Preparation of the JHA Senior Officials meeting EU-OIPC Interpol, 28 November 2016

The Committee took note of the agenda of the meeting of the Heads of JHA Agencies, which would be organised by the Fundamental Rights Agency (FRA) on 24 November 2016, and the agenda of the JHA Senior Officials meeting EU - OIPC Interpol (14546/16), which would be organised on 28 November 2016.

- Conference

The Finnish delegation informed the Committee about a conference on strengthening the role of freedom, security and justice actors in crisis management through the implementation of the EU Global Strategy which would be organised by the Finnish Ministry of the Interior and the Swedish Ministry of Justice in February 2017.
