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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 19 December 2016
To: Delegations

Subject: Standing Committee on Operational Cooperation on Internal Security
(COSI)

1. Adoption of the agenda

The agenda set out in 15548/16 was adopted with the addition of an information point by Denmark under 'Any other business'.

2. Renewed EU Internal Security Strategy: state of play of the implementation¹

15277/1/16 REV 1

The Committee took note of the state of play of the implementation of the renewed EU Internal Security Strategy. The Spanish delegation suggested following the example of the annex on terrorism for other topics such as PNR. No other comments were made by Member States.

The Commission representative announced that the "Third progress report towards an effective and genuine Security Union" would be published by 21 December 2016 and would focus on fighting terrorist financing. Alongside the presentation of the third progress report, a package of measures would be adopted on 21 December 2016 to strengthen the EU's capacity to fight the financing of terrorism and organised crime, notably in the areas of money laundering, illicit cash flows and the freezing and confiscation of assets.

¹ Exceptionally in the presence of the Schengen Associated States.

3. EU Policy Cycle for organised and serious international crime

a) 6-month progress report OAP Illegal immigration 2016²

The Committee took note of the 6-month progress report OAP Illegal Immigration 2016 as set out in 15212/16 RESTREINT UE.

b) Operational Action Plans 2017

The Committee approved the Operational Action Plans 2017 as set out in 15220/1/16 REV 1, 15221/1/16 REV 1, 15222/1/16 REV 1, 15223/1/16 REV 1, 15225/1/16 REV 1, 15226/1/16 REV 1, 15227/1/16 REV 1, 15229/1/16 REV 1, 15231/1/16 REV 1, 15232/1/16 REV 1, 15233/1/16 REV 1, 15234/1/16 REV 1 and 15235/1/16 REV 1 (all classified RESTREINT UE).

c) 6 month progress reports OAPs, report of the Europol Director and report of the National EMPACT Coordinators' meeting

The Committee took note of the report of the National EMPACT Coordinators (NEC) meeting, which was held at Europol on 22 and 23 November 2016, as set out in 15217/16. The Committee also took note of the 6-month progress report OAPs 2016 and the report of the Europol Director. Europol informed the delegations that there was a total of 198 new actions for 2017. Moreover, 101 funded actions of the 2016 OAPs as well as a large number of non-funded actions still had to be implemented in 2017.

Delegations welcomed the more multidisciplinary nature of the OAPs, but it was pointed out that there was room for improvement. The need for more dynamic NEC meetings was also underlined. Some delegations called for improvement and simplification of the funding mechanism in the next Policy Cycle and raised concerns about underspending of the delegation agreement budget and the reasons for this.

² The Mixed Committee countries were invited to attend the discussions on this item.

One delegation encouraged the NECs to try and achieve greater involvement of Member States leading operational actions. The Italian delegation said that the multidisciplinary approach, in particular the involvement of customs authorities, should be conducted in accordance with different national situations and legal frameworks. The Belgian delegation wondered why the scoreboard for operational actions had not been produced this time as it had been with previous versions of the reports, and called for earlier presentation of the Director's report to the NECs to allow them more time to scrutinise it.

The European External Action Service (EEAS) suggested having a strategic debate on the involvement of third countries in the entire Policy Cycle.

d) Funding

The Committee agreed on the Presidency proposal as set out in 15393/16/ REV 1 to equally distribute the EUR 355 000 available among the five priorities preferred by Member States, namely Facilitation of Illegal Immigration, Illicit Firearms Trafficking, Trafficking in Human Beings, Organised Property Crime and Child Sexual Exploitation.

4. Fight against terrorism:

– Strengthening cooperation on counter-terrorism threat analysis - findings and recommendations

The Committee agreed on the second revised version of the Presidency's paper containing a set of findings and recommendations on counter-terrorism threat analysis, as set out in 14555/2/16 REV 2. The United Kingdom delegation, supported by some other delegations, welcomed the emphasis on the need for improvement of law enforcement/security coordination at national level and asked for the origin of each recommendation to be clear in future. The German and Swedish delegations noted that this should not be an automatic exercise, but that it should depend on the outcome of the evaluation towards the end of the following year. The Belgian delegation suggested further developing the methodology with a view to also considering other forms of terrorism such as extreme left-wing and right-wing terrorism.

– **Foreign terrorist fighters returnees: report from the EUCTC**

The EU Counter-Terrorism Coordinator presented his report on Foreign Terrorist Fighter (FTF) returnees. Several key elements were highlighted in the paper. Substantial progress had been made on information exchange, but consideration should be given to how military information could be shared with law enforcement authorities through Europol. The EU CTC encouraged the Member States to start using and feeding the Europol database with biometric data. He also stressed the need to engage with neighbouring countries, in particular Turkey, and announced that a meeting of national liaison officers would take place in Ankara in January 2017.

Delegations welcomed the CTC's paper which was deemed to contain some valuable policy options. However, it was also pointed out that not all suggestions could be supported. Some delegations stressed the need to consider a common EU approach on how to deal with evidence gathered outside the EU, in the battlefield. The importance of e-evidence was underlined. The French delegation suggested organising a COSI - CATS meeting to further discuss these issues.

The EEAS representative focused on the interlinkage of internal and external aspects and asked for the external aspect to be developed. The EEAS suggested organising a COSI - PSC meeting under the Maltese Presidency.

5. EU-PNR (Passenger Name Record) Directive: Implementation Plan: information by the Commission

The Commission representative underlined the importance of implementing the PNR Directive and noted the wide variation in the current state of implementation with a number of Member States not having started yet. The Commission was committed to supporting Member States and an additional amount of EUR 70 million would be made available under the ISF national programmes to help the Member States in the implementation process. The Commission announced its intention to organise regular meetings with experts from the Member States, Europol and the private sector, and to present an implementing Decision on the data format transmission protocols before the end of 2016.

One delegation asked how the funds would be made available in practice and another delegation asked for clarification regarding the provision of a technical solution for processing PNR data.

6. JHA Agencies:

- **Heads of JHA Agencies' meeting on 14 November 2016:** report by FRA on the activities and achievements of the JHA Agencies Network in 2016

The Committee took note of the report on the JHA Agencies' activities and key findings concerning their work in 2016 as set out in 15579/16 and 15580/16. The representative of the European Union Agency for Fundamental Rights (FRA) briefed the delegations about the current challenges the agencies are facing in their multilateral cooperation.

- **JHA Agencies' network priorities 2017:** presentation by EMCDDA

The Director of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) presented the agencies' priorities for 2017 with a specific focus on internal security, migration, asylum and border management. He announced that a special meeting on internet and technologies would be organised on 20 and 21 April 2017 and that the outcome of that meeting would be presented to COSI.

7. Information from the Presidency:

The Presidency informed the delegations about the outcome of four meetings: the JHA Senior Officials meeting EU-OIPC Interpol, held on 28 November 2016; the Conference on Environmental Crime on 24 and 25 November 2016; the EU – US Justice and Home Affairs Ministerial Meeting on 5 December 2016 and the EU Western Balkans Ministerial Forum on Justice and Home Affairs on 15 – 16 December 2016.

8. EU Internet Forum Second High Level meeting, 8 December 2016

The Commission informed the delegations about the results of the Second High Level meeting of the EU Internet Forum, which took place on 8 December 2016, outlining two key objectives: more accessibility to terrorist materials online and an enhanced role for civil society. The next steps would be putting in place the announced databases and the civil society programme, exploration by companies of automated detection, establishing a more institutionalised approach in terms of meetings and addressing electronic evidence.

9. Presentation of the work programme of the incoming MT Presidency

The Maltese delegation presented its priorities for the incoming Presidency. In relation to security, COSI would focus on implementation of the EU Renewed Internal Security Strategy (ISS), the Policy Cycle, counter-terrorism with focusing on FTF returnees and information exchange.

The provisional meeting dates were: 14 March, 27-28 April (informal meeting), 16 May and 20 June 2017.

10. Any Other Business

- **Fight against international drug trafficking: information by the Italian delegation on the main operational results of law enforcement actions in Albania between 2012 - 2016**

The Committee took note of the main operational results of law enforcement actions in the fight against international drug trafficking in Albania between 2012 and 2016, as presented by the Italian delegation.

- **International Conference of Cyprus Police on counter-terrorism policies for law enforcement: international and comparative perspectives, 16-17 June 2016**

The Committee was informed by the Cyprus delegation about the outcome of an International Conference of the Cyprus Police on counter-terrorism policies for law enforcement, which took place on 16-17 June 2016.

- **Addition of Denmark to list of third countries with which Europol can negotiate an agreement**

The Danish delegation informed the Committee about the special situation of Denmark in relation to Europol following the referendum in Denmark on 3 December 2015 and about the declaration of the President of the European Council, the President of the Commission and the Prime Minister of Denmark of 15 December 2016 as regards minimising the negative effects of the Danish departure from Europol as of 1 May 2017. The next steps were outlined in relation to the possibility of concluding an operational cooperation agreement between Europol and Denmark.