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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	12 October 2017
To:	Delegations
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Subject:	Council conclusions on the mid-term review of the Renewed European Union Internal Security Strategy 2015-2020 - Council conclusions (12 October 2017)

Delegations will find in the annex the Council conclusions on the mid-term review of the Renewed European Union Internal Security Strategy 2015-2020, adopted by the Council at its 3564th meeting held on 12 October 2017.

ANNEX

COUNCIL CONCLUSIONS
ON THE MID-TERM REVIEW OF THE RENEWED EUROPEAN UNION INTERNAL SECURITY STRATEGY 2015-2020

REFERRING to the Council Conclusions on the renewed European Union Internal Security Strategy 2015-2020[1], which provide for a mid-term review on the renewed strategy, to be conducted in close cooperation with the Commission, and, where appropriate, by involving the relevant actors such as the European External Action Service and JHA agencies,

TAKING INTO ACCOUNT the priorities identified in the Council Conclusions on the renewed European Union Internal Security Strategy 2015-2020 and AFFIRMING the continuing importance of the EU joint efforts in the fight against terrorism, serious and organised crime and cybercrime,

NOTING that in addition to already identified priorities and measures, the growing challenges ahead require renewed focus setting in order to strengthen the capacity of law enforcement authorities to prevent and investigate cross-border crime and prosecute the offenders,

RECOGNISING the importance of the internal-external security nexus highlighted in the European Agenda on Security[2], the EU Global Strategy[3] and the Foreign Affairs Council conclusions on Counter Terrorism[4] and thus CALLING for continued preventive engagement with third countries, especially Western Balkans, Turkey, Middle East and North Africa (MENA) region and Eastern Partnership countries, in order to address the root causes of security issues and maximising the added value of existing Counter Terrorism/ Security dialogues with third countries, and the work of the Counter Terrorism/Security Experts,

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1 9798/15
2 COM(2015) 185
3 https://europa.eu/globalstrategy/en/global-strategy-foreign-and-security-policy-european-union
4 10384/17

RECOGNISING that terrorist attacks in Europe in the past two years demonstrate that terrorism is not just a threat to our citizens' lives, but also an attack on the founding European values and respect for human rights,

HIGHLIGHTING that keeping our citizens safe is the main duty of our Governments and UNDERLINING that the internet should never be a safe space for criminals and terrorists to commit crimes which are beyond the reach of the law,

TAKING NOTE OF the results of the Comprehensive Assessment of the EU Security Policy, undertaken by the Commission, which reflects the three priorities of the European Agenda on Security and of the renewed European Union Internal Security Strategy 2015-2020 and ADDRESSING the concerns reflected in the Comprehensive Assessment in relation to lack of full and effective implementation, which could limit the beneficial impact of the existing instruments, with particular reference to:

– gaps in the use of EU information systems and databases and in information sharing,

– need for comprehensive response in the area of counter terrorism, combining an enhanced criminalisation framework with measures on prevention of radicalisation and more efficient exchange of information on terrorist offences,

– using financial investigations procedures to their full potential in the fight against terrorist financing,

– scope for further improvements on money laundering, asset recovery and financial crime,

– EU action in the area of organised crime, which needs a horizontal and comprehensive approach, rather than a separating direction focusing on specific types of crime,

– enhancing fight against cybercrime, especially in terms of cross-border access to evidence, cooperation with private actors, more complete criminal intelligence picture on threats and greater coordination among all relevant actors,

REAFFIRMING the central role of the Standing Committee on Operational Cooperation on Internal Security (COSI) in strengthening the operational cooperation between Member State authorities as well as in developing, implementing and monitoring the renewed European Union Internal Security Strategy 2015 - 2020, as underlined in the note on the future role of COSI[5],

STRESSING the important role of the EU policy cycle for the fight against organized and serious international crime for strengthening operational cooperation and thus considerably contributing to the implementation of the renewed European Union Internal Security Strategy 2015-2020 as well as ensuring the proactive and criminal intelligence-led approach in this regard,

UNDERLINING the need to respect and promote the rights, freedoms and principles, as set out in the Charter of Fundamental Rights of the European Union, within the European Union and in all work carried out in creating and upholding an area of freedom, security and justice,

EMPHASIZING the crucial importance of ensuring appropriate balance between the requirements of the internal security policy of the EU and the need to guarantee full compliance with fundamental rights, including those related to privacy, personal data protection, confidentiality of communication and the principles of necessity, proportionality and legality,

TAKING NOTE of the contributions of the European Parliament to the renewed EU Internal Security Strategy which reflects a shared agenda for the Council, Commission and the European Parliament,

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5 8900/17

THE COUNCIL,

NOTES the Commission's communication on Security Union[6], which calls for enabling legal and practical tools that allow national law enforcement authorities of the Member States to work together to address common challenges related to the remaining gaps, fragmentation and operational limitations of the information exchange tools in place, to make structures for cooperation as effective as possible, and to ensure that European legislation to tackle activities of terrorists and criminals is up to date and robust,

HIGHLIGHTS the Council Conclusions on the way forward to improve information exchange and ensure the interoperability of EU information systems[7] and STRESSES the need to achieve greater simplification, consistency, effectiveness and attention to operational needs to facilitate access of the law enforcement authorities to various databases in Justice and Home Affairs area,

TAKES INTO ACCOUNT the Council Conclusions on the renewed European Union Internal Security Strategy 2015-2020, which call for coherence and consistency with the Joint Communication by the Commission and the High Representative on countering hybrid threats[8] and underline that a swift and flexible intelligence-led approach should be followed, allowing the European Union to react in a comprehensive and coordinated way to emerging threats, including hybrid threats,

CONSIDERS that it is important to adopt more analytical and streamlined approach to both programming and reporting when implementing the renewed European Union Internal Security Strategy 2015-2020,

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6 COM(2016) 230 final, 20 April 2016
7 10151/17
8 JOIN(2016) 18 final, 6 April 2016

IDENTIFIES the following priority areas as deserving a strong co-ordinated action in the fight against terrorism, preventing and fighting serious and organised crime and cybercrime, noted as priorities in the Council Conclusions on the renewed European Union Internal Security Strategy 2015-2020:

– information exchange and interoperability between various databases in Justice and Home Affairs area, including simplification of the access procedures for the law enforcement or other relevant national competent authorities, as key elements to effectively fight terrorism and organised crime,

– strengthening the fight against cybercrime by regularly analysing the threat picture as well as the evolving nature of cyber-enabled crimes, and adjusting the policy tools accordingly with a focus on prevention and improved operational cooperation,

– ensuring the availability of effective investigative tools, that correspond to the digital age and respond to the evolving Internet Governance challenges, notably by:

  – ensuring cross-border access to electronic evidence through appropriate online investigative powers,

  – tackling the role of encryption in criminal investigations and enhancing related cooperation among law enforcement authorities, including with trusted partners outside the EU, to address the ongoing challenges in relation to abuse of end-to-end encrypted services and ensuring a consistent approach when engaging with service providers and device manufacturers,

  – ensuring, subject to appropriate safeguards, the availability of data; and that Member States are able to access that data for investigative purposes, subject to effective oversight,

– further improving the fight against financial crime, money laundering and facilitating asset recovery, by supporting effective practical cooperation between Member States, and encouraging partnership working between Member States and the private sector,

– addressing the issues raised by radicalisation, including online,

– increasing the EU's resilience in areas such as the protection of public spaces,

– further strengthening the linkages between internal and external security policies to make progress towards the implementation of the Global Strategy and an effective and genuine Security Union in particular by reinforcing cooperation with third countries, especially Western Balkans, Turkey, MENA region and Eastern Partnership countries, on shared security concerns and improving information sharing with those countries. This cooperation would encompass counter terrorism and the prevention of the spread of violent extremism and radicalisation; the fight against transnational serious and organised crime including the smuggling of migrants and the trafficking of people, weapons and goods as well as the fight against cybercrime and tackling hybrid threats,

CALLS ON MEMBER STATES:

– to coordinate closely between the Member States holding the Presidency of the Council of the EU and draw up a joint Internal Security Strategy trio programme,

– to ensure a proper implementation of planned and existing policy and legislative instruments to reach the objectives of the renewed European Union Internal Security Strategy, in close cooperation with the Commission and where relevant, with JHA Agencies,

INSTRUCTS COSI:

– to work closely with the Political and Security Committee (PSC), the Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS) and other relevant Council committees and working parties when implementing and monitoring the performance regarding the priorities of the renewed EU Internal Security Strategy,

– to give recommendations and guidance on actions to be taken on specific subjects by tasking working parties to prepare or follow-up issues that are to be discussed in COSI when implementing the renewed EU Internal Security Strategy and provide COSI with options for further consideration,

– to monitor the joint Implementation Paper of the outgoing and incoming Presidency, with a structure based on priorities, on the planning and implementation of the renewed EU Internal Security Strategy.