



Council of the  
European Union

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**NOTE**

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From: General Secretariat of the Council  
To: National Parliaments

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Subject: Report to the European Parliament and national Parliaments on the proceedings of the Standing Committee on operational cooperation on internal security for the period July 2014 - December 2015

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The Presidency of the Council has submitted to the Council the annexed report on the proceedings of the Standing Committee on operational cooperation on internal security for the period July 2014 - December 2015.<sup>1</sup>

In accordance with Article 71 of the Treaty on the Functioning of the European Union and Article 6(2) of the Council Decision establishing the Standing Committee on operational cooperation on internal security (COSI), the Council hereby transmits the said report to the national Parliaments.

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<sup>1</sup> doc. 5299/16.

## Summary

This is the fourth report to the European Parliament and national Parliaments in accordance with Article 71 TFEU and Article 6(2) of Council Decision 2010/131/EU<sup>2</sup> establishing the Standing Committee on operational cooperation on internal security (COSI), which provides that the Council shall keep the European Parliament and the national Parliaments informed of the proceedings of the Standing Committee.

The COSI proceedings<sup>3</sup> over the 18-month reporting period (1 July 2014 - 31 December 2015) were very much influenced by the terrorist attacks in Europe, notably in France on 7 - 9 January and on 13 November 2015. Immediately after these attacks two extraordinary COSI meetings were organised to prepare a series of counter-terrorism measures which were discussed and agreed by the Justice and Home Affairs Ministers on 29 and 30 January and at the JHA Council on 20 November 2015<sup>4</sup>. Counter-terrorism was evidently a priority issue in the COSI proceedings and COSI will closely monitor the effective implementation of the operational measures in the coming months.

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<sup>2</sup> 2010/131/EU

<sup>3</sup> The number of COSI meetings increased over the past 18 months: 15 COSI meetings were organised under the Italian-Latvian-Luxembourg trio of Presidencies, including joint meetings with CATS (2) and SCIFA (1). Representatives of COSI continued to meet with Interpol representatives, once per Presidency, with a view to strengthening mutual cooperation and avoiding duplication of work. In addition, three meetings were held with the Political and Security Committee (PSC), on 11 November 2014, 4 June and 22 November 2015.

<sup>4</sup> From 1 July 2014 to December 2015, the COSI Support Group was convened 20 times. An extraordinary COSI meeting was held for the first time on 28 February 2013 to discuss the implications for EU internal security of the situation in Sahel/Maghreb following the crisis in Mali and the attack in Algeria. The aim of the meeting was to prepare the discussion on this issue at the JHA Council on 7/8 March 2013.

The renewal of the EU Internal Security Strategy (ISS) was another priority for COSI over the reporting period. Following the strategic guidelines for legislative and operational planning for the coming years within the area of freedom, security and justice, as defined by the European Council at its meeting on 26-27 June 2014, notably the call for a review and update of the ISS by mid 2015, COSI prepared the renewed EU ISS in the second half of 2014 which resulted in the adoption of Council conclusions on the development of the renewed EU ISS<sup>5</sup> on 4-5 December 2014. These conclusions represented the Council's input to the Commission for its Communication on the European Agenda on Security<sup>6</sup>.

On 16 June 2015 the Council adopted Conclusions on the renewed EU ISS 2015-2020<sup>7</sup>, which were prepared by COSI. The implementation of this renewed Strategy immediately started under the Luxembourg Presidency in July 2015 and regular progress reports were discussed and subsequently presented to the Council. This exercise will be continued in the coming months on the basis of a model implementation paper developed under the Luxembourg Presidency.

As in previous years, COSI discussed the implementation of the EU Policy Cycle which continued to be a recurrent theme at every COSI meeting. The added value and success of the Policy Cycle as an efficient model in the fight against organised and serious international crime was recognised by the Council<sup>8</sup>. Within the Policy Cycle, targeted Joint Action Days (JADs) were performed: operation "Archimedes" in 2014 and operation "Blue Amber" in 2015. Coordinating the actions of many law-enforcement officers throughout the Union, the Joint Action Days have led to numerous arrests and delivered significant blows to organised crime groups. COSI provided strategic guidance for these operations, which were carried out by Member States' law enforcement authorities and supported by Europol. The operations have demonstrated the EU's ability to establish a close operational cooperation in fighting serious and organised crime and have produced significant results.

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<sup>5</sup> 15670/14

<sup>6</sup> COM(2015) 185 final

<sup>7</sup> 9798/15

<sup>8</sup> 15670/14

Europol issued for the first time an Interim EU Serious and Organised Crime Threat Assessment (SOCTA) in March 2015, which provided an update of the SOCTA 2013. On the basis of this interim SOCTA, COSI decided that the EU crime priorities which were agreed on in 2013<sup>9</sup> should remain valid for the second part of the 2014-2017 Policy Cycle.

The implementation of the Cycle was closely monitored on the basis of regular reporting. The funding of the operational actions changed in 2015 following the signature of the EMPACT Delegation Agreement (DA) on 22 December 2014 between DG HOME of the European Commission and Europol. EUR 7 million was provided through ISF (Police) funding to support the implementation of the EU Policy Cycle in 2015 and 2016. As a reaction to the migration crisis and the terrorist attacks, increased funding was attributed to the priorities illegal immigration and firearms for 2016.

An independent evaluation of the Policy Cycle<sup>10</sup> will be carried out in 2016 and COSI agreed on a number of principles which are to be taken into<sup>11</sup>.

2015 was not only marked by terrorist attacks but also by an unprecedented wave of migration. Disrupting the activities of organised crime groups involved in the facilitation of irregular migration and trafficking in human beings therefore continued to be a priority in COSI. Disrupting human smuggling/trafficking networks was also discussed at joint COSI meetings with the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) as well as with the Political and Security Committee (PSC).

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<sup>9</sup> 12095/13

<sup>10</sup> Action 42 of the EU Policy Cycle (15358/10) calls upon the Commission, together with the Member States, to elaborate an independent evaluation mechanism for the EU Policy Cycle in 2015.

<sup>11</sup> 13837/15

Stepping up information sharing continued to be a special point of attention, in particular in the fight against terrorism. On several occasions, the Committee discussed the need to better contribute to the existing information systems or platforms such as the SIS II, the Europol Information System and Focal Point Travellers or the Interpol databases. This was also discussed at meetings with Interpol and resulted eventually in the adoption of Council conclusions on strengthening the use of Interpol's Stolen and Lost Travel Documents database<sup>12</sup>.

A large number of other issues were also reported to and discussed in COSI including the European Network of Law Enforcement Technology Services (ENLETS), the Informal Network of contact points on administrative approach to combat organised crime and the Maritime Analysis and Operations Centre - Narcotics (MAOC-N).

Representatives from the JHA agencies - in particular the Director of Europol, the President of the College of Eurojust, the Director of Frontex and the Director of CEPOL - were systematically involved in the Committee's proceedings for the items relating to their area of competence. In addition, representatives from the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), the Fundamental Rights Agency (FRA) and the European Asylum Support Office (EASO) occasionally attended meetings.

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<sup>12</sup> 13525/14

## 1. Activities

### 2.1. Renewed EU Internal Security Strategy 2015- 2020

The renewal of the EU ISS was a priority under the Italian and Latvian Presidencies. The discussions on the renewal of the EU ISS started under the Italian Presidency, which hosted for the first time an informal meeting of COSI and CATS on 22 July 2014 to reflect on the content of the renewed EU ISS. By organising this meeting, the Italian Presidency gave an immediate follow-up to the call from the European Council on 26-27 June 2014 for a review and update of the EU ISS by mid 2015.

On 29 September 2014 a High Level Conference on the renewed EU ISS was jointly organised by the Presidency and the Commission with representatives from Member States, the European Parliament, the private sector, civil society and academia. On the basis of the results of the High Level Conference and the discussions within COSI, the Italian Presidency decided to prepare Council conclusions on the development of the renewed EU ISS which would represent the Council's input for the Commission's Communication on the renewed EU ISS. These Council conclusions<sup>13</sup> were adopted on 4-5 December 2014. The Commission Communication was issued in Spring 2015.

The Latvian Presidency held an informal COSI meeting in Riga on 7 May 2015 to discuss the Commission's Communication on the European Agenda on Security dated 28 April 2015. These discussions took on board the European Parliament's Resolution of 17 December 2014<sup>14</sup> and resulted in the adoption of the renewed EU ISS on 16 June 2015. This renewed EU ISS 2015 -2020 comprises;

- the Council conclusions of 16 June 2015 on the renewed European Union Internal Security Strategy 2015, based on the Commission's Communication "European Agenda on Security" and;
- the Council conclusions of 4-5 December 2014 on the development of the renewed EU ISS.

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<sup>13</sup> 15670/14

<sup>14</sup> 2014/2918

The renewed EU ISS identifies the following priorities for the coming years in the field of European Union internal security:

1. tackling and preventing terrorism, radicalisation to terrorism and recruitment as well as financing related to terrorism, with special attention to the issue of foreign terrorist fighters, reinforced border security through systematic and coordinated checks against the relevant databases based on risk assessment as well as integrating the internal and external aspects of the fight against terrorism,
2. preventing and fighting serious and organised crime, on the basis of the EU Policy Cycle,
3. preventing and fighting cybercrime, as well as enhancing cybersecurity.

These priorities were also identified in the European Parliament's Resolution on the European Agenda on Security of 9 July 2015. A large number of guiding principles are also identical including strengthening operational cooperation, establishing a multidisciplinary approach, linking internal and external security, better using existing tools and improving information exchange. Respect for fundamental rights, the importance of prevention, PNR, use of Joint Investigation Teams (JITs), enhancing border management, funding, training, the role of the JHA Agencies, freezing of criminal assets are additional examples.

In its Conclusions of 16 June 2015 on the renewed EU ISS, the Council underlined that the renewed EU ISS 2015-2020 represented a comprehensive and realistic shared agenda for the Council, the Commission and the European Parliament. It considered that the development of a responsive and operational approach when implementing the renewed EU ISS 2015-2020 was of utmost importance.

These Council Conclusions requested that COSI develop, in close cooperation with the Commission and, where appropriate, by involving other relevant actors, a well-targeted implementation document with a list of priority actions designed to implement the renewed EU ISS 2015-2020. This implementation document was to be developed as soon as possible and at the latest by December 2015.

In accordance with its specific role in organising and programming the Council's work in the JHA area during the second half of 2015, the Luxemburg Presidency, in coordination with future presidencies and the Commission submitted an implementation paper<sup>15</sup> to the COSI - CATS meeting on 22-23 July 2015. This document comprised a list of forty actions and served as a concrete programme for various Council Working Parties. It also provided a template, which the NL - SK - MT trio Presidency agreed to continue to use.

COSI discussed various measures contained in the renewed EU ISS at its meetings in September, October, November and December 2015 and prepared reports to the Council in cooperation with the Commission. Following an interim oral report which was presented to the Council on 8 October 2015, a detailed implementation report<sup>16</sup> on the progress achieved was submitted to the Council on 3 and 4 December 2015.

This report showed that important progress had been made on a wide range of operational, strategic and legislative measures. The terrorist attacks in Paris but also the Thalys train shooting as well as the migration crisis had accelerated the implementation of those measures.

The main results in the implementation of the renewed EU ISS in the second half of 2015 can be summarised as follows:

1. Fight against Terrorism (see also point 2.2)
  - Building on earlier orientations from the European Council and the Council, Council conclusions on Counter-Terrorism were adopted on 20 November 2015. These place a stronger emphasis on concrete implementation of agreed measures.
  - Council conclusions to strengthen the fight against illegal firearms trafficking were adopted on 9 October 2015. Discussions also began on the revision of the Firearms Directive proposed by the Commission on 18 November 2015.
  - The European Counter Terrorism Centre within Europol was launched in January 2016 to enhance cooperation between law enforcement authorities.

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<sup>15</sup> 10854/15

<sup>16</sup> 14636/15



- An agreement was reached between the European Parliament and the Council on the EU Directive regulating the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.
- Council Conclusions on the Integrative and Complementary Approach to Counter-Terrorism and Violent Extremism in the Western Balkans<sup>17</sup> were adopted on 3 and 4 December 2015.

## 2. Borders

- Common Risk indicators were finalised and are being implemented by Member States supported by Frontex and Europol. The value added of this approach should be further assessed.

## 3. Customs

- A new action plan for 2016-2017 was adopted with a focus on cooperation with law enforcement authorities. This plan is designed to reinforce the link with the EU Policy Cycle, in particular in the fight against illegal firearms trafficking, drugs, counterfeit goods and Excise/MTIC fraud.

The NL - SK - MT Trio Presidency have already indicated that the implementation of the renewed EU ISS (2015 - 2020) will be a priority. At the COSI meeting on 16 December 2015, the NL Presidency submitted a new implementation paper, which comprised an overview of the activities to be carried out under the NL - SK - MT Trio Presidency. However, this did not include those actions set out in the LU Presidency's implementation paper, which have not been fully implemented (or not yet started) (14636/15). A more comprehensive implementation paper will be presented to COSI on 3 March 2016.

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<sup>17</sup> 14986/15 + COR 1

## 2.2. Terrorism

2015 was marked by various terrorist attacks in Europe and elsewhere in the world. These have demonstrated the need to step up the fight against terrorism. Two extraordinary COSI meetings were held immediately after the terrorist attacks in France:

4. on 20 January 2015, following the Charlie Hebdo attacks and the anti-terror raids that were carried out in Verviers and other cities in Belgium, an extraordinary meeting was convened to prepare the discussions at the informal meeting of the Justice and Home Affairs Ministers on 29 and 30 January<sup>18</sup>. This resulted in the adoption of the Riga Joint Statement<sup>19</sup>.
5. on 16 November 2015, following the attacks in Paris on 13 November, an extraordinary meeting was convened to prepare for the JHA Council on 20 November 2015. This resulted in the adoption of Council conclusions on Counter - Terrorism<sup>20</sup>.

Counter-terrorism became a recurrent priority item on the COSI agenda's in 2015 and the Committee focused on the implementation of a number of measures set out in the Riga Joint Statement and the statement on counter-terrorism issued by the Members of the European Council on 12 February 2015. The EU Counter-Terrorism Coordinator (CTC) presented regularly reports on the state of play regarding the implementation of the statement issued by the Members of the European Council on 12 February 2015 to COSI. This statement represented an ambitious agenda comprising three pillars: ensuring the security of citizens, preventing radicalisation and safeguarding values and cooperating with our international partners. The Council was asked to report on the detailed implementation of these priorities by the June European Council.

At its meeting on 12 March 2015, the JHA Council (Interior ministers) decided to focus on four priority areas to achieve tangible progress by June:

- reinforced application of the Schengen Framework,
- stepping up information sharing and operational cooperation,
- the fight against illicit firearms and
- strengthening internet referral capabilities, in particular at Europol.

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<sup>18</sup> 5866/15

<sup>19</sup> 5855/15

<sup>20</sup> 14406/15 + COR 1

In parallel, work on the Commission's proposal for a Directive on EU Passenger Name Records (PNR) was regarded as a priority.

COSI contributed between March and June 2015 to making progress in the above-mentioned fields by the following:

– *Stepping up information sharing and operational cooperation*

On 26 March 2015, COSI discussed proposals from Europol and Eurojust<sup>21</sup> on how their existing platforms and services could be better used. One of the proposals was to establish a European Counter Terrorism Centre (ECTC) within Europol's existing organisational framework to provide benefits and operational added value to the activities of Member States' competent authorities in strictly identified counter terrorism priority areas. The Council (JHA) at its meeting on 12 March 2015 agreed that, building on the Check-the-Web project, Europol should develop an EU Internet Referral Unit (EU IRU) by 1 July 2015 which would become an integral part of the ECTC. The ECTC, which was officially launched at the informal meeting of the JHA Ministers on 25 January 2016, would focus on contributing to step up information and criminal intelligence exchange.

– *Firearms*

The fight against illicit trafficking of firearms was identified in the statement of 12 February 2015 by the Members of the European Council, the Riga Joint Statement and the Paris Declaration<sup>22</sup> and by the Council of 9 February<sup>23</sup> and 12 March 2015<sup>24</sup> as one of the measures to fight terrorism on which further progress should be made.

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<sup>21</sup> 7272/15 and 7445/15

<sup>22</sup> 5322/15

<sup>23</sup> 5897/15

<sup>24</sup> 6891/15

On 26 March 2015 COSI discussed a number of concrete measures and activities, the implementation of which was to be accelerated, in particular in respect of information exchange, reducing access to illegal firearms, the decommissioning and deactivation of firearms as well as cooperation with third countries<sup>25</sup>. COSI supported these four lines of work and stressed the importance of revising the Firearms Directive (Directive 91/477/EEC on control of the acquisition and possession of weapons amended by Directive 2008/51/EC), notably to establish a high level of minimum standards for the de-activation of firearms. The discussions in COSI resulted in conclusions on strengthening the use of means of fighting trafficking of firearms, which were adopted by the Council at its 3415th meeting held on 8 October 2015<sup>26</sup>. These conclusions identify measures to be performed by the Member States, the Commission and EU Agencies and include objectives and target dates.

On 16 December 2015 the Committee discussed the Commission's Action Plan against illicit trafficking in and use of firearms and explosives<sup>27</sup>.

Important work is being carried out within the Operational Action Plan (OAP) on Firearms (firearms being one of the EU crime priorities) and COSI encouraged Member States to participate in the Operational Action Plan. As a result, the number of Member States participating in this OAP has increased from 12 in July 2014 to 19 by the end of 2015.

On 10 November 2014 the Committee agreed on an Action Plan on illicit trafficking in firearms between the EU and South East Europe region (2015 - 2019), which was submitted to the Council for approval. The Action Plan was also subsequently submitted to the EU-Western Balkans Ministerial Forum on Justice and Home Affairs on 12 December 2014.

The Committee took also note of a Europol Threat Assessment on Firearms<sup>28</sup>.

At its meeting on 24 November COSI agreed to a Finnish project<sup>29</sup> which would focus on operational measures for the prevention of illicit trafficking, supply and use of firearms in Europe and which would be carried out by the Finish Police University College.

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<sup>25</sup> 6739/15  
<sup>26</sup> 12892/15  
<sup>27</sup> 14971/15 + ADD 1  
<sup>28</sup> 12069/15  
<sup>29</sup> 14119/15

– *Common risk indicators/reinforced application of the Schengen framework*

The operationalisation of the common risk indicators was discussed by COSI on 24 November 2015 together with the use of SIS II for terrorism/foreign fighters. The results of a questionnaire recently distributed by the CTC on the use of SIS II and INTERPOL databases by Member States and Schengen area states to counter terrorism (13059/15), showed that there had been a significant increase of alerts entered in SIS under Art. 36(2) and (3) in 2015 compared to the previous year. However, the use of the system varied greatly between Member States and the number of alerts entered under Art. 36(3) remained generally very low.

At its meeting on 21 September 2015 the Committee discussed on the basis of the CTC report a number of recommendations for actions on which further progress and political steer was necessary. This resulted in the identification of five priorities for action where progress was to be made before the December Council<sup>30</sup>. These were:

- Operationalisation of the common risk indicators
- Reinforcing border checks by better using SIS II and SLTD
- Information exchange
- Prevention of radicalization on the internet
- Internal/external link

The Council invited COSI to contribute actively to the implementation of the above-mentioned priorities in order to prepare meaningful results for the December Council.

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<sup>30</sup> 12551/15 + COR 1

The terrorist attacks in Paris have accelerated the discussions of the above-mentioned measures and resulted in the adoption of Council conclusions on Counter-Terrorism<sup>31</sup> dated 20 November 2015. These conclusions identify short-term and medium-term measures, and relates in particular to PNR, firearms, strengthening border controls, information sharing, the financing of terrorism and the response to terrorism and violent extremism. In view of its role in ensuring that operational cooperation on internal security is promoted and strengthened within the Union, COSI was tasked to liaise with the competent Working Parties of the Council and with the Commission and EU agencies to ensure the effective implementation of the operational measures agreed. COSI will also examine the possibility to develop a methodology for a structured and multilateral approach for operational cooperation on countering terrorist threats.

Following the thwarted Thalys train attack on 21 August 2015, COSI focused on the fight against firearms trafficking. Issues related to railway security were discussed by the relevant Transport Working Party and at the Transport Council of October 2015. COSI would return to this topic once the results of a Commission study on railway security would become available.

Europol's European Union Terrorism Situation and Trend Report (TE-SAT)<sup>32</sup> 2016 was presented to the Committee on 21 September 2015.

The Committee also discussed the counter-terrorism cooperation with third countries. The Counter-Terrorism Coordinator (CTC) presented a paper regarding the use of JHA tools and agencies in the MENA region<sup>33</sup>. The Committee recognised the need to cooperate with this region. It stressed the importance of coordination since a wide range of initiatives are deployed in the region by Member States on a bi-and multilateral basis.

The Committee also discussed the possible links between organised crime and terrorism on the basis of a Europol report on 'the nexus between organised crime and terrorism in the EU'<sup>34</sup>.

At its meeting on 24 November 2015 COSI discussed the draft Council Conclusions on the Integrative and Complementary Approach to Counter-Terrorism and Violent Extremism in the Western Balkans, which were adopted by Council on 3-4 December 2015.

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<sup>31</sup> 14406/15 + COR 1

<sup>32</sup> 12168/15

<sup>33</sup> 14408/1/15

<sup>34</sup> 10689/15

At its meeting on 16 December 2015, the Committee took note of the first results of the EU Internet Forum, which was launched by the Commission on 3 December 2015. This Forum brought together Interior Ministers, high-level representatives of major internet companies, Europol, the EU Counter Terrorism Co-ordinator and the European Parliament with a view to reaching a joint, voluntary approach based on a private-public partnership to detect and address harmful material online.

### **2.3. Implementation of the EU Policy Cycle**

The ongoing implementation of the fully-fledged 2014-2017 EU Policy Cycle<sup>35</sup> remained a core issue for COSI. The end of 2015 marked the halfway point in the current Policy Cycle and therefore the consolidation of the implementation of this mechanism. There are still two years ahead for Operational Action Plans (OAPs) 2016 and 2017, which will coexist with the running of an independent evaluation with the aim of integrating its results into the next Policy Cycle.

#### *a) Implementation and monitoring of the 2014-2017 EU Policy Cycle*

Following the start of the new Policy Cycle on 1 January 2014 and the first monitoring exercise in June 2014, COSI carried out its second monitoring exercise at its meeting on 11 December 2014. Reports from the Drivers of 12 OAPs for 2014 were examined together with the outcome of the six-monthly meeting of the National EMPACT<sup>36</sup> Coordinators (NEC) on 19 and 20 November 2014 and the report of the Europol Director<sup>37</sup>. At this latter COSI meeting, the Committee also adopted the OAPs for 2015. Cocaine and Heroine were split in two OAPs, thus the number of OAPs increased from 12 up to 13 in 2015.

The first six-month monitoring of the OAPs for 2015 took place at the Committee meeting on 29 June 2015 at which COSI exchanged views on the findings contained in the Europol Director's report<sup>38</sup> and the report of the National EMPACT coordinators meeting, which was held at Europol on 28-29 May 2015.

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<sup>35</sup> 15358/10

<sup>36</sup> The abbreviation EMPACT stands for the European Multidisciplinary Platform against Criminal Threats

<sup>37</sup> 15856/14

<sup>38</sup> 9853/1/15

As various delegations pointed out that the reporting, in particular the Europol Director's report, should focus more on the operational content and analyse the operational results, the report presented at COSI on 16 December 2015 related to the second monitoring of the OAPs for 2015<sup>39</sup> looked into the progress made within each priority, with an emphasis on content and operational measures. The Committee welcomed the report's new approach.

The Policy Cycle 2015 indicated an increased number of actions (281 in 2015, compared to 260 in 2014). The 2016 Policy Cycle will change this trend, since the number of actions will decrease to 206 in 2016. A shift in the actions from awareness raising and training to a more operational character can be noticed.

Another important figure is the number of EMPACT meetings: In November 2014 it was reported that Europol had held and financially supported 51 EMPACT meetings in 2014 costing EUR 442,100. At the same point in 2015, Europol also held and financially supported 51 EMPACT meetings, costing EUR 426,243.

In the Council conclusions on the renewed EU ISS 2015-2020, preventing and fighting serious and organised crime, on the basis of the EU Policy Cycle, was identified as one of the priorities for the coming years in the area of EU internal security. Taking this into account, as well as the conclusions of the NEC meeting report<sup>40</sup> and the Europol Director's report<sup>41</sup>, the Latvian Presidency decided to bring certain issues for discussion to COSI on 29 June 2015 with the aim of further improving the Policy Cycle.

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<sup>39</sup> 14881/15 + ADD 1 EU RESTRICTED

<sup>40</sup> 10107/15

<sup>41</sup> 9853/1/15



The strategic debate<sup>42</sup> identified a number of issues, notably the need to further improve the awareness of the EU Policy Cycle both in Member States and at EU level; the need to focus more the EU Policy Cycle monitoring on analysis by identifying possible gaps, addressing shortcomings and assessing the results achieved, especially with regard to operational issues. Other issues identified were; the clear need to develop a more multidisciplinary approach in the OAPs; the importance of making better use of financial investigations and asset recovery techniques; the further consideration which should be paid to increase support provided at national level to the NECs; the crucial role of the leadership of driver; the importance of linking the national priorities with the EU crime priorities in fighting against organised and serious international crime; the need for a more strategic approach regarding the involvement of third countries and partners in the EU Policy Cycle; and the importance of Europol's Focal Points in the successful operational implementation of the EU crime priorities

*b) Revised SOCTA methodology, Interim SOCTA and preparation of SOCTA 2017*

Action 40 of the Policy Cycle requires that Europol produces "an interim EU assessment" in March 2015. To fulfil this mandate, COSI firstly adopted a revised SOCTA Methodology at its meeting on 30 September 2014, which added a new chapter 1.5 to the previous methodology to include an "interim SOCTA". This interim report would assess whether the recommendations set out in the SOCTA 2013 should remain valid; review potential new and emerging crime enablers; feature a structure similar to that of the SOCTA 2013 and include a chapter outlining recommendations.

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<sup>42</sup> 10476/15

On 26 March 2015 Europol presented the findings of the Interim SOCTA<sup>43</sup> and its recommended priorities to COSI. A comparison of the recommended priorities in the 2015 Interim EU SOCTA with the current nine EU crime priorities of the Policy Cycle enabled identification of some specific issues, including that seven EU Crime priorities were included in the recommended priorities of the 2015 Interim EU SOCTA, either the same ones (Illegal Immigration, THB, Counterfeit goods and Cybercrime) or phrased in slightly different terms (Organised property crime, Synthetic Drugs and MTIC/Excise Fraud); and two EU Crime Priorities (Cocaine/Heroin and Firearms) were not included in the overview of recommended priorities in the 2015 Interim EU SOCTA (however, the latter had been identified within the watch list of criminal threats which should be monitored closely). Money laundering was included in the overview of recommended priorities in the 2015 Interim EU SOCTA, whereas this crime phenomenon was identified by the Council in 2013 as a horizontal goal for the EU Crime priorities. Lastly, environmental crime - notably illicit waste trafficking -, had been identified as a criminal threat to be monitored closely and was therefore included on the watch list of the 2015 Interim EU SOCTA (whereas the Council identified environmental crime as an emerging threat to the EU's internal security when setting up the EU Crime Priorities in 2013<sup>44</sup>).

COSI agreed that the EU crime priorities covered the priorities recommended in the interim SOCTA and decided not to amend the EU crime priorities. The nine EU crime priorities would remain valid for the second part of the 2014-2017 Policy Cycle.

COSI also agreed on the SOCTA Customer requirements<sup>45</sup> at its meeting on 21 September 2015 and subsequently validated the revised SOCTA Methodology<sup>46</sup> on 24 November 2015. Unlike its predecessor, the revised Methodology will include the EU crime priorities set by the Council as a possible crime relevant factor to assess the threats and risks of serious and organised crime. These two documents are the starting point for the next SOCTA, which will be published by Europol in March 2017.

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<sup>43</sup> 7271/15  
<sup>44</sup> 12095/13  
<sup>45</sup> 12267/15  
<sup>46</sup> 14913/15

c) *Joint Action Days*

Within the Policy Cycle, targeted Joint Action Days (JADs) were performed: operation "Archimedes" in 2014 and operation "Blue Amber" in 2015. JADs are cross-border law enforcement operations focusing on horizontal key crime hot spots and criminal infrastructures across the EU. JADs are a Member State-led initiative, supported by Europol.

COSI took note at its meeting on 11 December 2014 of the lessons learned from Operation "Archimedes"<sup>47</sup>, conducted between 15 and 23 September 2014. The operation involved more than 300 operational actions at more than 250 locations across Europe and beyond and resulted in over 1.100 arrests. All EU priorities featured in the list of operational actions undertaken. All EU Member States, as well as Interpol, Frontex, Eurojust and third partner countries (Colombia, Switzerland, Norway, Australia, US and Serbia) took part in the operation.

The main objectives were to achieve a significant impact on serious and organised crime, to target major criminals and groups and their infrastructures, to improve cooperation between Member States, to use a multi-disciplinary approach, to make efficient use of resources and to raise awareness about EMPACT.

The Committee also took note of the new concept for the JADs 2015 (Operation "Blue Amber")<sup>48</sup> on 26 March 2015. Operation "Blue Amber" differed in nature from the Joint Actions Days that were carried out in 2014. Instead of one large scale operation, Operation Blue Amber consisted of smaller, more regionally focused and more intelligence-driven actions. Accordingly several simultaneous operations targeting several types of crimes, hotspots, regions or modus operandi took place across the world over a number of weeks. The actions took place over a total of 39 working days.

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<sup>47</sup> 16442/14

<sup>48</sup> 6149/15 (EU RESTRICTED)

On 16 December 2015, COSI took note of the final results of Operation "Blue Amber". The Europol press release<sup>49</sup> mentioned nearly 900 arrests made relating to drugs trafficking (257), property crime (281), and facilitation of irregular immigration (60); 263 arrests of fraudsters during the Global Airline Action days, which targeted criminals suspected of fraudulently purchasing plane tickets online using stolen or fake credit card data; 5 tonnes of cocaine, 2.1 tonnes of cannabis, 280 kg of synthetic drugs and 82 kg of heroin seized; 254 vehicles, more than 190 tonnes of counterfeit pesticides and almost EUR 140 000 euros in cash confiscated and 1400 tonnes of stolen metal seized.

COSI considered it essential to be involved in a timely manner in the preparation of and follow-up to the Joint Action Days. In this respect, COSI held a strategic debate on the future JADs at its meeting on 21 October 2015. Delegations indicated a preference for a "Blue Amber" type of operation, not excluding the possibility for an "Archimedes" type of operation for a short period of time. Delegations stressed that these operations should be intelligence-led and should focus on the EU crime priorities with a certain degree of flexibility to react to emerging events. Reference was also made to the importance of ensuring a multidisciplinary approach, involving *inter alia* Customs and judicial authorities. Various delegations referred to the important role of the drivers and NECs and to involve them in an early preparation phase. Some delegations also referred to the cooperation with third countries and the regional approach.

#### d) *Funding*

The signing on 22 December of 2014 of the EMPACT Delegation Agreement (DA) between the Commission (DG HOME) and Europol, provided EUR 7 million of ISF (Police) funding to support the implementation of the EU Policy Cycle in 2015 and 2016<sup>50</sup>.

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<sup>49</sup> 15285/15

<sup>50</sup> The Commission document C(2014) 5651 dated on 8 August 2014; Annex 1 to the COM Implementing Decision concerning the adoption of the work programme for 2014 and the financing for Union measures within the framework of the Internal Security Fund, established to support cooperation in the framework of the EU Policy Cycle, in particular EMPACT (European Multidisciplinary Platform against Criminal Threats) actions, through a delegation agreement (DA) with Europol.

To date, Europol has launched two calls for applications. The first call for proposals was launched on 19 January 2015 and was closed on 27 February 2015. The call allowed up to 3 applications per OAP (a theoretical total of 39 applications). Subsequently Europol received 19 grant applications which were all approved, disbursing EUR 4.68m in funding. Each of the 13 OAPs could apply for grants of up to EUR 360,000. The first grant agreement was signed on 30 April 2015 and the last on 24 July 2015. However the delay in delivering funding to the EMPACT priorities has caused dissatisfaction and delayed the start of some activities or implementation of the actions in the OAPs, outside of the EMPACT grants, by resorting to other sources of funding.

The second call was launched on 14 October 2015 to support the implementation of the OAPs 2016. The call was split into two parts: a first tranche of EUR 2,024,950 remaining from the original EUR 7m and a second tranche of EUR 2m “top-up” that DG HOME of the Commission planned to make available but it has not been made available yet at the time of drafting this report. The amount of the first tranche (without top-up) has been allocated to the thirteen OAPs as follows: EUR 500,000 for Illegal Immigration, EUR 200,000 for Firearms and EUR 120,450 each for the remaining eleven OAPs. 15 applications have been received which are being assessed by Europol with a view to sign the grant agreement possibly in March 2016.

COSI was regularly informed about the state of play of the implementation of the Delegation Agreement. Whilst recognising the competences of Europol and the Commission under the terms of the Delegation Agreement, the Committee stressed the need to be involved in case decisions of a strategic nature were taken. At Europol's request, the Committee had a strategic discussion of the implementation of funding on the second call (second tranche) of the Delegation Agreement at its meeting on 16 December 2015 and agreed on the plans presented by Europol<sup>51</sup> about how to use any additional funds made available by the Commission for the second tranche of the second call under the Delegation Agreement.

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<sup>51</sup> 14163/15

e) *Evaluation Independent mechanism of the 2014-2017 EU Policy Cycle*

Action 42 of the EU Policy Cycle provides for an independent evaluation mechanism to be established in 2015 and to start in 2016 (Action 43). The outcome of the evaluation is to be reported to COSI and the JHA Council by March 2017. This is important since COSI should evaluate the lessons learned in order to integrate such lessons into the next Policy Cycle.

COSI discussed this issue at three of its meetings (29 June 2015, 21 September 2015 and 21 October 2015). Thereafter the Committee agreed on the principles for the independent evaluation of the Policy Cycle<sup>52</sup> at its meeting on 21 November 2015. These principles relate to the following:

- scope: the evaluation will only cover the Multiannual Strategic Plans (MASP) and OAPS;
- actors: the evaluation will be conducted by a combination of two actors, namely a third-party consultant, selected by the Commission after a call for tender, and a monitoring group of experts to be placed on an equal footing with the consultant;
- time: the results of evaluation should be presented to the Council by March 2017 at the latest.

The kick-off meeting of the monitoring group was held on 30 November 2015 and 13 Member States joined the group. The Commission launched a call for tenders at the beginning of 2016.

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<sup>52</sup>

13837/15

*f) Agency involvement*

The JHA agencies continued to contribute significantly to the COSI proceedings. Europol has again played a key role in the implementation of the Policy Cycle, in particular through the production of the interim SOCTA, the organisation of the OAP workshops and its constant monitoring and reporting via the EMPACT Support Unit. In September 2015, Europol funded and held a Driver Training event. The aim was to communicate the conclusions of the COSI meeting of 29 June 2015 and provide information and best practices about monitoring and reporting and EMPACT DA funding. This comprised guidance on active grant management, priority management and communication, the 8th Action Plan of the Customs Cooperation Working Party (CCWP), the administrative approach, money laundering and asset recovery, Joint Action Days and OAP drafting. In addition, CEPOL ran a number of Policy Cycle training courses and held a Conference in Budapest on 8 and 9 December 2015. The objective was aiming to improve the multi-agency approach and investment into EU Policy Cycle priorities 2014 -17.

Frontex has contributed to the implementation of the Policy Cycle, notably in the OAP on "Illegal Immigration", for which it acts as Co-Driver, and the OAPs on "Trafficking in human beings" and "Firearms" in which it is a participant. Eurojust remains highly involved as it is a participant in all the OAP priorities. EMCDDA participates in the OAPs "Cocaine trafficking" and "Heroin trafficking" and "Synthetic Drugs". In addition, OLAF participates in the OAPs "Excise fraud" and "MTIC fraud". In 2015 eu-LISA (EU Agency for Large-Scale IT Systems) joined as participant to the OAPs "Illegal Immigration", "Firearms" and "cyber attacks".

*g) Policy Cycle - related activities*

COSI ensured that a number of projects which were closely related to the OAPs were either integrated into these OAPs or closely coordinated with them:

- COSI took note of the Europol internet Organised Crime Threat Assessments (iOCTA) of 2014 and 2015 at its meeting on 30 September 2014 and 21 October 2015.

- COSI discussed on 10 November 2014 on the operational outcomes of Commission Progress Reports Western Balkans. It agreed that the findings provided added value to COSI particularly within the framework of the Policy Cycle and the future EU crime priorities. It also agreed that the Western Balkan countries could be encouraged to participate in the Policy Cycle actions.
- COSI took note at its meeting on 11 December 2014 of the situation in 2014 with regard to "environmental crime". The EU SOCTA 2013 identified the latter as an emerging threat. This was based on a report by the EnvicrimeNet Chair, a report by the CCWP Chair on the implementation of Action 7.10 regarding environmental crime of the 7th Action Plan of the CCWP, a report by the Italian delegation describing the Italian experience with environmental crime and in particular illicit waste trafficking, and a report by Eurojust on a Strategic Project on Environmental Crime. Delegations acknowledged the growing importance of environmental crime in the EU.
- Europol presented to COSI on 21 September 2015 (the day before of the extraordinary JHA Council on migratory pressures), the actions undertaken within the Policy Cycle in the area of illegal immigration (first results) and referred to six key operational activities, namely operations FALKO, HUNTING GROUND and JOT COMPASS, an operation against ID fraud, an operation against marriages of convenience and JOT MARE.

The Customs authorities' involvement in the implementation of the EU Policy Cycle has also been an important topic for COSI. On 21 October 2015, the Committee strongly welcomed the French delegation presentation on the French customs authorities' experiences with and involvement in the implementation of the EU Policy Cycle. COSI considered it essential to have the Customs' authorities involved in the Policy Cycle and encouraged their active participation in the implementation of the relevant OAPs. On 10 December 2015 the COSI Support Group discussed the 8th Action Plan (2016-2017) of the CCWP. On this occasion the LU Presidency stated that some areas are closely linked to the EU crime priorities (e.g. firearms, Excise/MTIC fraud, drugs and counterfeit goods). The Presidency stressed the need to avoid overlapping and stated that the customs authorities' measures should be aligned with or integrated into the Policy Cycle. As a result the NL Presidency held a joint COSI SG - CCWP meeting on 24 February 2016.



The Customs Cooperation Working Party also developed and updated its 7th Action Plan (2014-2015) to complement the work of the Policy Cycle. This was presented to the NEC meeting in November 2014 and May 2015. At the NEC meeting in November 2015, the CCWP Chair gave a presentation on the progress made on the draft 8th CCWP Action Plan and the involvement of customs authorities with the EU Policy Cycle. A number of delegations called for improved coordination with EMPACT projects. At its meeting in October 2015 COSI had called for increased involvement of the customs' authorities in the Policy Cycle and would also welcome close cooperation with the CCWP. This is necessary to avoid duplication of effort and to achieve the optimal use of available resources. It should also lead to enhanced police-customs cooperation.

- As a follow-up to the Council on 8 October 2015, the Committee discussed on 21 October 2015 the cross-border crime linked to criminal motorcycle gangs on the basis on the various proposals suggested by Belgium<sup>53</sup>. It was noted that the drivers of various OAPs had been informed about this growing phenomenon and had been invited to take this into account in the drafting of the new OAPs 2016.

#### **2.4. Strengthening cooperation in the field of internal and external security**

COSI continued to discuss with the PSC the possibilities for strengthening EU internal and external cooperation and coordination. The two Committees held three joint meetings: on 11 November 2014, 4 June 2015 and 22 October 2015.

These meetings focused on strengthening the cooperation between the CSDP missions and the FSJ actors, on the renewed EU ISS and migration. A fourth progress report on the implementation of the Road Map on strengthening the ties between CSDP and FSJ was presented on 22 October 2015. Some tangible results have been achieved and the main objectives of the roadmap were considered to be attained.

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<sup>53</sup> 12041/15

Both Committees exchanged views on the migration issue, in particular on disrupting human smuggling/trafficking networks in the Sahel and the Mediterranean. The Committees had converging views on the need for coherence and synergy of actions to tackle this issue. Both CDSP and FSJ actions were to be considered as part of a comprehensive approach encompassing development cooperation, humanitarian aid, refugee protection and diplomatic engagement. Many tools and instruments are in place such as the HRVP's High Level Dialogues and EUNAVFOR MED.

The latest joint COSI - PSC meeting was held on 22 October 2015, when delegations discussed the security cooperation with the MENA region. Special attention was also given to the Western Balkans region. At its meeting on 10 November 2014 the Commission presented findings from the 2014 Progress Reports on the Western Balkans that were relevant for COSI. These comprised the police and judiciary reforms, and the need to enhance inter-agency and judicial cooperation and for further measures in the area of anti-corruption. Witness protection was identified as a major challenge for the region along with organised crime, in particular trafficking in human beings and drugs trafficking.

The findings of the progress reports were also considered relevant for the EU Policy Cycle and the future EU crime priorities. The Western Balkan countries would be encouraged to participate in the Policy Cycle actions.

Cooperation with Interpol remained important for COSI to strengthen the EU's internal security and outreach to third countries. Over the reporting period, three meetings of the EU JHA Senior Officials with OIPC Interpol were held (12 November 2014, 8 June 2015, 23 November 2015). In the second half of 2014, following the case of the missing Malaysian Airlines flight MH370, the Italian Presidency prepared conclusions on strengthening the use of Interpol's Stolen and Lost travel Documents Database (SLTD)<sup>54</sup>, which were adopted by the Council in October 2014. Four Member States increasingly used SLTD following these Conclusions. Results showed a rapid increase in input / use of the database. The Council conclusions on Counter- Terrorism of 20 November 2015 underlined again the importance of using Interpol's databases to strengthen the controls of the external borders. The Commission was invited to undertake efforts to achieve interoperability, in particular between SIS II, Interpol's SLTD and iARMS.

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<sup>54</sup> 13525/14

Already in 2014, Interpol presented its Fusion Task Force to COSI which could contribute to the cooperation with the EU on the issue of foreign fighters. During 2014 - 2015 Interpol also cooperated with the EU in the field of migration e.g. operation JOT Mare.

## 2.5. Migration

For the first time a joint COSI - SCIFA meeting was held on 22 October 2015 to discuss measures against migrant smuggling. Both irregular migration and trafficking in human beings were identified as EU crime priorities in 2013 and important measures are being developed within the framework of the "operational action plans" which were agreed on by COSI at its meeting in December 2015. Combating migrant smuggling was considered as a major priority for the EU as outlined in the renewed EU ISS 2015-2020 and its implementation paper, the European Agenda on Security and the European Agenda on Migration as well as the EU Action Plan against Migrant Smuggling<sup>55</sup>. A key issue was also enhancing the cooperation with source and transit countries or regions such as the MENA region or the Western Balkans as well as between CSDP missions and Freedom Security and Justice actors was considered as a key topic.

## 2.6. Follow-up

- Administrative approach: on 11 December 2014 COSI took note of the report of the informal network of contact points on administrative approach and adopted its work programme for the period 2015-2017. Administrative approach has been identified as one of the priorities of the NL Presidency.
- JHA Agencies cooperation: two meetings of the Heads of JHA agencies were held during the reporting period, on 3 November 2014 (hosted by European Asylum Support Office (EASO)<sup>56</sup> and on 3-4 November 2015 (hosted by eu-LISA)<sup>57</sup>. The Committee took note of the report on the Agencies' activities and key findings regarding their cooperation, as well as of the scorecard on the Agencies' multilateral cooperation. The next meeting of the Heads of JHA Agencies will take place on 3-4 November 2016 in Vienna and will be organised by the European Union Agency for Fundamental Right (FRA).

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<sup>55</sup> 9345/15

<sup>56</sup> 16286/14, 16287/14

<sup>57</sup> 14784/15, 14779/15 + ADD 1

- The Committee took note of a project on "Modern slavery and criminal forms of labour exploitation"<sup>58</sup>, which was presented by the European Union Agency for Fundamental Rights (FRA) on 11 December 2014. The Report from the Conference on "Severe labour exploitation in the EU", held on 2 June 2015, was presented to COSI on 29 June 2015.
- The Committee took note of a presentation by MAOC-N of its successes in countering drug trafficking across the Atlantic and in the Western Mediterranean. COSI welcomed MAOC-N's work in tackling maritime drug trafficking. It expressed support for the continued work of the centre and stressed the need for a long-term solution.
- At its meeting on 11 December 2014 the Committee took note of a presentation by the Presidency on the Agreement of the Council of Europe on Illicit Traffic by Sea, implementing Article 17 of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Member States were invited to sign and ratify this Agreement if they had not yet done so.
- The summary and recommendations of the 2014 and 2015 European Police Chiefs Convention held on 24-25 September 2014<sup>59</sup> and on 23 and 24 September 2015 respectively, were presented to COSI<sup>60</sup>.
- On 11 December 2014 the Committee took note of the Guidelines which were intended to support law enforcement authorities in preventing and combating illegal gambling and betting and related crimes<sup>61</sup>. The Committee took also note of a presentation by the Italian delegation on the outcome of an Italian pilot project on fighting cybercrimes in respect of online banking and non-cash payments.

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58 15072/14  
59 14838/14  
60 13178/15  
61 12926/4/14 REV 4

## 6. Conclusion

Internal security was more than ever at the heart of the COSI proceedings in 2014 - 2015. The migration crisis and the terrorist attacks in 2015 have led to a series of strategic, operational and legislative measures in the area of justice, freedom and security. COSI, with its central role in ensuring that operational cooperation on internal security is promoted and strengthened within the Union, as well as in developing, implementing and monitoring the renewed EU ISS 2015-2020 in cooperation with the Commission, as underlined in the outlines about the future role of COSI<sup>62</sup>, has taken its responsibility in adopting operational measures which are focused on both implementation and consolidation. The Council conclusions on Counter-Terrorism of 20 November 2015 represent an ambitious agenda which is to be implemented in the coming months.

Over the reporting period, COSI has shown its capacity to react quickly to sudden events as witnessed by the holding of two extraordinary COSI meetings. Many important measures were agreed including the renewed EU ISS, the conclusions on counter-terrorism, on firearms and on the use of Interpol's databases. COSI will continue to monitor the implementation of these measures and of the EU Policy Cycle, which continues to be key tool in the fight against organised and serious international crime. 2016 will see the start of the independent evaluation of this Cycle and the results are awaited in 2017. These results will be used to prepare the next EU Policy Cycle.

COSI will retain a margin of flexibility to address unexpected or emerging threats to EU security. The increasing link between internal and external security will require a more intensified cooperation between all those actors involved, including those involved in the area of the Common Foreign and Security Policy. COSI will continue to seek complementarity, coherence and consistency in the development and implementation of EU internal security-related policies, and will place emphasis on the external dimension and regional cooperation.

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<sup>62</sup> 7843/3/14