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COTER 93
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OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
On:	3 July 2019
To:	Terrorism Working Party (TWP) / Working Party for Schengen Matters (SIS/SIRENE) / Mixed Committee (EU-Iceland, Norway and Switzerland, Liechtenstein)
Subject:	Summary of discussions

1. Adoption of the agenda

The agenda was adopted, as set out in CM 3258/1/19 REV 1.

2. Information by the Presidency

The Presidency (PRES) briefly explained its intentions to present a paper on the future course of internal security in the EU at the December JHA Council. The purpose of this joint meeting was to continue previous discussions on how to strengthen the cooperation and the use of the Schengen Information System (SIS) to deal with persons involved in terrorism-related activities, in view of the new legislation adopted in December 2018.

3. European Foreign Terrorist Fighters and Returnees from Syria and Iraq

- Presentation by INTCEN (*RESTREINT UE/EU RESTRICTED*)

Delegations took note of the presentation made by INTCEN.

4. Analysis of the current legal basis of SIS (Schengen Information System)

The Commission (COM) gave a presentation regarding the current legal base of the SIS focusing on those aspects that were particularly relevant for the CT-community, in particular the issue to enter alerts on the basis of information received from third countries. COM explained the possibilities and the limitations, as well. Among other things, it was mentioned that:

- only Member States and Schengen associated countries can enter alerts;
- it is possible to enter alerts on the basis of information received from third countries, but the alert issuing Member State shall be responsible for the lawfulness and the accuracy of those alert;
- the alert shall always comply with the minimum dataset requirement (surname and date of birth as a minimum in case the alert concerns persons);
- data from the SIS cannot be shared with third countries by Member States, however Europol can exceptionally share, but only after the consent of the alert issuing Member State and following the requirements of the Europol Regulation.

5. Upcoming changes in the SIS regulations in relation to counterterrorism (CT) work

COM also gave a presentation about the most relevant changes for the CT-community in the new SIS legal framework and provided a timetable for the implementation.

As of December 2018, Member States are already obliged to create alerts of terrorism-related cases and it is already possible to indicate the type of offence (e.g. terrorism related activity) in refusal of entry alerts. As from December 2019, Europol will have full access to all alerts and will be able to receive and share supplementary information via the **SIRENE** channels; in addition, Member States will have to inform Europol about all terrorism-related hits. As from December 2020, Member States will be obliged to roll-out SIS AFIS. Finally, from the end of 2021 all changes should be fully in operation, including the new alert on unknown wanted persons. Warning markers on terrorism can be made available in all alerts; inquiry checks should be put in practice and broader access rights for Member States' competent authorities would be provided.

6. Europol's preparation for the new SIS rules

The Europol representative reported on the agency's preparedness for the implementation of the new Regulations, which entitle Europol to access all types of data in SIS from 28 December 2019. Technical preparations and training were ongoing or planned. Europol also called the delegation's attention to the requirements coming from the Europol Regulation (e.g. classification).

7. INTERPOL: The Multilateral Platform for the Exchange & Analysis of Battlefield Information

- Presentation by Interpol

Interpol gave a presentation stressing the importance of collecting battlefield information, and describing how this was done in practice, among others referring to (ongoing) projects and operations. The EU Counter Terrorism Coordinator's office reminded about the conference on battlefield information, organised in cooperation with the Commission, which would take place in Brussels on 10 July 2019, and where Interpol would also be present.

8. Stepping up the use of SIS in countering terrorism (10495/19)

PRES introduced the discussion paper and the questions therein. Member States taking the floor all acknowledged that SIS had been proven to be a valuable tool in detecting FTFs. However, the idea of sharing terrorism/FTF related post-hit information to all Member States was only supported by one delegation. Others questioned the value added (e.g. how could the information be operationalised by the informed Member States), raised concerns regarding the workload and noted that nothing prevents the alert issuing and/or executing Member State to contact the authorities of any other Member State via the appropriate channels if they consider the sharing of the hit pertinent. SIRENE Bureaux are however not the best placed to conduct such exchange. In addition, delegations considered that there was no need to authorise Europol in the future to enter alerts. COM acknowledged that applying the right information system for the matching purpose is important, there might be more appropriate channels for the use of battle field information than SIS, such as Interpol and Europol databases.
