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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 9 July 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: COMMISSION STAFF WORKING DOCUMENT Implementation of Home
Affairs legislation in the field of internal security 2017-2020 Annexes 1 - 3

Delegations will find attached document SWD(2020) 135 final PART 2/2.

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PART 2/2

COMMISSION STAFF WORKING DOCUMENT

Implementation of Home Affairs legislation in the field of internal security 2017-2020

Annexes 1 - 3

ANNEX 1. Home Affairs legislation adopted and proposed in the field of internal security: July 2017 – June 2020

1. Information exchange, operational cooperation and border security

Domain	Adopted legislation
Entry/Exit System (EES)	Regulation (EU) 2017/2225 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011
European Travel Information and Authorisation System (ETIAS)	Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226
European Union Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)	Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011

Domain	Adopted legislation
Strengthening the Schengen Information System	<p>Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals</p> <p>Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006</p> <p>Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU</p>
Centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System	<p>Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726</p>

Domain	Adopted legislation
<p>Exchange of information on third-country nationals via the European Criminal Records Information System (ECRIS)</p>	<p>Directive (EU) 2019/884 of the European Parliament and of the Council of 17 April 2019 amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA</p>
<p>Interoperability between EU information systems in the field of borders and visa</p>	<p>Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA</p> <p>Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816</p>
<p>Enhancing the security features of national identity cards and residence document</p>	<p>Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement</p>

Domain	Adopted legislation
European Border and Coast Guard	Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624

Domain	Proposed legislation
Gathering of evidence in criminal proceedings	<p>COM(2018) 225 final of 17 April 2018 - Proposal of the European Parliament and of the Council for a Regulation of the European Parliament and of the Council on European Production and Preservation Orders for electronic evidence in criminal matters</p> <p>COM(2018) 226 final of 17 April 2018 – Proposal of the European Parliament and of the Council for harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings</p>
Strengthening the Visa Information System (VIS)	<p>COM(2018) 302 final of 16 May 2018 - Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 767/2008, Regulation (EC) No 810/2009, Regulation (EU) 2017/2226, Regulation (EU) 2016/399, Regulation XX/2018 [Interoperability Regulation], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA</p>
Information exchange - accessing information systems	<p>COM(2019) 4 final of 7 January 2019 - Proposal for a Regulation of the European Parliament and of the Council establishing the conditions for accessing other EU information systems for European Travel Information and Authorization System (ETIAS) purposes and amending Regulation (EU) 2018/1240, Regulation (EC) No 767/2008, Regulation (EU) 2017/2226 and Regulation (EU) 2018/1861</p> <p>COM(2019) 3 final of 7 January 2019 - Proposal for a Regulation of the European Parliament and of the Council establishing the conditions for accessing the other EU information systems and amending Regulation (EU) 2018/1862 and Regulation (EU) yyyy/xxx [ECRIS-TCN]</p>

1. Counter-terrorism & prevention of radicalisation

Domain	Adopted legislation
Restricting the marketing and use of explosives precursors	Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013
Use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences	Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA
Domain	Proposed legislation
Preventing the dissemination of terrorist content online	COM(2018) 640 final of 12 September 2018 – Proposal for a Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online

2. Organised crime

Domain	Adopted legislation
Firearms	<p>Commission Implementing Regulation (EU) 2018/337 of 5 March 2018 amending Implementing Regulation (EU) 2015/2403 establishing common guidelines on deactivation standards and techniques for ensuring that deactivated firearms are rendered irreversibly inoperable</p> <p>Commission Implementing Directive (EU) 2019/68 of 16 January 2019 establishing technical specifications for the marking of firearms and their essential components under Council Directive 91/477/EEC on control of the acquisition and possession of weapons</p>

Domain	Adopted legislation
New psychoactive substance	<p>Regulation (EU) 2017/2101 of the European Parliament and of the Council of 15 November 2017 amending Regulation (EC) No 1920/2006 as regards information exchange on, and an early warning system and risk assessment procedure for, new psychoactive substances</p> <p>Directive (EU) 2017/2103 of the European Parliament and of the Council of 15 November 2017 amending Council Framework Decision 2004/757/JHA in order to include new psychoactive substances in the definition of ‘drug’ and repealing Council Decision 2005/387/JHA</p> <p>Commission Delegated Directive (EU) 2019/369 of 13 December 2018 amending the Annex to Council Framework Decision 2004/757/JHA as regards the inclusion of new psychoactive substances in the definition of ‘drug’</p> <p>4 Council implementing decisions to put new psychoactive substances under control¹</p>

¹ - Furanylfentanyl (Council Implementing Decision (EU) 2017/2170 of 15 November 2017 on subjecting N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide (furanlylfentanyl) to control measures; OJ L 306, 22.11.2017, p. 19);

- ADB-CHMINACA (Council Implementing Decision (EU) 2018/747 of 14 May 2018 on subjecting the new psychoactive substance N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (ADB-CHMINACA) to control measures; OJ L 125, 22.5.2018, p. 8);

- CUMYL-4CN-BINACA (Council Implementing Decision (EU) 2018/748 of 14 May 2018 on subjecting the new psychoactive substance 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (CUMYL-4CN-BINACA) to control measures; OJ L 125, 22.5.2018, p. 10);

- cyclopropylfentanyl and methoxyacetylfentanyl (Council Implementing Decision (EU) 2018/463 of 28 September 2018 on subjecting the new psychoactive substances N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]cyclopropanecarboxamide (cyclopropylfentanyl) and 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (methoxyacetylfentanyl) to control measures; OJ L 245, 1.10.2018, p.9).

Domain	Adopted legislation
Combating money laundering by criminal law	Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law

3. Cybercrime

Domain	Adopted legislation
Combating fraud and counterfeiting of non-cash means of payment	Directive (EU) 2019/713 of the European Parliament and of the Council of 17 April 2019 on combating fraud and counterfeiting of non-cash means of payment and replacing Council Framework Decision 2001/413/JHA

ANNEX 2. Evaluations, reports and quality control of the implementation of policies and instruments in the field of internal security

Evaluations

Nature	Description
<p>Evaluation of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)</p>	<p>According to the principles of Better Regulation the evaluation assessed the relevance, effectiveness, efficiency, coherence and EU added value of the European Monitoring Centre for Drugs and Drug Addiction objectives. COM(2019) 228; SWD(2019) 174</p>
<p>Evaluation of Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection</p>	<p>According to the principles of Better Regulation the evaluation assessed the relevance, effectiveness, efficiency, coherence, EU added value and sustainability of the Directive in order to provide the Commission with recommendations on how to further strengthen the protection and resilience of critical infrastructure in Europe. SWD (2019) 308</p>

Nature	Description
<p>Evaluation of the 2014-2019 Action Plan on firearms trafficking between the EU and the South East Europe Region</p>	<p>According to the principles of Better Regulation, the evaluation assessed the relevance, effectiveness, efficiency, coherence and EU added value of the 2014-2019 EU-Balkans Action Plan on firearms trafficking in order to assess to what extent its different strategic goals have been achieved. COM(2019) 293 final</p>
<p>Commission report for an evaluation of the application of Regulation (EU) No 258/2012 on import, export and transit of civilian firearms, COM(2017) 737 final, 12.12.2017</p>	<p>According to the principles of Better Regulation the evaluation assessed the relevance, effectiveness, efficiency, coherence, EU added value of the Regulation (EU) No 258/2012 on import, export and transit of civilian firearms in order to determine whether the current procedures and arrangements established by the Regulation achieved the expected results and whether the Regulation is still up to date. COM(2017) 737 final</p>
<p>Third implementation report on the 2003 Framework Decision on Corruption in the Private Sector</p>	<p>According to the principles of Better Regulation, the evaluation assessed the relevance, effectiveness, efficiency, coherence and EU added value of Council Framework Decision 2003/568/JHA of 22 July 2003 on assessing the extent to which the Member States have taken the necessary measures in order to comply with Council Framework Decision on combating corruption in the private sector. COM(2019) 355 final</p>
<p>Evaluation of the 2001/413/JHA Council Framework Decision of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment</p>	<p>According to the principles of Better Regulation, the evaluation, which was part of the Impact Assessment the Proposal for a Directive, assessed the relevance, effectiveness, efficiency, coherence and EU added value of the Council Framework Decision 2001/413/JHA of 28 May 2001 on combating fraud and counterfeiting of non-cash means of payment in order to assess the rules on fraud and counterfeiting of non-cash means of payment as applied across EU Member States and the need for possible additional measures.</p>

Nature	Description
Evaluation of the European Border Surveillance system (EUROSUR)	According to the principles of Better Regulation, the evaluation assessed the relevance, effectiveness, efficiency, coherence and EU added value of Regulation (EU) No 1052/2013 establishing the European Border Surveillance System (EUROSUR) in order to assess its implementation by the Member States and by the Agency. COM(2018) 632 final

Studies and impact assessments

Nature	Description
<p>Study on the improvement of the EU system of export authorisation, and import and transit measures for civilian firearms, their parts and components and ammunition</p>	<p>The aim of the study was to explore policy options to improve the implementation of Art 10 of the United Nations Firearms Protocol, implemented at EU level through Regulation 258/2012.</p>
<p>Feasibility Study for a centralised mechanism for an Interactive Advanced Passenger Information system</p>	<p>The aim of the study was to address the different aspects for offering air carriers a single point for sending Advance Passenger Information (API) for the purposes of checking Third Country Nationals according to the requirements of the Entry/Exit System and the European Travel Information and Authorisation System which will respond interactively, but also for the purposes of forwarding the API and possibly Passenger Name Records (PNR) data to the relevant authorities of the country of destination of the aircraft.</p>
<p>Study to assess the impacts of various options related to possible evolutions of the European Border Surveillance System (Eurosur)</p>	<p>The aim of the study was to assess/quantify impacts of various options related to possible evolutions of Eurosur.</p>
<p>Study on the completeness and conformity assessment of the transposition of the Passenger Name Record Directive 681/2016</p>	<p>The aim of the study was to assess the completeness and conformity of measures adopted by Member States to transpose the Passenger Name Record Directive.</p>

Nature	Description
Study on the transposition and implementation of the confiscation Directive	The aim of the study was to assess the transposition and implementation in the EU Member States of Directive 2014/42/EU
Study on the readiness and availability of Facial Recognition System, Latent Fingerprints and DNA technologies for their introduction in the Schengen Information System	The aim of the study was to assess the readiness and availability of automatic face recognition technology for its integration in the Schengen Information System (SIS).
Study for the use and upload of DNA profiles in the Schengen Information System alerts	The aim of the study was to describe the state-of-the-art for the generation and use of DNA profiles for individualisation purposes. The objective is to inform on the type of data that compose a DNA profile, and to propose ways to evaluate its quality.
Community of Users on Secure, Safe and Resilient Society in the Chemical, Biological, Radiological, Nuclear, and Explosive materials and Crisis Management areas: Mapping of security related research projects	The aim of the study was to map security related research projects under the first three years of Horizon 2020 and other EU funds.
Study on the feasibility of improving information exchange under the Prüm Decisions	The aim of the study was to analyse new data categories to be exchanged by Member States, upgrading the standards and requirements for the exchange of information, improving the exchange of hit follow-up information, changing the

Nature	Description
	<p>technical architecture of the system, linking the Prüm framework to other Justice and Home Affairs central information systems and interoperability components.</p>
<p>Study MORE - Modelling and mapping the risk of Serious and Organised Crime Infiltration in legitimate businesses across European territories and sectors</p>	<p>The aim of the study was to identify, model and map the risk of Serious and Organised Crime (SOC) infiltration in legitimate business in the 28 EU MS by collecting and analysing data and cases of SOC infiltration in the 28 Member States; identifying the Risk Factors; developing a Risk Assessment Model; implementing the model and producing maps of risk of SOC infiltration across territories and business sectors in all Member States</p>

Quality control of the implementation of Schengen acquis relevant to the internal security - Schengen evaluations

The Schengen evaluations are conducted according to a five-year multiannual programme². The Multiannual evaluation programme 2015-2019 that ended up in December 2019 covers the period of reference of this Staff Working Document. The few evaluations conducted in 2020 have not been yet subject to adopted reports and/or public documents.

EVALUATIONS CARRIED OUT UNDER THE FIRST EVALUATION CYCLE (2015-2019)

	2015	2016	2017	2018	2019
ANNOUNCED VISITS / QUESTIONNAIRES IF NOT OTHERWISE SPECIFIED THE EVALUATION COVERED THE FOLLOWING POLICY FIELDS: EXTERNAL BORDERS AS APPLICABLE, VISA, POLICE COOPERATION, SIS, RETURN AND DATA PROTECTION	<ul style="list-style-type: none"> • Austria • Belgium • Germany • Liechtenstein • Police cooperation, SIS, Return, Data Prot.) • Netherlands 	<ul style="list-style-type: none"> • Croatia (Ext. Borders, Visa, Data Prot., Police Cooperation and Return, Firearms) • France • Greece • Italy • Luxembourg • Malta 	<ul style="list-style-type: none"> • Croatia (SIS) • Denmark • Iceland • Norway • Portugal • Spain • Sweden 	<ul style="list-style-type: none"> • Croatia (Judicial Coop. in criminal matters) • Estonia • Finland • Ireland (Data Prot.) • Latvia • Lithuania • Switzerland 	<ul style="list-style-type: none"> • Cyprus (Data Prot.) • Czech Republic • Hungary • Poland • Slovenia • Slovakia

². Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis. OJ L 295, 6.11.2013, p. 27.

UNANNOUNCED VISITS	<ul style="list-style-type: none"> • France, Germany (Int. Border) • Latvia (Int. Border) • Switzer. (Int. Border) • Greece (Ext. Border) • Hungary (Ext. Border) • Poland (Ext. Border) • Spain (Ext. Border) • Sweden (Ext. Border) 	<ul style="list-style-type: none"> • Austria (Int. Border) • Denmark (Ext. Border) • Estonia (Ext. Border) • Spain (Ext. Border) • France (Return) • Germany (Return) 	<ul style="list-style-type: none"> • Czech Republic (Int. Border) • Italy (Ext. Border) • Poland (Ext. Border) • Netherlands (Visa and Ext. Border) • Hungary (Return) 	<ul style="list-style-type: none"> • Italy, France (Int. Border) • Greece (Ext. Border) • Germany (SIS) • Belgium (Visa) 	<ul style="list-style-type: none"> • France (Ext. Border) • Spain, France, Netherlands and Switzerland (Visa) • Germany (Return)
RE-VISITS	<ul style="list-style-type: none"> • Poland (SIS) 	<ul style="list-style-type: none"> • Belgium (SIS) 	<ul style="list-style-type: none"> • Croatia (Ext. Borders) • UK (SIS) 		<ul style="list-style-type: none"> • France (SIS) • Croatia (Ext. Borders) • Iceland (Ext. Borders) • Sweden (Ext. Borders) • National strategies for the European Integrated Border Management
THEMATIC EVALUATIONS	<ul style="list-style-type: none"> • Local Schengen Cooperation in New Delhi and Ankara (Visa) 				

ANNEX 3

I – Internal Security Fund – police instrument

i) Internal Security Fund - Union Actions selected in the period 2017-2019

Policy area	Number of projects	Total EU contribution in EUR
Information exchange and operational cooperation	36	38,679,539
Counter-terrorism and radicalisation	69	73,927,878
Organised crime	30	20,676,782
Cybercrime	9	7,701,781
Total	144	140,985,980

ii) Shared management in the period 2014-2021 (by specific objectives and national objectives)

Fund	Specific Objectives	National Objectives Specific allocation	Total Allocated Amount
Internal Security Fund - Police	Preventing and combating crime	Prevention and combating	243,655,388.66
		Exchange of information	252,321,344.28
		Training	40,246,297.34
		Victim support	17,780,699.28
		Threat and risk assessment	5,267,299.02
	Preventing and combating crime – sub-total		559,271,028.58
	Risks and crisis	Prevention and combating	39,540,698.49
		Exchange of information	3,183,661.55
		Training	13,647,551.38
		Victim support	3,314,598.77
		Infrastructure	59,187,195.70
		Early warning and crisis	31,556,226.21
	Risks and crisis– sub-total		158,841,146.31
Technical assistance – police	Technical assistance police	35,887,811.11	
Technical assistance – police sub-total		35,887,811.11	
Total		753,999,986.00	

II – Horizon 2020: “Secure societies” or EU Security Research strand

Security Research projects that started in the period 2017-2019 and are contributing to the policy dimensions

Policy area	Number of projects contributing to the policy dimension	Total
		EU contribution in EUR
Information exchange and operational cooperation	21	127,578,031.22
Counter-terrorism and radicalisation	29	155,109,609.90
Organised crime	8	40,392,658.75
Cybercrime	6	35,811,706.25
Total	64	358,892,006.12