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CORDROGUE 10
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NOTE

From: Presidency
To: Standing Committee on operational cooperation on internal security (COSI)
Subject: Draft 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 2011 - December 2012

Delegations will find in annex the above-mentioned report for their approval and subsequently transmission to the European parliament and national Parliaments.

1. Introduction

The present report is the second COSI report to the European Parliament and national Parliaments in accordance with Article 71 TFEU and Art. 6(2) of the Council Decision establishing the Standing Committee on operational cooperation on internal security (COSI) ¹ which provides that the *Council shall keep the European Parliament and the national Parliaments informed of the proceedings of the Standing Committee.*

Under the PL-DK-CY trio of Presidencies, the Committee met eight times in total, with six COSI meetings under PL and DK Presidencies and two COSI meetings under CY Presidency. In addition to the regular COSI meetings, representatives of COSI also met three times, once per Presidency, with representatives from Interpol to discuss and strengthen mutual cooperation. Furthermore, two meetings were held with the Political and Security Committee (PSC), on 14 December 2011 and 2 October 2012 respectively.

High level representatives from Member States, Commission and the European External Action Service attended the COSI meetings. 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 that relate to their competence. Representatives from OLAF attended meetings on occasion.

The COSI Support Group which prepares the COSI meetings and ensures the necessary follow-up to the different projects and operations, continued to meet on a regular basis. From 1 July 2011 to 31 December 2012, the COSI Support Group was convened 18 times. Representatives of the COSI Support Group were also invited twice to CIVCOM meetings to prepare the discussions at the PSC-COSI meetings.

¹ OJ L 52, 3.3.2010, p. 50.

2. Tasks / work programme

The COSI proceedings in the second half of 2011 and in 2012 were based on its 18-month work programme² which was approved by the Committee at its meeting on 8 September 2011. This work programme was largely based on the implementation of the EU Policy Cycle for organised and serious international crime as agreed by Council on 8/9 November 2010³ and contained 10 themes⁴. Actions were undertaken to implement each of these themes with the exception of the solidarity clause, for which the Joint EC/HR proposal was awaited.

The number of actions to be brought forward by COSI was deliberately limited in order to focus on the key crime priorities identified by the Council on 9 June 2011⁵. This also contributed to maximising participation of the Member States and the Agencies. Whenever possible, certain projects were discussed in other competent Council preparatory bodies, JHA Agencies or other expert meetings in order to avoid duplication of efforts with COSI.

COSI discussed a number of documents and items that were not included in the work programme⁶. However, its main activities in the second half of 2011 and in 2012 were concentrated on the implementation of the EU Policy Cycle.

In accordance with its mandate COSI was not involved in the preparation of legislative acts.

² doc. 12363/1/11 REV 1 COSI 51 JAI 467 PESC 886

³ doc. 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94

⁴ These 10 themes are : implementation of the EU Policy Cycle, Internal Security Strategy, Interaction between external and internal security, the Coordination Mechanism for joint operations, European pact to combat international drug trafficking, the European pact on Synthetic Drugs, Fight against arms trafficking and the Solidarity clause.

⁵ doc. 11050/11 JAI 396 COSI 46 ENFOPOL 184 CRIMORG 81 ENFOCUSTOM 52

⁶ For a full report of every meeting, the documents containing the outcome of proceedings of the COSI meetings can be consulted on the Council's website.

3. Activities

3.1. Implementation of the Policy Cycle

a) Priority Setting

The vast majority of COSI activities over the reporting period was concentrated on the implementation of the **EU Policy Cycle**⁷. Following the adoption of the Council Conclusions setting the EU's priorities for the fight against organised crime between 2011 and 2013⁸ (doc. 11050/11), COSI examined and approved the **strategic goals for each priority**⁹.

These strategic goals were converted into **Operational Action Plans for 2012**¹⁰ (adopted by COSI on 8 December 2011) and for **2013**¹¹ (adopted by COSI on 28 November 2012) on the basis of an agreed Operational Action Plan Template¹² which was developed by Europol.

COSI also confirmed the Member States that would lead the implementation of the crime priorities ("**Drivers**") and the Member States and Agencies participating.

⁷ doc. 15358/10 COSI 69 ENFOPOL 298 CRIMORG 185 ENFOCUSTOM 94

⁸ doc. 11050/11 JAI 396 COSI 46 ENFOPOL 184 CRIMORG 81 ENFOCUSTOM 52

⁹ doc. 15850/11 JAI 758 COSI 84 ENFOPOL 371 CRIMORG 191 ENFOCUSTOM 128
CORDROGUE 67 PESC 1321 RELEX 1081 COAFR 296 COWEB 236 TRANS 283 UD 275
FRONT 138 GENVAL 111

These strategic goals were prepared in 2-day workshops which the Commission, with the support of the Presidency and Europol, had organised for each of the priorities between 11 July and 4 October 2011.

¹⁰ doc. 16038/2/12 REV 2 JAI 788 COSI 115 ENFOPOL 369 CRIMORG 138 ENFOCUSTOM
124 PESC 1373 RELEX 1029 COAFR 354 COWEB 181 TRANS 390 UD 273 FRONT 161
GENVAL 86 CORDROGUE 84 JAIEX 109 COMIX 634

¹¹ doc. 1796/3/12 REV 3 JAI 895 COSI 103 ENFOPOL 443 CRIMORG 236 ENFOCUSTOM
162 PESC 1559 RELEX 1265 COAFR 343 COWEB 272 TRANS 335 UD 344 FRONT 190
GENVAL 130 CORDROGUE 92 JAIEX 140 COMIX 786

¹² doc. 12587/3/11 REV 3 COSI 54 ENFOPOL 237 CRIMORG 101 ENFOCUSTOM 74

b) Methodology

At the end of 2011, COSI approved revised terms of reference of the COSPOL framework¹³ which renamed the COSPOL¹⁴ framework into EMPACT standing for the **European Multidisciplinary Platform Against Criminal Threats** and which adapted these terms of reference to take account of the experiences gained from the implementation and detailed preparations of the 2011-2013 Policy Cycle.

In line with action 18 of the EU Policy Cycle the terms of reference for EMPACT were evaluated again in the course of 2012 and subsequently significantly changed by COSI in October 2012¹⁵. This new revision contained an important restructuring of the document to avoid unnecessary repetitions and concentrated on the EMPACT phase i.e. the coordination and implementation of all the Operational Action Plans' (OAPs) joint actions of Member States and Agencies.

In accordance with the EU Policy Cycle¹⁶, Europol will produce the first European Union Serious and Organised Crime Threat Assessment (EU SOCTA) in March 2013. In order to enable Europol to produce the SOCTA, COSI validated the so-called "EU SOCTA Methodology"¹⁷ at its meeting on 25 June 2012. The SOCTA should provide a complete and thorough assessment of criminal threats, regional and pan-European, impacting the European Union. A public version of the SOCTA will be made available

A clear definition of the SOCTA customer requirements was considered as a vital first step in the development of the SOCTA process and methodology. The customer requirements provide an overview of what the SOCTA as a product should deliver, and what its conclusions should look like and contain to ensure their right translation into priorities and facilitate their further implementation.

These customer requirements¹⁸ were agreed by COSI on 8 September 2011.

¹³ doc. 15386/1/11 REV 1 COSI 79 ENFOPOL 355

¹⁴ The abbreviation COSPOL stood for "Comprehensive Operational Strategic Planning for the pOLice".

¹⁵ doc. 14518/12 COSI 82 ENFOPOL 309

¹⁶ Action 26 of the EU Policy Cycle

¹⁷ doc. 12519/12 COSI 59 ENFOPOL 219 CRIMORG 88 ENFOCUSTOM 72

¹⁸ doc. 12983/1/11 REV 1 COSI 56 ENFOPOL 246 CRIMORG 110 ENFOCUSTOM 78

c) Projects - monitoring

On 17 February 2012 COSI carried out a first **process review of the EU Policy Cycle**¹⁹ and discussed the first experiences gained from the implementation of the first steps of the initial and reduced 2 year EU Policy Cycle in 2011. This review focused on the experiences from the Brussels-based process and suggested a number of areas where improvements could be made for the next fully fledged Policy Cycle starting in 2014. In general, the implementation of the first Policy Cycle in the course of 2011 was considered as a very good and efficient process. A number of recommendations were supported by COSI to strengthen the Policy Cycle's implementation notably as regards investments in terms of training and resources as well as funding.

COSI closely monitored the progress on the basis of the **reports of the OAP drivers**²⁰, the outcome of the six-monthly meetings of the **National EMPACT Coordinators**²¹ and the **reports of the Europol Director**²². The detailed reports of the drivers of the different Operational Action Plans were presented to and examined by the National EMPACT Coordinators (NECs) at their meetings on 29-30 May 2012 and 23-24 October 2012. While the establishment of the Policy Cycle could be considered a success, a number of improvements were still needed for its implementation, notably regarding the participation of Member States, financing, the lack of awareness regarding the Policy Cycle and the involvement of the National EMPACT Coordinators (NEC).

The **JHA Agencies** continued to contribute significantly to the COSI proceedings. **Europol** has played a key role in the implementation of the Policy Cycle to which **Cepol** also contributed via the organisation of Policy Cycle training courses. **Frontex** contributed to the implementation of the Policy Cycle, notably in the OAP "Illegal Immigration" where Frontex acts as Co-driver and as participant in the OAP "Trafficking in human beings". **Eurojust** also remained highly engaged since it is member of all the OAP priorities.

¹⁹ doc. 5751/3/12 REV 3 COSI 2

²⁰ doc. 16014/12 JAI 778 COSI 107 ENFOPOL 361 CRIMORG 130 ENFOCUSTOM 116 CORDROGUE 82 PESC 1363 RELEX 1021 COAFR 351 COWEB 179 TRANS 387 UD 271 FRONT 158 GENVAL 83 ADD 1 REV 2 (EU RESTRICTED)

²¹ doc. 11089/12 COSI 40 ENFOPOL 168; doc. 15995/12 COSI 106 ENFOPOL 359

²² doc. 16014/12 JAI 778 COSI 107 ENFOPOL 361 CRIMORG 130 ENFOCUSTOM 116 CORDROGUE 82 PESC 1363 RELEX 1021 COAFR 351 COWEB 179 TRANS 387 UD 271 FRONT 158 GENVAL 83; doc. 11246/1/12 REV 1 JAI 418 COSI 42 ENFOPOL 175 CRIMORG 63 ENFOCUSTOM 50 CORDROGUE 43 PESC 725 RELEX 535 COAFR 165 COWEB 94 TRANS 208 UD 159 FRONT 93 GENVAL 40

d) Policy Cycle - related activities

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

- on 8 December 2011, COSI decided that the old **COSPOL projects** WBOC, Syndru and Cocaine were integrated into the EMPACT framework and that CIRCAMP became a subaction of the cyber crime priority²³.
- the three project groups involved in the implementation of the **European Pact to combat international drug trafficking** (a project group on cocaine, a project group on heroin and a project group on proceeds of crime) regularly updated COSI on the state of their activities in the course of 2012. COSI agreed that the project groups had addressed most of the main initiatives included in the three main commitments of the EU Pact and had highlighted the added value of the joint cooperation between MS and EU Agencies to tackle drug trafficking. COSI therefore decided that the implementation of the project groups activities would be continued in the framework of the relevant OAPs developing actions on drug issues i.e. the "West Africa" priority and the "Synthetic drugs" priority. Two other OAPs (the "Western Balkans" and "Container shipment" priorities) had a potential connection with drugs-related issues. Finally, it was agreed that all of the OAPs could be concerned by the cross-cutting feature of the proceeds of crime issue. The Treptower Group was tasked with coordinating and promoting common actions on the basis of the Western Balkans matrix following the example of the Fontanot Group for West Africa and keep COSI informed of its activities.

²³ doc. 17756/11 COSI 101 ENFOPOL 439

- Following the final reports of the project groups involved in the implementation of 5 out of the 29 measures set out in the **Council Conclusions on 29 measures for reinforcing the protection of the external borders and combating illegal immigration**²⁴ COSI decided that the relevant activities of the project groups will be continued as actions of the "Illegal Immigration" priority within the framework of the Policy Cycle. The Committee also invited SCIFA to ensure that actions developed in the project groups are taken into account, where appropriate, both in the implementation of the EU Action Plan on Migratory Pressures and in the bi-annual updating of the list of actions. One project group, project group "Measure 4, was invited to continue its activities and report back to COSI in the course of 2013.
- COSI identified a number of potential links between the Policy Cycle priorities and the **EU Action on Migratory Pressures**²⁵, which was adopted by Council on 26-27 April 2012 and thus invited SCIFA/Mixed Committee to ensure that the actions developed under the relevant OAPs were taken into account in the implementation of the EU Action and in the biannual updating of the list of actions.

3.2 Discussion on other issues

- a) Following discussions at the informal JHA Council in July 2011, COSI discussed the **European Pact against synthetic drugs**²⁶ which was adopted by the Council on 27-28 October 2011. It was decided that the operational implementation of the Pact would be integrated into the OAP "Synthetics Drugs".
- b) At various meetings COSI discussed the **multi-disciplinary and administrative approach** to combat organised crime with a view to ensuring a wider knowledge and use of the existing good practices. COSI discussed the future functioning of the network of contact points on administrative approach²⁷ and its concrete objectives for 2013²⁸.

²⁴ doc. 6975/10 ASIM 33 FRONT 24 COMIX 158

²⁵ doc. 9650/12 MIGR 45 FRONT 67 COSI 25 COMIX 288

²⁶ doc. 15544/11 JAI 740 COSI 82 CORDROGUE 66 ENFOPOL 360 CRIMORG 184 JAIEX 111UD 261

²⁷ The network was established via the Council conclusions on the fight against crimes committed by mobile (itinerant) criminal groups (doc. 15875/10)

²⁸ doc. 13283/1/12 REV 1 COSI 66 ENFOPOL 250 GENVAL 59

The Committee also exchanged views on the possibilities for enhancing information exchange to get a better intelligence picture at EU level, which was identified as a shared strategic goal²⁹.

- c) Two meetings of the Heads of **JHA Agencies** were organised over the reporting period, on 24 November 2011 (hosted by Eurojust) and 3 December 2012 (hosted by Frontex) respectively.

The JHA Agencies submitted a joint activities report on their cooperation³⁰ to COSI together with an updated scorecard on the Agencies' bilateral and multilateral cooperation in November 2011. The outcome of the meeting on 3 December 2012 was not yet discussed by COSI.

- d) At its meeting on 25 June 2012 COSI had an initial exchange of views on the future second **Commission Report on the Implementation of the EU Internal Security Strategy in Action** which is expected in the beginning of 2013.
- e) COSI discussed together with the Political and Security Committee (PSC) the possibilities for **strengthening the cooperation and coordination in the field of EU Security**. A Road Map on strengthening the ties between CSDP and FSJ was developed and is being implemented. A first progress report on its implementation was discussed by COSI and PSC on 2 October 2012.

Both Committees exchanged views on improving the cooperation between the JHA actors and CSDP in fighting organised crime in the Western Balkans and on the cooperation between PSC, law enforcement authorities and the European Cybercrime Centre (EC 3) on tackling cyber threats to the EU's internal and external security.

²⁹ doc. 5812/12 COSI 4

³⁰ doc. 18076/11 JAI 914 COSI 117

Implementing the Stockholm Programme and as a follow-up to the informal JHA Ministerial Meeting of 1 October 2009, the Swedish Presidency asked CEPOL, Eurojust, Europol and Frontex to produce a report on how to further improve their cooperation, including “inter alia, guidelines for strategic and operative work, common standards, joint training initiatives, development of working methods and routines for practical cooperation”.

- f) COSI had an exchange of views on the operational requirements regarding the **future of Europol and CEPOL**. These debates aimed at providing the Commission with the practitioners' point of view and provided the Commission with a valuable input when elaborating its future proposals.
- g) The **Frontex Annual Risk Assessment** was also presented to COSI.

3.3. Follow-up

At its meeting on 11 April 2012, a second **report on the coordination of cooperation in combating organised crime, especially drug trafficking, originating in West Africa**³¹, was agreed by COSI and submitted to Council on 26-27 April 2012. This report presented the state of play in 2011 regarding the implementation of the recommendations and measures identified on the basis of the European Pact to combat international drug trafficking (8821/10), the Action Oriented Paper (5069/3/10) and the Council conclusions on the strengthening of the fight against drug trafficking in West Africa (15248/1/09).

The Committee took also note of the main findings and recommendations of the **Eurojust Strategic Project: “Enhancing the work of Eurojust in drug trafficking cases – Final Results”** (“Eurojust Project”).

In accordance with the provisions of the **European Action Plan to combat illegal trafficking in so called “heavy” firearms** which could be used or are used in criminal activities³², COSI took note of the annual report on the state of implementation of the Action Plan in the year 2011. The issue of trafficking in firearms is also addressed in the OAP "Western Balkans".

³¹ doc. 8610/12 COSI 17 JAIEX 18 CORDROGUE 18 CRIMORG 43 COAFR 98

³² doc. 16427/1/10 REV 1 ENFOPOL 338 COARM 87

4. Conclusion

The year 2012 represented the first "operational" year of the initial and reduced 2 year Policy Cycle. The COSI activities were mainly concentrated on ensuring a successful implementation of the Policy Cycle and on closely monitoring this implementation by Member States and JHA Agencies. Significant progress has been made with the adoption of the Multi-Annual Strategic Plans and the Operational Action Plans 2012 and 2013. The Committee remained conscious, however, of certain shortcomings that were identified during the implementation, in particular regarding funding, Member States' involvement and the lack of awareness regarding the Policy Cycle. These lessons learned will contribute to preparing the launch of the fully fledged Policy Cycle starting in 2014. The Committee is looking forward to the release of the first ever Serious and Organised Crime Threat Assessment (EU-SOCTA) by Europol in the first quarter of 2013 which will be the basis for the identification by the Council of the new EU crime priorities for the Policy Cycle 2014-2017.

COSI will continue to strive for a broad, pragmatic, flexible and realistic approach towards EU internal security whilst retaining a margin of flexibility to address unexpected or emerging threats to EU security. A close and efficient cooperation between COSI, the JHA Agencies and the actors involved in the field of the common foreign and security policy will be essential and contribute to future progress.