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NOTE

From: Presidency / Counter-Terrorism Coordinator
To: Delegations
Subject: **Follow-up to the recent terrorist attacks in Paris**

The Joint declaration by French Interior Minister Bernard Cazeneuve, Deputy Prime Minister Etienne Schneider, representing the Luxembourgish Presidency, and European Commissioner for Migration and Home Affairs Dimitris Avramopoulos, highlights European PNR, firearms security and the reinforcement of controls at external borders as priorities to be addressed at the Council. The Press Statement by Minister Cazeneuve also highlights information sharing and terrorist financing.

In preparation of the Council on Friday, delegations are invited to discuss the following items:

1) Firearms

1. On firearms, Member States are invited to agree to the draft implementing regulation on common deactivation standards at the experts meeting which has been called by the Commission for 22 November 2015 to finalize the draft.

Moreover, the Commission has announced it would present its proposal for the revised firearms Directive by early 2016. In view of the exceptional circumstances, it is of critical importance that the Commission should present its proposal by the end of 2015.

Operational cooperation through Europol under the EU Policy Cycle on serious and organized crime, notably within the Operational Action Plan Firearms, should be increased. A particular focus is necessary on the Western Balkans with regard to border controls to detect smuggling of firearms and cooperation to decrease the amount of weapons in the region.

How best can operational cooperation be increased?

2) External borders and information sharing

2. Member States should increase efforts to enter foreign terrorist fighters (FTFs) into the SIS II and in particular increase the use of Article 36(3). A common approach to the use of the data is needed, to be defined by the SIS/Sirene working party (including the use of immediate reporting under Art. 36(2) and (3)). A lessons learnt review of cases of 2015 should be carried out before the end of the year.

3. Europol should be given automated and systematic access to the SIS II to enable systematic cross-checking with Europol databases.

4. The Member States that still lack an electronic connection to Interpol databases at all external border crossing points, electronic passport readers and an automatic update should upgrade their systems as soon as possible as a matter of priority. The Commission should consider financial support and present proposals in this regard at the December JHA Council meeting. The smart borders initiative should include also EU nationals to address the foreign fighters threat.

5. Member States, in particular those with a particularly low percentage of checks, should further increase the checks of databases regarding persons enjoying the EU right of free movement. Coordinated implementation of the Common Risk Indicators (CRIs) by Frontex should be a priority. The necessary updates in budget, operational plans and work programme should be made. Europol and Frontex should work closely together. Frontex should be associated to WG Dumas in this context. Cooperation with Eurojust is important too. The hotspots approach should be used to the maximum extent.

6. In the context of the update of the Frontex regulation, the contribution of Frontex to fight cross border crime and terrorism should be explicitly mentioned, including access to all relevant databases.

7. Those Member States which have not yet connected counter-terrorism authorities to the SIENA network at Europol should do so as a matter of priority. Member States should further increase their contributions to FP Traveller, especially those who are currently sharing less. Europol may consider setting up a specific platform at Europol on the issue of FTF that allows the relevant national police authorities to work together. Member States are invited to second experts to the EU Counter-Terrorism Center at Europol (ECTC) by 1 January 2016 and to participate actively in the various platforms. Eurojust should also be involved.

8. It will be important to provide adequate resources for the IRU. The Commission has not yet increased the budget. Secondments by Member States are needed. It is also crucial to ensure in the revised Europol legislation that information exchange between Europol and the private sector is possible.

9. Member States are invited to further increase the use of Eurojust for operational coordination and information exchange.

What can be done at Member States level?

Which measures should be taken at EU level?

3 Terrorist financing

10. The Commission should make proposals for additional measures to counter terrorist financing as soon as possible. It would be desirable to implement Article 75 of the Lisbon Treaty (asset freezing for terrorists based in the EU), to strengthen the control of anonymous payments instruments, to ensure a better access of FIU's to banking data in centralised and registers and to curb more effectively the illicit trade in cultural goods (prevent cash payments for artefacts).

Which of these measures should be tackled as a matter of priority?

11. In addition, however, it will be important to work on implementation of all areas of the statement of HoSG of 12 February 2015 and implement the five priorities for action agreed by the October Council (JHA) until the end of the year, as planned. The EU CTC will issue a report ahead of the Council (JHA) on 20 November covering state of play of implementation of all aspects.
