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**POLGEN 178
JAI 809
COPS 403
COSI 113
TELECOM 243
PROCIV 105
CSC 102
CIS 15
RELEX 852
JAIEX 76
RECH 417
COMPET 674
IND 259
COTER 121
CYBER 20
ENFOPOL 298**

REPORT

From: Presidency
To: Delegations

Subject: Report on the activities carried out by the Friends of the Presidency Group on Cyber Issues for the period December 2012 to October 2013.

The Friends of the Presidency Group on Cyber Issues (hereinafter "the Group") was created by COREPER at its meeting on 7 November 2012¹.

¹ 15884/12 CRS/CRP 38

As set out in its Terms of Reference², the Group was initially set up for a period of one year and its efficiency and effectiveness, as well as its mandate, would be subject to review at the end of that period. Given the fact that the latter is approaching, delegations are invited, on the basis of the activity report set out in the Annex, to consider the need to propose to COREPER an extension of the mandate with one year under the already approved Terms of reference.

² 15686/12 POLGEN 183 JAI 750 TELECOM 198 PROCIV 170 CSC 72 CIS 6 RELEX 988
JAIEX 91 RECH 398 COMPET 659 IND 181 COTER 107

REPORT ON THE ACTIVITIES CARRIED OUT BY THE

FRIENDS OF THE PRESIDENCY GROUP (FOP) ON CYBER ISSUES

1. INTRODUCTION

The present report summarises the main activities carried out by the Group which aims to provide guidance and input on horizontal aspects of cyber issues and exchange information on these matters.

To date, the Group has been convened six times, including the kick-off meeting on 3 December 2012 held under the CY Presidency, three meetings under the IE Presidency and two meetings under the LT Presidency.

Senior-level officials from the Member States (MS), Commission and the European External Action Service (EEAS) attended the Group meetings. Representatives of the JHA Agencies, in particular Europol, ENISA and EDA, were systematically involved in the Group's work for items within their competence.

In order to be able to respond to the need for increased interaction and rapid reaction in relation to the on-going work of the Group, delegations were requested to nominate a Brussels-based cyber attaché to allow the convening of meetings at short notice in order to settle and take forward urgent horizontal and coordination issues in Brussels. So far 11 MS have nominated Brussels-based cyber attachés.

2. ACTIVITIES

The Group's activities have been clustered in 3 parts, reflecting the main areas of its task to develop an integrated EU approach on cyber policy issues by providing a recognised horizontal cross-cutting forum for coordination and cooperation and exchange of information encompassing various fields of expertise.

2.1 Information exchange and horizontal coordination on cyber policy issues

The creation of the Group has provided an opportunity to improve the internal Council organisation with regards to cyber issues, providing a cross-cutting forum for exchange of information by the various Council working groups dealing in substance with cyber-related matters as well as a Council focal point for reference in the interactions with the other EU institutions, bodies and entities. It has also contributed to improving transparency within the Council and facilitated to a greater extent the proper internal coordination among the delegations regarding cyber issues.

The establishment of the Group has allowed the Presidency to play a more active role in this area and supplied it with a forum for regular information on cyber initiatives, including outcomes from Ministerial meetings and other high-level events and related activities.

The regular participation of the relevant COM services in the Group's meetings has also enabled wide dissemination of information on the cyber-related activities in which they are involved or have leadership. Delegations have been updated on the developments and initiatives undertaken with regard to the implementation of the EU Cyber Security Strategy, including the legislative proposal accompanying it, and on the status of the EU network of national centres of excellence for cybercrime training.

Finally, the involvement of the EU Agencies in the Group's meetings has provided them with the opportunity to explain their role and to share their views and good practices on cyber issues in order to achieve synergy, streamline coordination and avoid overlapping. At the kick-off meeting, EDA presented its role both in the military aspects of cyber issues and as a focal point and facilitator for MS for collaborative European military capability development and Research for Cyber Defence; ENISA explained several of its cyber-related activities in relation to protecting critical information infrastructure and its participation in cyber exercises and supporting national cyber security strategies in the MS; and EUROPOL described the main features and activities of the newly established European Cybercrime Centre and stressed the relevance of its coordination with the other EU Agencies, MS, Interpol and the private sector.

2.2 External dimension of Cyber issues

As provided in its Terms of Reference, the Group has contributed actively towards achieving effective external representation of the EU by intensifying the interactions and stimulating even further the information exchange with the EEAS. The Group has been regularly informed about current or future international cyber activities as well as the state of play of certain bilateral talks on cyber issues (EU-China, EU-India, etc.).

Furthermore, the Group has provided assistance in the coordination of the EU cyber policy initiatives relating to third countries or international organisations and in developing the EU position to be taken in international cyber fora. For example, in one of its meetings, the Group discussed the EU's participation in the Seoul conference - a follow-up of the "London process", where delegations stressed the need for the participating MS to express the same EU message and underlined the importance of human rights and freedoms being applicable online and being guaranteed by proper checks and balances.

The Commission (DG Home) has also contributed in this respect by providing regular information to the Group about the outcome of both the EU-US Working Group on Cyber security and Cybercrime and the Global Alliance against Child Sexual Abuse online. This information enabled delegations to further identify synergies and avoid any duplication of efforts in the area of external relations.

2.3 Implementation of the European Strategy for Cyber Security

The Cybersecurity Strategy has been one of the main topics discussed during the Group's meetings. Starting with information from the COM on the state of play of the proposal on 3 December 2012, the final version of the Strategy was presented jointly with EEAS after its official publication.

Subsequently, the Group initiated the preparation of Council conclusions on the Strategy and led throughout the whole drafting process which entailed extensive consultations with a number of Working Parties in the Council. Member States coordinated their contributions on a national basis and sent their written comments. On the basis of the comprehensive input provided, the Presidency was able to circulate the first draft of the Council conclusions and to start discussions in the Group, which took place on 15 May and 3 June 2013.

After drafting and issuing 6 revised versions of the initial document, the Group managed to deliver a comprehensive and balanced text of 49 paragraphs covering the multi-faceted cybersecurity issue,

namely: values and prosperity, achieving cyber resilience, cybercrime, the Common Security and Defence Policy (CSDP), industry/technology research and development, international cyberspace cooperation and the definition of roles and responsibilities.

It should be underlined that the Council conclusions explicitly refer to the role of the Group in the following paragraphs:

- (45) as a means for improving coordination between Member States, the Commission and the High Representative to work towards achieving a coherent EU international cyberspace policy, in conformity with the relevant Treaties,
- (48) to assist in setting EU cyber priorities and strategic objectives as part of a comprehensive policy framework and review and support ongoing implementation of the Strategy.

At its meeting of 20 June 2013, COREPER agreed on the final text which was approved by the Council at its meeting on 25 June 2013.

Immediately after the adoption of the Council conclusions, the Group, as tasked by paragraph 48, started identifying the different options for their implementation. Discussions on this matter are still on-going.

3. FUTURE STEPS

The Group has developed its knowledge and experience during the past year and demonstrated that it has a role to play in further awareness raising, promotion, coordination and development of cyber issues policy at the EU level.

The constantly evolving necessity to address cyber issues within the various Council working parties and preparatory bodies indicates a need for the Group to continue its horizontal coordination activities in the already established format, pursuing the set of objectives as stipulated in its Terms of Reference.

Therefore, it would be advisable to consider the need to propose to COREPER an extension of the mandate with one year under the already approved Terms of reference.