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NOTE

From:	Presidency
To:	JHA Counsellors/COSI Support Group
No. prev. doc.:	7843/3/14 REV 3
Subject:	Way forward on the future of COSI

Throughout the last two Presidencies COSI has been debating its future, notably how to become more operational, more efficient and more visible and, overall, how to fully implement the mandate set out by Article 71 TFEU and in Council Decision 2010/131/EU of 25 February 2010 on setting up COSI.

At its meeting on 16 April, COSI reached agreement on seven outlines about its future role (doc. 7843/3/14 REV 3) which was endorsed by the Council on 5 June 2014. At the last COSI meeting, the incoming Italian Presidency was invited to continue these discussions on the future role of COSI on the basis of Member States' contributions (doc. 10102/14) and other related discussions, notably following the strategic guidelines on the future of the JHA area. Therefore, building upon the EL Presidency's analysis of Member States' proposals regarding the implementation of these seven outlines (doc. 10102/14), which was considered as good basis for further discussions on the future of COSI, the Italian Presidency considers that it is now time to implement a more operational approach.

Some of the principles and proposals seem to have an adequate level of feasibility and could be considered ready to be implemented. Other proposals need deeper reflection and further debate. This Presidency's paper intends to give the COSI delegations an indication of how COSI's agenda will be managed during the semester, by highlighting those proposals which could be considered ready for implementation. Furthermore, it proposes some aspects to be explored by the MS by utilising an informal methodology. The development of COSI is a dynamic process and is subject to continuous update and revision.

A. Proposals ready to be implemented

1. Terrorism:

- State of play on terrorism threats; COSI should receive a regular update by the Counter-Terrorism Coordinator (CTC) on relevant terrorism threats and EU responses based on the CTC's latest reports or assessments. The discussion in COSI will mainly focus on the implementation of the relevant EU strategies and the CTC's recommendations, on multidisciplinary approaches, and on how to facilitate the coordination between MS and enhance cooperation with Third States.
- Ad hoc discussion; the Presidency will consider requests from MS to discuss terrorism related topics when appropriate. The decision will be based on a needs-driven assessment and will be taken after a preliminary exchange of views within the COSI SG and within the TWP and COTER.
- Coordination; coherence between all relevant WGs' activities will be ensured whenever there is a proposal to discuss a terrorism-related item in COSI, the Presidency will organise a preliminary exchange of views with the Chairmen of COTER and of the TWP and with the CTC in order to avoid any overlapping and to ensure consistent results. A preparatory discussion at the COSI SG will be envisaged when appropriate. If deemed necessary, COSI will ask the TWP, COTER and the CTC to deal with specific aspects of the debated issue. When appropriate, the TWP and COTER Chairmen will be invited to participate in the COSI debate.

2. Evaluation

Some of the aspects related to the evaluation may already be operational; some others, more linked to a general working methodology, require further debate.

In particular:

- “ensuring the update of the Internal Security Strategy”. COSI will play a strong role, within the Council, when it comes to the renewal of the Internal Security Strategy. Following the European Council guidelines, the Presidency will carry out discussions within different *fora* (e.g. Informal JHA ministerial meeting and informal meeting of COSI/CATS – Home Affairs) on the Internal Security Strategy. The outcomes of these debates would represent the operational input of the Council on the future Internal Security Strategy. COSI will coordinate this project within the Council, ensuring coherence among the different actors involved.
- “providing advice to the Commission while evaluating and assessing third states on security matters”. COSI should strengthen its role as “qualified adviser” on internal security matters and enhance its external dimension activities. COSI will seek updates on how law enforcement authorities in neighbouring countries are dealing with serious and organised criminal phenomena. The Commission (DG Home or Enlargement) is constantly evaluating law enforcement in those Third States which are undergoing thorough assessments within enlargement and neighboring policies (such as the Visa dialogues). The Presidency intends to ask the Commission's relevant services to provide COSI with an overview of such assessments, with a specific focus on technical and operational aspects related to law enforcement cooperation and the fight against different forms of trafficking. This will help COSI to better address operational initiatives where cooperation with such countries is necessary, notably within the EMPACT OAPs.

3. Internal-external security

- The Presidency will support the implementation of the FSJ - CSDP roadmap and is keen to achieve some concrete and tangible results with the support of all relevant actors. At a later stage, the Presidency will come back with some proposals of possible actions on how to increase the links between COSI's initiatives and those of the relevant EEAS actors whose mandates are related to the planning and conduct of civilian missions with JHA implications. The aim would be to have COSI contributing relevant knowledge and expertise to the planning of new civilian missions with JHA implications.
- COSI, alone and together with the PSC, should address efforts to areas outside the EU, where criminal phenomena having an impact on the internal security generate. The Presidency intends to explore the possibility of organising thematic discussions (e.g. illicit trafficking and criminal phenomena related to illegal immigration) with the relevant authorities of Third States on topics which have a direct impact on the EU's internal security.

4. Increasing COSI's visibility

- COSI should advise the Council on EU internal security matters without prejudice to COREPER's role and competences.
- As stated in doc. 7843/3/14 REV 3, the COSI Chair will submit "an annual discussion paper to the Council and present the results, operational shortcomings and lessons learned of the EU Policy Cycle to trigger debates on the implementation of the EU Policy Cycle. This discussion paper should be based on the progress reports of the Drivers, the outcome of the NEC meetings and the Europol Director's report and agreed by COSI".

Ideally this would be carried out, annually, after the final reports of the OAPs are issued.

Whenever there are major operational results or specific aspects of the Policy Cycle which are considered worth bringing to the attention of the Council, the COSI Chair may, after consulting the COSI delegations, present them through COREPER, to the Council.

- COSI will enhance its cooperation with international organisations or centres specialised in specific major criminal phenomena (such as Interpol and MAOC).
- As already stated, COSI will establish links, aiming at a mutual knowledge, with law enforcement authorities in third states, especially with those countries which are a source of major threats to the internal security of the EU.

In order to ensure coherence with the initiatives of other Committees acting in the field of internal security, the Presidency will consider strengthening the dialogue with CATS and SCIFA.

5. New threats

The Presidency should retain the possibility to insert in the agenda, on its own initiative or as a result of an evidence-based or needs-driven proposal from any MS, any internal security related item. The role of Europol in identifying new threats, on the basis of data collection and intelligence analysis, is predominant, but any other unexpected development affecting EU internal security should be addressed in accordance with the EU Policy Cycle methodology.

B. Proposals which would require further elaboration

1. Coordination-Cooperation JHA Agencies

One of COSI's main tasks is to facilitate and ensure effective operational cooperation among EU MS and to monitor the coordination of actions among JHA Agencies. The possibility of ensuring consistency between the actions of other EU Agencies concerning internal security matters should also be considered. This activity, recognized as fundamental by COSI, requires further debate since it touches upon different mandates or regulatory frameworks.

2. Evaluation working procedure

Art. 3(2) of the Council Decision setting up COSI established its evaluation tasks. The items which could be the subject of a COSI evaluation, in addition to those mentioned under point A. 2, are to be defined together with a concrete methodology. This methodology should be further developed on the basis of the principles approved by COSI on 16 April (see doc. 7843/3/14 point 3) and of the MS' suggestions listed in doc. 10102/14.

3. Internal/external security

COSI role in the programming of IcSP: there is the possibility of exploring the role of COSI in advising the Foreign Policy Instrument (as it happens already for the PSC) when planning and implementing security sector related projects of the Instrument Contributing to Stability and Peace (2014-2020).

Methodology

The list of the above mentioned proposals is not exhaustive and COSI will continue to develop over time. Those aspects which have not been reflected in this paper may be considered at a later stage.

The Presidency invites delegations to agree with the following methodology for handling proposals which require further debate:

- Like-minded States could voluntarily agree on the setting up of informal groups for internal discussions on the above-mentioned issues.
- The outcome of these discussions should be addressed in the COSI Support Group through the Presidency.