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**LIMITE**

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**NOTE**

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From: Presidency  
To: JHA Counsellors / COSI Support Group  
Standing Committee on Operational Cooperation on Internal Security

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No. prev. doc.: 6785/16, 6215/16, DS 1130/16

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Subject: Development of a structured approach for operational cooperation on countering terrorist threats

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1. Following the Paris attacks on 13 November 2015, the Council on 20 November 2015 in its conclusions on Counter-Terrorism<sup>1</sup> (CT) called for COSI to liaise with competent Working Parties of the Council and with the Commission and EU agencies to ensure effective implementation of the operational measures agreed. In this context, COSI was asked by the Council to examine the possibility to develop a methodology for a structured and multilateral approach for operational cooperation on countering terrorist threats. The Council also stated that the EU Counter Terrorism Coordinator (EU CTC) will monitor the overall implementation of these conclusions.

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<sup>1</sup> 14406/15 + COR 1

2. On 17-18 December 2015, the European Council stressed in its conclusions<sup>2</sup> the urgency of implementing the measures agreed. Furthermore, the European Council stated in pt. 7 that *"The commitment made by the Heads of State or Government last February for deeper cooperation between security services should be further pursued, in full respect of Member States' sole responsibility for national security, notably by structuring further their information exchange so that interested Member States can engage in enhanced joint operational threat analysis"*.

The Joint statement of EU Ministers for Justice and Home Affairs and representatives of EU institutions on the terrorist attacks in Brussels on 22 March 2016, adopted on 24 March 2016 in Brussels<sup>3</sup>, reiterates a number of measures to be urgently implemented to enhance our collective ability to combat terrorism.

3. At the JHA-Council of 10-11 March 2016, Ministers discussed and took note of the EU Counter-Terrorism Coordinator's (CTC) report<sup>4</sup> on the state of play on the progress that has been achieved in the fight against terrorism since 12 February 2015 and suggested ways forward on how to address the gaps/shortcomings mentioned in the report. The report and its recommendations were welcomed by Member States, the Commission, Europol, Eurojust and Frontex.
4. Leading up to the JHA Council, COSI (Standing Committee for Operational Cooperation on Internal Security), at its meeting of 3 March 2016 and at the informal dinner the evening before, discussed two contributions:
  - an informal Presidency paper on "Structured and multidisciplinary approach for operational cooperation on countering terrorist threats", to meet the call of the Council conclusions on terrorism from 20 November 2015<sup>5</sup>, that tasked COSI to examine the possibility to develop such an approach;

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<sup>2</sup> 28/15  
<sup>3</sup> 7371/16  
<sup>4</sup> 6785/16  
<sup>5</sup> DS 1130/16

- a joint contribution by Belgium, Finland, France, Germany, Spain, Sweden, Romania and the United Kingdom to the Presidency on implementing a structured and multilateral approach for operational cooperation on countering terrorist threats<sup>6</sup>;
5. Delegations expressing themselves at these occasions agreed that there is a need for more coordination and clarity and suggested that COSI could play a prominent role in this coordination. The development of a "master document" which would provide COSI with an overview of the various actions and players was one possible tool suggested to this end. The EU CTC offered to produce such a master document, in addition to his regular reports to the Council.
  6. Several delegations expressed the view that a master document alone did not reflect the ambitions expressed by the JHA Council, as this was not in itself advancing operational cooperation on CT. The view was shared that, although the approach on organised crime and terrorism differ, some experiences gained from the EU Policy Cycle on serious and organised crime could also be of benefit to a structured approach for operational cooperation on countering terrorist threats. In particular, the development of a more comprehensive threat assessment was mentioned, combining analysis of information available at Europol, assessments of the threat from terrorism as produced by the EU Intelligence and Analysis Centre (INTCEN), and input from Member States' services and Eurojust.

#### Next steps/way forward

#### 7. *Master document*

It is suggested that the Presidency, in cooperation with EU CTC (in addition to his regular reports to the Council), develops a master document. Such table of CT actions would cover the most relevant actions that have been agreed by the Council, either politically (in the form of for instance Council Conclusions) or legally (binding EU instruments). If applicable, for each action, it would indicate the responsible Working Party and show the state of progress. During each Presidency, the General Council Secretariat and EU CTC would provide an update of such table to delegations. A similar exercise is already being undertaken with regard to the implementation of the Internal Security Strategy.

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<sup>6</sup> 6215/16

Such master document would be presented to COSI, allowing it to also meet the call from the Council in its Conclusions of 20 November 2015 that "*COSI [...] liaise with competent Working Parties of the Council and with the Commission and EU agencies to ensure effective implementation of operational measures agreed*".

8. *Joint threat assessment*

Secondly, Member States are invited to indicate whether they can agree to request Europol and EU Intelligence and Analysis Centre to provide a joint threat assessment, as well as allow interested Member States and Eurojust and Frontex to contribute to such a threat assessment, in full respect of Member States' sole responsibility for national security. Obviously such threat assessment would need to be drawn up by Europol/INTCEN following a clear tasking by those Member States that wish to deepen their cooperation in this manner.

9. **Member States are invited to indicate whether they can agree to the suggested way forward.**

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