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**NOTE**

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From:	Presidency
To:	Standing Committee on Operational Cooperation on Internal Security
No. prev. doc.:	9151/16, 8587/16, 5298/1/16, 15345/15, 14636/15, 14079/15, 10854/15
Subject:	Renewed European Union Internal Security Strategy and Counter-Terrorism Implementation Paper: second half of 2016

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The Council Conclusions of 16 June 2015 on the Renewed European Union Internal Security Strategy<sup>1</sup> requested COSI to develop, in close cooperation with the Commission, and, where appropriate, by involving other relevant actors, a well-targeted implementation document with a list of priority actions to implement the Renewed European Union Internal Security Strategy 2015-2020. The Luxembourg Presidency developed the first implementation paper<sup>2</sup>.

On 16 December 2015, the NL - SK - MT Trio Presidency presented a 2016 implementation paper at the COSI meeting<sup>3</sup> with an overview of the activities to be carried out under NL - SK - MT Presidency. It was followed by an implementation paper of the NL Presidency for the first half of 2016<sup>4</sup>.

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<sup>1</sup> 9798/15  
<sup>2</sup> 10854/15  
<sup>3</sup> 15345/15  
<sup>4</sup> 5298/1/16 REV 1 (19 February 2016)

Progress reports<sup>5</sup> were provided to the Council and to COSI in the second half of 2015 and the first half of 2016. The implementation paper is obviously a living document, which will need to be reviewed by each Presidency when programming the agendas of Working Parties and Committees, taking into account progress achieved in the Council, and also incorporating the regular updates that the Commission has announced in the European Agenda on Security and the progress made by it in the implementation thereof.

The current document aims at providing a comprehensive overview of actions from the first half of 2016 which are still to be implemented as well as new actions for the second half of 2016. Its annex II gives an overview of the Working Parties and the objectives that are planned to be carried out under the SK Presidency in the second half of 2016. This document does not purport to be an exhaustive Presidency programme of all Working Party activities in the area of justice and home affairs. It does not list a number of activities that are part of "ongoing Council business", and obviously the Presidency/Council will develop other activities in the justice and home affairs area that do not relate to the ISS.

The present implementation paper contains also an important new annex I which provides an overview of the most relevant counter-terrorism actions that have been agreed by the Council, either politically or legally. In this way, the implementation paper incorporates the so-called master document on counter-terrorism, on the development of which COSI agreed on 18 April 2016. This annex was prepared by the Presidency in close cooperation with the EU Counter-Terrorism Coordinator (EU CTC). Whilst the overview of the implementation of the Roadmap on information exchange<sup>6</sup> will be set out in a separate Presidency report to the December meeting of the Council (JHA), the current document obviously will list a number of actions to be undertaken for the implementation of that roadmap.

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<sup>5</sup> 14079/15, 14636/15, 9151/16

<sup>6</sup> 9368/1/16 REV 1

The Presidency's objective is to allow COSI to develop and maintain a precise overview of the activities that the Council's Working Parties and Committees conduct or foresee and to allow COSI to give appropriate orientations and guidance for the implementation of the Renewed Internal Security Strategy and of CT measures. The table set out in annex III to this document provides a horizontal overview of the Working Parties where the various measures will be discussed. For each Working Party this document sets out which activities the Presidency intends to undertake with a view to achieving progress with regard to these measures. For the ease of reference, cross references to the relevant measures listed in the horizontal table in annex II are set out next to the main activities.

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**Overview of counter-terrorist work to be carried out in the second half of 2016**

The Presidency envisages that in the counter-terrorism area, work will be undertaken along the following strands. For each of the items mentioned below, more detailed information is provided in annex II regarding the Working Parties in which the work will be carried out.

***Threat assessment***

Europol will present a future oriented threat assessment. On the basis of this input by Europol and the threat assessments prepared by INTCEN a set of conclusions and policy recommendations will be prepared in the Terrorism Working Party, when appropriate. These will then be submitted to COSI for endorsement.

***Information sharing***

The measures to be developed in this regard are set out in the Roadmap on information exchange. These measures will be mainly monitored by the SIS/SIRENE Working Party, the Terrorism Working Party and COSI. The Commission's High Level Expert Group is expected to propose legal technical, financial and operational requirements to pursue interoperability solutions for information systems. Following the findings of this Expert group, the Commission would in 2017 present specific ideas to the Council and the European Parliament on ways forward.

Special attention will be given to the implementation of Chapter III of the Roadmap which the Presidency intends to discuss at the October JHA Council. The EU CTC will moreover present to the Council (JHA) at its October meeting a note on the need to increase the contributions to and the use of Eurojust in the counter-terrorism area, a draft of which will be discussed by COSI at its September meeting as well as in CATS.

Further reporting by the EU CTC on the state of play on the implementation of the statement of the Members of the European Council of 12 February 2015 and the Conclusions of the European Council of 18 December 2015, particularly on feeding and using of databases (SIS II, Europol FP Travellers, FP Hydra, FP Firearms, Interpol SLTD database and iFADO, EIS) and the use of the Terrorist Financing Tracking programme, Prüm), is envisaged for the Council (JHA) in December. During the COSI meeting in November, the EU CTC will present the intended report.

Chair of the Counter Terrorism Group will be invited to attend the JHA Council when terrorism-related issues are to be discussed.

### ***Financing of terrorism***

On 2 February 2016, the Commission presented a Communication on an Action Plan for strengthening the fight against terrorist financing. Actions proposed by the Commission, while geared primarily against terrorist financing, will also strengthen the general EU anti-money laundering framework.

The Action Plan proposes twenty actions in various areas, most of which are to be completed by the end of this year. A number of these actions will be commenced during the second half of 2016, including:

- a) A proposal to amend the Anti Money Laundering Directive, which the Commission issued on 5 June 2016;
- b) A delegated action establishing the EU list of high risk third countries with strategic deficiencies in their anti-money laundering/countering terrorism financing, as foreseen in the AMLD, adopted by the Commission in July 2016 and for which the scrutiny period by the Council and Parliament will end in September 2016;
- c) Exploring the possibility of a self-standing legislative instrument to allow for a broader consultation of bank and payment account registers for other investigations and by other authorities, beyond the scope of the AMLD;

- d) A legislative proposal for harmonising money laundering criminal offences and sanctions;
- e) A legislative proposal against illicit cash movements;
- f) Assessing the possibility for an EU regime for the freezing of assets of terrorists under Article 75 TFEU;
- g) A legislative proposal to strengthening the mutual recognition of criminal assets' freezing and confiscation orders;
- h) Exploring the possibility of creating a European system which would complement the existing EU-US Terrorist Finance Tracking Programme agreement by tracing transactions excluded under the mentioned agreement; and
- i) Legislative proposal reinforcing customs' powers and cooperation and addressing terrorism financing related to trade in goods.

Apart from the measures listed under d), g) and h), these measures will, however, not be discussed in JHA Working Parties.

### ***Criminal justice response***

The Presidency intends to lead successful negotiations with the European Parliament so as to obtain a political agreement on the Draft Terrorism Directive by the end of 2016.

### ***Countering radicalisation and violent extremism***

The Presidency intends to have the follow-up to the Commission Communication supporting the prevention of radicalisation leading to violent extremism discussed in the Terrorism Working Party, CATS and COSI, so as to allow the Council (JHA) at its October meeting to provide input to the Conclusions that will eventually be adopted by the Council (EYCS) at its meeting on 22 November 2016.

Member States will be updated on the functioning of the EU Internet Forum, the EU IRU, the RAN Centre of Excellence, including RAN's external engagement. Regular updates will also be provided from the European Strategic Communications Network (former SSCAT).

A report on CVE strategies and networks will be discussed and serve as input for the RAN High Level Conference (November 2016). Moreover, reflections on how to organise controlled returns, rehabilitation and re-integration measures for returnees are envisaged to address the potential threat posed by an increasing number of returnees.

### ***Strengthening of controls at the external borders***

The Presidency will work on the following files aimed at strengthening of controls at the external borders.

- Revision of the Schengen Borders Code: the Council aims at reaching political agreement with the European Parliament in September/October 2016 on the amendment of Art. 7(2) Schengen Borders Code to introduce systematic checks of Union citizens.
- The adoption of the European Border and Coast Guard Regulation in the autumn will better enable Frontex to contribute to fight against terrorism and organised crime. Setting up of the entry - exit system: the aim would be to reach political agreement if possible by the end of the year.
- Implementation of the security aspects of the hotspots.

### ***Strengthening cooperation with third countries***

The Presidency will monitor the following files:

- Follow-up to the Global Strategy for the EU's Foreign and Security Policy
- CT packages with a number of priority countries in the MENA region and Turkey
- Western Balkans CT (WBCTi) Initiative: implementation of the Integrative Plan of Action (iPA) for 2015-2017, particularly focussing on the implementation of RAN for the Western Balkans.

**COSI**

COSI, as established by Article 71 TFEU and laid down in the Council Decision of 25 February 2010, has a central role in ensuring that operational cooperation on internal security is promoted and strengthened within the Union as well as in developing, implementing and monitoring the renewed EU Internal Security Strategy 2015-2020. The progress in the implementation of the renewed EU Internal Security Strategy will therefore be closely monitored by COSI, which will discuss a number of operational issues related to the priorities identified in the renewed ISS. For some of the items listed below, this will be done on the basis of work carried out by other Working Parties.

**(1) Implementation of the EU Policy Cycle [Measure 35]**

In this regard COSI will in particular examine the following items:

- preparing of the next Policy Cycle taking into account the outcome of the independent evaluation, which was launched at the end of 2015. An interim report is expected in the second half of 2016 and the final report will be presented to Council in March 2017;
- increasing the involvement of Customs authorities in the Policy Cycle, notably to ensure coordination with the 8th Customs Action Plan in line with the coordination measures set out in 6015/2/16;
- monitoring emerging threats, in particular environmental crime by using an intelligence-led approach;
- monitoring the development of the 2016 Joint Action Days and strategic debate on the 2017 JADs;
- monitoring the funding of the OAPs, notably the implementation of the mini call and discussion of future funding;



- monitoring progress reports and final reports OAPs 2016 and discussion – adoption of OAP's 2017 (end of 2016);
  - extending the Policy Cycle to neighbouring countries and strengthening the involvement of third countries in the Operational Action Plans;
- development of fact sheets on the results of the OAPs 2015;

*Objectives:*

- *identify concrete measures with a view to extending the work of the Policy Cycle to neighbouring countries;*
- *monitor progress in the independent evaluation of the EU Policy Cycle;*
- *mentor appropriate funding for the OAPs;*
- *aim at stronger involvement of Customs authorities and avoid duplications 8th Action Plan;*
- *adoption of the 2017 OAPs;*
- *strategic guidance JADs 2017.*

**(2) European Agenda on Migration [Measure 33]**

In line with the "Roadmap on the follow-up to the EC conclusions" (8497/15), COSI will ensure that the actions undertaken in the framework of the EU Policy Cycle are integrated with the European Agenda on Migration in particular with regard to THB and smuggling of migrants;

*Objectives:*

- *Ensure coordination between the relevant OAPs and the European Agenda on Migration as well as with recent developments in the migratory field;*

### **(3) Integrated Border Management [Measures 13 and 14]**

In this regard COSI will in particular examine:

- the implementation of the operational measures taken to strengthen the controls at external borders as foreseen in the Conclusions on Counter-Terrorism (14406/15 + COR 1) and the Roadmap to enhance information exchange and information management, notably:
  - the use of the different databases, in particular the SIS II and Interpol databases,
  - the connection of all external border crossing points to the relevant databases,
  - the implementation of the common risk indicators.
- COSI should be informed about the legislative negotiations regarding the European Border and Coast Guard and the amendment of Art. 7(2) Schengen Borders Code;
- Frontex Risk Analysis.

*Objectives:*

- *monitor implementation of the operational measures foreseen in the Council Conclusions of 20 November 2015;*
- *monitor implementation of the measures of the EC Declaration of 12 February 2015, the Riga Declaration, the 5 short-term priorities of JHA Council of 8 October 2015 as well as the EC Conclusions of 17-18 December 2015.*

### **(4) Terrorism [Measures 21, 22 and 25] (see also Chapter 1)**

In accordance with the Council conclusions of 20 November 2015, COSI will liaise with competent Working Parties of the Council and with the Commission and EU agencies to ensure effective implementation of operational measures on Counter-Terrorism.

- COSI in particular will monitor the implementation of the operational measures of the Council conclusions on Counter-Terrorism of 20 November 2015 (14406/15 + COR 1) and the EC Conclusions of 17-18 December 2015<sup>7</sup> in particular the exchange of information and monitor the progress in the work of the European Counter-Terrorism Centre and the Internet Referral Unit within the ECTC at Europol;
- COSI will also monitor the implementation of the EC Declaration of 12 February 2015, the Riga Declaration, the EC Conclusions of 17-18 December 2015 and 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.

COSI will in particular deal with the following items:

- Presentation of a coordinated, comprehensive and future-oriented threat assessment picture and discussion of a set of conclusions and policy recommendations prepared in the Terrorism Working Party;
- Presentation of a Europol future oriented threat assessment;
- the implementation of the Council Conclusions of 3-4 December 2015 on the Western Balkan Counter Terrorism Initiative, incl. Action plan covering 2016-2017;
- possible discussion on Aviation security
- possible discussion on the impact of the Court's opinion on the EU's PNR strategy in relation to third countries<sup>8</sup>

*Objectives:*

- *improved cooperation in CT analysis. The new process will be evaluated at the end of 2017; monitor the implementation of the operational measures foreseen in the Conclusions on Counter-Terrorism adopted on 20 November 2015;*

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<sup>7</sup> EUCO 28/15

<sup>8</sup> Depending on the date of deliverance of the Opinion of the European Court of Justice on the envisaged PNR agreement between Canada and the EU.

- *Implementation of the Roadmap to enhance information exchange;*
- *Presentation of the iOCTA and TESAT 2016.*

**(5) EU Internet Forum [Measure 23]**

The Commission will be invited to update COSI on the activities of the EU Internet Forum, which was launched on 3 December 2015. COSI will be invited to provide guidance, as appropriate, whilst keeping the link with FoP on Cyber Issues and the Digital Single Market initiatives.

*Objective: monitor the progress in the activities of the Forum.*

**(6) Firearms [Measure 29]**

COSI will in particular deal with the following items:

- the implementation of the measures contained in the Council conclusions of 8 October 2015 on strengthening the use of means of fighting trafficking of firearms, in particular the feeding of the relevant databases, MS' participation in OAP Firearms;
- the interoperability of iARMS/SIS as well as the development of a Manual for combating the sale of illegal commodities on the Internet. The coordination of measures contained in the EU Action Plan against illicit trafficking in and use of Firearms with OAP Firearms, the Customs 8th Action Plan as well as other initiatives;
- follow-up on the implementation of the Action Plan on illicit trafficking in firearms between the EU and the South East European region for the period 2015-2019<sup>9</sup>;
- the final report by FI on the evaluation of operational coordination with regard to trafficking in firearms (discover gaps).

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<sup>9</sup> 15516/14

*Objectives:*

- *monitoring implementation of the Council Conclusions of 8 October 2015;*
- *monitoring OAP Firearms and adoption 2017 OAP Firearms;*
- *presentation of the Firearms matrix by Europol as agreed by COSI on 17 May 2016;*
- *monitoring implementation of the firearms part of the Action Plan on illegal trade of firearms and explosives, including the WB and MENA countries activities, adopted by the COM on 2 December 2015.*

**(7) Administrative approach [Measure 32]**

- Update on the implementation of the multi annual Work Programme (2015-2017) of the Informal Network of contact points on the Administrative Approach (16407/14);

*Objectives:*

- *monitor the progress in the Informal Network for the Administrative Approach*

**(8) Links internal - external security [Measure 36]**

The COSI SG and CIVCOM will discuss the way forward regarding the Road Map "Strengthening Ties between CSDP and FSJ", in particular the CMPD Food For Thought Paper "From strengthening ties between CSDP/FSJ actors towards more security in EUROPE". The Global Strategy for the European Union's Foreign and Security Policy can be also addressed.

COSI should also discuss how to contribute to existing policy dialogues on security with key third countries.

In this regard COSI will in particular deal with the following items:

- examine the EEAS' Progress reports: follow-up;
- contribute to policy dialogues with third countries;
- final report of the informal experts group led by PL.

*Objective:*

- *discuss the CMPD Food For Thought Paper and contribute to policy dialogues.*

#### **(9) Cooperation between JHA Agencies [Measure 15]**

COSI will look at deepening the cooperation between JHA Agencies. Ways of improving information exchange between JHA agencies, including ways to improve Member States' contributions to the JHA Agencies, as described in the Roadmap, will be discussed. COSI will be informed of the outcome of the next meeting of the Heads of JHA Agencies, to be hosted by FRA in November 2016.

*Objective: debate ways of further improving cooperation between the agencies, in particular Europol and Eurojust and assess remaining obstacles for Europol and Frontex, inter alia as regards direct access to SIS II.*

#### **(10) Information exchange [Measure 5]**

COSI will monitor the progress implementation of the Roadmap on Information Exchange and accompanying action plans, and identify key obstacles and propose a way forward. This monitoring will be included in a separate implementation paper. Special attention will be given to the work of the High Level Expert Group and the Commission will be invited to regularly report to COSI.

*Objective: Progress is to be strategically monitored by COSI in coordination with other relevant preparatory bodies of the Council, the Commission and the EU Counter Terrorism Coordinator (CTC), on the basis of progress reports prepared by COSI in cooperation with the CTC, the Presidency and the Commission. The Council will be regularly informed on progress made and in any case when political decisions are necessary. COSI will report to the JHA Council.*

## CATS

CATS is a senior level committee of the Directors and Directors General at the Ministries of Justice and Home Affairs in the Member States. It assists Coreper in relation to legal, horizontal and strategic matters in the field of police and judicial cooperation in criminal matters. It works in collaboration with other relevant Council Committees, in particular COSI and SCIFA, and relevant working parties, providing the latter where appropriate with strategic guidance and support.

### **(1) (Additional protocol to) the Council of Europe Convention on the Prevention of terrorism [Measure 24]**

The ongoing update of the FD 2002/475/JHA on combating terrorism will be taking into account the Additional Protocol supplementing to the Council of Europe Convention on the Prevention of terrorism. This will also pave the way for the conclusion of the CoE Additional Protocol on behalf of the EU. In order to do so, the Union will have to transpose its provisions into EU's law. The signing on behalf of the EU, of the CoE Additional Protocol to the Convention on the prevention of Terrorism was approved by Council Decision (EU) 2015/1914 of 18 September 2015.

*Objective: when the Commission presents the respective proposals, work with a view to the adoption of the Council Decisions on the conclusion on behalf of the EU of the CoE Convention the Prevention of Terrorism and its Additional Protocol will be carried further.*

### **(2) Data Retention Directive [Measure 9]**

On the basis of Member States' contributions CATS will examine the various ways in which the ruling of the ECJ and of some national Courts invalidating the Data Retention Directive have been taken into account in national legislation. Once the decision on Tele 2 case<sup>10</sup> will be published/adopted by ECJ, the Presidency will organise a policy debate.

The Presidency will continue the activity of the informal policy group on data retention within the EU, which was established after the meeting of the Ministers of Justice of December 2015. The first meeting of the group took place in April 2016 under the Netherlands Presidency.

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<sup>10</sup> Case C-203/15, lodged on 4 May 2015, Tele2 Sverige AB v. Post-och telestyrelsen

*Objective: Provide follow up on this topic, including the activities of the informal policy group on data retention.*

**(3) E-evidence [Measures 17 and 38]**

On 9 June 2016 the Council adopted 2 sets of conclusions: (i) on improving criminal justice in cyberspace and (ii) on the European Judicial Cybercrime Network. The first set of conclusions envisage specific measures aiming to streamline mutual legal assistance in cyber-related criminal proceedings and to improve cooperation with private parties in order to secure and obtain e-evidence more effectively, as well as the development of a common EU approach on enforcement jurisdiction in cyberspace for situations where existing frameworks are not sufficient will be also launched.

*Objectives:*

- *Ensure a follow up of the implementation of the Council conclusions with close cooperation with Commission.*
- *Facilitate ongoing policy discussions on the practical and legal obstacles to investigations in cyberspace in order to ensure effective criminal justice in the digital age.*



## **TERRORISM WORKING PARTY (TWP)**

The TWP discusses the [internal] operational aspects of Counter Terrorism (CT) (as opposed to COSI, which discusses CT issues at strategic and policy shaping level). It is within its remit to assess the terrorist threat; manage and improve cooperation instruments, define new cooperation instruments (e.g. the role and responsibilities of Europol in the field of terrorism) and continue cooperation with COTER (dealing with external aspects of CT) via a joint meeting during each Presidency. The joint half-yearly TWP/COTER session is a regular dialogue on cross-cutting issues, with a view to reinforcing links between external and internal aspects of CT (such as in aviation security, cyber security, data issues, radicalisation, terrorist financing, terrorist movement, diaspora engagement and tackling the terrorist threat at its source).

Apart from the regular information updates on incidents of significant interest (incl. Member States informing on Foreign Terrorist Fighters), INTCEN reports and presentations comprising an important element of TWP and COTER discussions and CTC, COM, EEAS and Europol informing on CT-activities, the following items may be discussed during the second half of 2016 in the context of the implementation of the ISS:

### **(1) EU Internet Forum [*Measure 23*]**

The TWP will receive regular updates concerning the work of the EU Internet Forum and contribute to the guidance to be provided by COSI.

*Objective: monitor the work of the EU Internet Forum.*

### **(2) Prevention of radicalisation [*Measures 21, 22, 25 and 28*]**

The TWP will in particular deal with the following items:

- On the basis of input from INTCEN and Europol, prepare a set of conclusions and policy recommendations which would serve as a basis for a coordinated, comprehensive and future-oriented threat assessment;
- Regular updates on the work of the RAN and the RAN Centre of Excellence;

- Regular updates from ESCN (European Strategic Communications Network);
- Raise awareness among CT officials regarding R&D dimension in this field – SAFIRE;
- Collect MS replies to the questionnaire on CVE strategies and networks (CM 3082/16), analyse them and draft a report to be discussed in TWP; subsequently the report will serve as input for the RAN High Level Conference (November 2016);
- Follow-up to the Commission Communication on supporting the prevention of radicalisation leading to violent extremism (10466/16), including by preparing input into possible Council conclusions related thereto.

*Objective: monitor ongoing initiatives, including by receiving IRU and ECTC updates.*

### **(3) Foreign terrorist fighters [Measure 24]**

The TWP will in particular look at:

- Follow-up to the Commission Communication on delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union (8128/16 + ADD 1), which highlights among others the threat posed by returning terrorist fighters.

*Objective: examine possibilities for measures against foreign terrorist fighters.*

### **(4) Information exchange [Measures 5 and 12]**

On the basis of the work done by the Netherlands Presidency endorsed at the JHA Council on 9/10 June 2016 and of the discussions that took place in that framework, the TWP will look at the following actions:

- Implementation of the relevant actions contained in the Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area (9368/1/16 REV 1 + COR 1), especially Chapter III thereof;

*Objectives:*

- *examine possibilities of improving intelligence cooperation within Member States between Security Services and Law Enforcement;*
- *coordination of different initiatives in this field;*
- *support the work of the new Europol CT Centre (ECTC).*

**(5) CBRN-E Progress report on the implementation of Action Plans [Measure 26]**

The TWP will discuss the steps further the Commission is expected to propose in implementing the CBRN-E (explosives) agenda in 2016, after review of the implementation of the EU CBRN Action Plan. The TWP will also discuss the follow-up to the broader Commission Communication incorporating CBRN-E related aspects which is expected in autumn 2016.

*Objective: identify ideas for the way forward*

**(6) Explosives – revision of the Precursors Regulation [Measure 26]**

The TWP will deal with the follow up of the implementation of the explosives part of the Action Plan on illicit trafficking in and use of firearms and explosives, which was adopted on 2 December 2015. The specific actions related to explosives include activities to better use existing tools, to develop better training and innovative detection tools, as well as to ensure the full implementation by Member States of the Precursors Regulation 98/2013, which aim to restrict access to dangerous substances that can be used for making explosives. The Action Plan also foresees to bring forward the revision of the Regulation to 2016 in order to propose further controls around precursors as threats evolve.

*Objective: follow-up on the implementation of the explosives part of the Action Plan*

## **LAW ENFORCEMENT WORKING PARTY (LEWP)**

The main goal of LEWP is to contribute to ensuring security in the Union by enabling police and other law enforcement agencies to better combat cross-border crime.. In line with the principles set out in the renewed ISS, this is done, inter alia, by increasing cross-border cooperation, including operational cooperation, and mutual trust, as well as ensuring a cross-sectorial approach.

Where relevant, better steering of the networks and a top-down approach will be encouraged, in the LEWP relationship by better guiding their action, which would help contributing to the implementation of the renewed ISS. The following actions could be undertaken in the second half of 2016 in the context of the implementation of the ISS:

### **(1) Assessing strategic training needs [Measure 19]**

The Commission should present the new methodology for the strategic training needs assessment by the end of 2016 (according to Article 4.1 of the new CEPOL Regulation) in which case LEWP will be able to invite CEPOL to discuss it.

*Objective: discuss the methodology for assessing strategic training needs and supply CEPOL with advice on this matter.*

### **(2) Financial investigation [Measure 36]**

LEWP will monitor the implementation of the Council Conclusions and Action Plan on the way forward with regard to financial investigation, adopted at the JHA Council on 9/10 June 2016 (8777/16).

*Objective: follow up the implementation of the action plan on financial investigations.*

**(3) Development of the European Forensic Science Area [Measure 10]**

LEWP will monitor the implementation of the Council Conclusions and Action Plan on the way forward in view of the creation of an European Forensic Science Area, adopted at the JHA Council 9/10 June 2016 (8770/16).

*Objective: follow up the implementation of the Action Plan to stimulate the realisation of a European Forensic Science Area.*

**(4) Cooperation between customs and law enforcement agencies [Measure 15]**

During the Netherlands Presidency, a joint LEWP/CCWP Experts meeting took place to discuss the Joint Police Customs Operation ARES. LEWP will continue to receive regular updates on the state of play of the operation and discuss possible challenges posed by the JPCO (e.g. in the area of information exchange).

*Objective: find ways to better coordinate and stimulate cooperation between customs and police.*

**(5) Relations between the LEWP and its related expert groups and networks [Measure 15]**

During the Netherlands Presidency, an overview document was drafted containing the strategic objectives of networks (6883/3/16 REV 3). On this basis, according to the guidelines adopted in December 2015, the LEWP will have to discuss and approve the annual work programmes of the networks.

*Objectives:*

- *put into practice and monitor the implementation of the strategic revised guidelines;*
- *discuss and approve the annual work programmes for these networks and expert groups;*
- *support its related expert groups and networks in strengthening international police cooperation in the investigation of serious crimes.*

**(6) Environmental crime [Measure 34]**

The Slovak Presidency aims at drafting an Action Plan on environmental crime. Depending on its scope, coordination with other relevant networks undertaking similar activities will need to be ensured (EnviCrimeNet, TRAFFIC etc.).

*Objective: draft a set of measures to tackle different aspects related to environmental crime, in line with the EU Policy Cycle crime priorities*

**(7) Vehicle crime [Measure 15]**

In close cooperation with CARPOL network, the Slovak Presidency aims at drafting a handbook containing best practices in the area of recovering stolen cars.

*Objective: draft a handbook for the use of law enforcement officers which would put at their disposal a set of best practices in the area of recovering stolen cars.*

## **CUSTOMS COOPERATION WORKING PARTY (CCWP)**

The CCWP deals with the cooperation between customs authorities from Members States and between customs authorities and other law enforcement authorities, at experts and plenary level. Customs is the lead authority for control of and the fight against illegal trade in goods crossing the external borders of the EU and contributes within its competencies to the fight against the illegal trade in goods within the EU customs territory. In this sense, the outcomes and conclusions of debates, actions, Joint Customs Operations etc. organised under the auspices of this Working Party feed into the work related to the renewed ISS, bringing on board the customs perspective on aspects like firearms, drug trafficking and NPS, cash movements, counterfeit goods, the use of Internet for criminal activities etc. The following actions will be undertaken in the second half of 2016 in the context of the implementation of the renewed ISS.

**(1) Monitor the implementation of the 8th Action Plan (2016 – 2017) and the link with the Operational Action Plans from the EU Policy Cycle for serious and organised crime**  
*[Measures 29, 30 and 37]*

During the Netherlands Presidency the CCWP adopted its 8<sup>th</sup> Action Plan (2016-2017) as set out in 13749/2/15 REV 2 + COR 1. The following actions will be part of CCWP activity for the next two years: illegal trade via Internet/small consignments, customs against internet crime (extension of Action 7.3), cash movements, illicit trafficking in firearms, export of strategic goods, regional occurrence of excise fraud (cigarettes and mineral oils) and Central Coordination Units (extension of Action 7.8). The action leaders will have to seek coordination with the relevant EMPACT/OAPs in order to avoid duplication. The mandates for all the actions have been adopted and regular updates on their state of play will be presented during the CCWP meetings.

*Objectives:*

- *monitor the coordination between the 8th Action Plan of the Customs Cooperation Working Party and the Action Plans from the EU Policy Cycle for serious and organised crime;*

- *improve information exchange between Europol and customs authorities as part of a more structured and systematic multi-agency engagement;*
- *find better ways to coordinate and stimulate cooperation between customs and police (e.g. by discussing the possible challenges in the area of information exchange brought forward by the JPCO ARES).*

**(2) Put into practice the mandate given by the Directors General of Customs in April 2016 in the area of excise fraud [Measure 35]**

With respect to the mandate given to the CCWP by the Directors General of Customs in April 2016 in the area of excise fraud (reflect on strategic conclusions), the Presidency and the Member States agreed on the following: on the basis of the activities undertaken in the framework of Actions 8.6.1 and 8.6.2 of the 8th Action Plan (Regional occurrence of excise fraud in relation to cigarettes and mineral oils) and on the basis of the relevant OAPs in the context of the Policy Cycle against organised and serious crime, an interim report will be presented to the Directors General of Customs (meeting is expected to take place at the end of October 2016). On the basis of this report, the DGs will have to decide on the follow-up; a possible way to further action would be to set-up a new action in this regard in the 8th Action Plan.

*Objective: draft a mandate for a new action aiming at developing strategic conclusions in the area of excise fraud on the basis of the decision of the Directors General of Customs in October 2016.*

**(3) Strengthen the EU's' capacity for the detection of illicit trade in goods at the external border, in line with the EU Strategy and Action Plan for customs risk management. [Measures 15, 29, 34, 35]**

The EU Strategy and Action Plan for customs risk management<sup>11</sup> aims for a multi-layered approach to strengthen the capacity of the customs authorities in the fight against illicit trade. An important objective is to strengthen the cooperation between Customs and other law enforcement agencies mainly at the border for this purpose. The Presidency will draft Council Conclusions on the implementation of the EU Strategy and Action Plan on Customs Risk Management.

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<sup>11</sup> 12644/14 + ADD 1, 15403/14



*Objectives:*

- *To draft Council Conclusions on the implementation of the EU Strategy and Action Plan on Customs Risk Management;*
- *To enhance the cooperation and exchange of information between customs and other law enforcement agencies in order to achieve more intelligence-led controls on goods mainly at the external border of the EU.*

**(4) (poss.) Council Conclusions on OLAF's report in the area of cigarette smuggling and other forms of illicit trade in tobacco products [Measure 35]**

By the end of 2016, OLAF should draft and publish a report (probably in December) that should detail the lessons learnt in the implementation of the Council Conclusions on 10 December 2013 on stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products, with an emphasis on the policy side and the loopholes that make such activities attractive. On the basis of the report, the Presidency should start drafting Council Conclusions on the way forward in this area.

*Objective: start drafting Council Conclusions on the way forward in the area of combatting cigarette smuggling and other forms of illicit trade in tobacco products on the basis of lessons learnt from the implementation of the Council Conclusions of December 2013.*

## **WORKING PARTY ON INFORMATION EXCHANGE AND DATA PROTECTION (DAPIX)**

With regard to information exchange, the Working Party on Information Exchange and Data Protection (DAPIX) is mandated to improve cross-border law enforcement exchange while taking due account of the protection of personal data, in particular by examining the implementation of Council Framework Decision 2006/960/JHA ("Swedish Framework Decision" (SFD) and the "Prüm Council Decisions" 2008/615/JHA and 2008/616/JHA. DAPIX is, furthermore, implementing the Council's Information Management Strategy (IMS) aiming at solutions to current information exchange issues. When establishing the current 5th IMS action list<sup>12</sup>, DAPIX took on board the DAPIX relevant actions from the Roadmap on JHA information exchange and information management and is seeking to define their drivers.

In the second half of 2016, the Working Party will continue to deal with:

### **(1) Prüm Decisions [Measure 6]**

- Monitoring and furthering the implementation of the Prüm Decisions, particularly through finalising, after EP consultation, the Council Decisions for the launch of DNA and FP exchange with DK, and preparing the Council Decisions concerning the launch of VRD exchange with CZ, DK and HR.
- Bringing on board Member States lagging behind.

#### *Objectives:*

- *strive for full interconnectivity of operational Member States;*
- *prepare Council implementing Decisions for:*
  - *DNA: DK, EL, HR, IE, IT, (UK), NO;*
  - *FP: DK, EL, HR, IE, IT, PT, (UK), NO;*
  - *VRD: CZ, DK, EL, HR, IE, IT, PT (UK), NO*

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<sup>12</sup> 10824/16

**(2) IMS (Information Management Strategy) [Measure 5] concerning the improvement the data provision and use of national and international systems (both on an organisational and technical level) by steering, in particular:**

- development of SPOC training schemes within the ATHENA action;
- the further deployment of the UMF 3 project (Universal Message Format, on-going project under DE lead);
- further development of the ADEP project (Automation of Data Exchange Procedures, on-going project under FR/FI lead), by organising expert meetings on technical details;
- further strengthening the European dimension of PCCCs;
- further improving of Prüm post-hit procedures.

*Objectives:*

- *exchange expertise with a view to enhancing the data provision and use of national and international systems;*
- *defining the drivers of new IMS actions, such as Europol's role in the Prüm information exchange.*

**(3) Information exchange developments, strengthening implementation and use of different systems [Measures 12 and 13]**

Information exchange has been highlighted as a pivotal pillar of European security. The renewed Internal Security Strategy stressed the need of full implementation of rules already in place – such as the Prüm framework.

The European approach to strengthen law enforcement information exchange should be primarily based on the strategic guidelines of the European Council in 2014. With the European Information Management Strategy and the accompanying action lists, Council Conclusions and follow-up discussion on the European Information Exchange Model, the Law Enforcement Information Exchange Manual and continuous efforts to support the implementation of Prüm and the Swedish Framework Decision, DAPIX will continue to fulfill its role.

*Objective: enhance the contributions of DAPIX to a topical and future-oriented generic approach on strengthened law enforcement information exchange.*

## **FRIENDS OF THE PRESIDENCY GROUP (FoP) ON CYBER ISSUES**

The FoP on Cyber issues has been created with the main objective of ensuring a horizontal coordination of cyber policy issues primarily in the areas of cybersecurity, cybercrime, cyberdiplomacy and cyberdefence within the Council by providing a platform for information exchange and priorities. FoP is contributing to the implementation of the EU Cyber Security Strategy through a specifically dedicated Roadmap.

The following actions shall be undertaken in the second half of 2016 in the context of the implementation of the ISS:

### **(1) Monitor the implementation of the EU Cybersecurity strategy [Measures 37 and 38]**

The FOP will continue to work towards the implementation of the Strategy in its five distinct work strands with a special focus on the cybersecurity resilience of European industry, implementation of the recently adopted Joint Framework on Countering Hybrid Threats and the developments in the digital skills issue.

*Objective: monitor and contribute to the implementation of the Strategy by Member States*

### **(2) Ratification of the Budapest Convention [Measure 37]**

The FoP will further support the efforts of the three remaining Member States to complete the already started ratification procedures and will continue to encourage the promotion of the Budapest Convention as a model for cybercrime legislation when engaging internationally, including in the capacity building activities. Due consideration will be given, if the preparatory work within the Council of Europe were finalised, to the new Additional Protocol of the Convention.

*Objective: encourage the ratification of the Budapest Convention by three remaining Member States.*

**(3) EU positions in international fora [Measure 39]**

The FoP will, through dedicated meetings or discussions, seek to form or consolidate EU position or to provide political guidance in respect to the ongoing external discussions related to cybersecurity issues.

The FOP will follow the progress made in the EU cyber dialogues as well as the development of the joint EU diplomatic response against coercive cyber operation by EEAS and the Member States will provide input where necessary.

*Objective: monitor respective response as well as form/consolidate an EU position in international fora on cyber related issues.*

**(4) Discuss (legal) gaps in the fight against cybercrime and practical responses [Measure 37]**

The FoP will continue to discuss or contribute to the discussions on cybersecurity issues related to encryption, cross-border access to data (e-evidence), data retention, jurisdiction in cyberspace, non-cash means of payment in particular crypto-currencies (Bitcoins), cybersecurity training and awareness raising in order to seek global approaches aiming at overcoming obstacles to criminal investigations with cyber component.

The FoP will continue to provide attention to the further development of the cyber hygiene initiative as an example of a good practice.

Specific attention will be dedicated to the issues related to encryption in order to find proper solutions to challenges faced by LEA in that regard.

*Objective: raise awareness, share good practices, encourage a multidisciplinary experts' exchange of views and. seek solutions.*

**(5) Regular updates of the work of the EU Internet Forum and IRU [Measure 23]**

The FoP will receive regular updates concerning the work of the EU Internet Forum and the IRU and will contribute wherever appropriate to the guidance to be provided by COSI.

*Objective: monitor the ongoing process and provide contribution where necessary*

**(6) Communication from the Commission on Strengthening Europe's Cyber Resilience System and Fostering a Competitive and Innovative Cybersecurity Industry**  
*[Measure 20]*

The FoP will discuss the key messages of the Communication in order to define the scope of the possible Council conclusions which are likely to be adopted by the end of 2016.

*Objective: adopt the Council conclusions on the Communication*

**(7) Public-Private Partnership (PPP) in particular the contractual PPP on cybersecurity provided in the Digital Single Market Strategy** *[Measure 39]*

The FOP will observe closely the developments and provide some guidance where appropriate in relation to the functioning and respective results of the recently launched contractual PPP on cybersecurity given its specific scope and the involvement of Member States. In addition, the FOP will follow the work of the Centres of Excellence in Cybercrime Research, Education and Training created in different Member States during the past years given the development of a European network they are pursuing.

*Objective: monitor ongoing initiative, provide guidance*

**(8) Cyber capacity building, including the Global Forum on Cyber Expertise (GFCE)**  
*[Measure 39]*

The FOP will continue the examination of the different issues related to cyber capacity building (national methodologies, definitions, etc.). On the basis of the work already done by the Global Forum on Cyber Expertise (GFCE) launched in April last year a mapping exercise will take place regarding the respective cyber capacity initiatives both by Member States individually and global action in order to seek complementarity of efforts, distribution of resources (also geographically) and avoidance of duplication and overlap.

*Objective: monitor ongoing initiatives and identify successful policies and, practices that are scalable across the EU.*

## **WORKING PARTY FOR SCHENGEN MATTERS**

### **("SIS/SIRENE" configuration)**

This Working Party, which meets in different configurations (Evaluation, Acquis, SIS/SIRENE) deals with all aspects regarding the correct implementation of the Schengen acquis by Member States. The SIS/SIRENE configuration examines in particular issues related to the Schengen Information System and the SIRENE cooperation. The following actions could be undertaken in the second half of 2016 in the context of the implementation of the ISS:

#### **(1) SIS/SIRENE cooperation in the Fight against Foreign Terrorist Fighters [Measures 13 and 14]**

The Working Party will contribute to the exercise to determine ways forward to remove remaining obstacles for information exchange on foreign terrorist fighters by maintaining an up-to-date overview and ensure an adequate follow-up of the implementation of the actions of the Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area (doc. 9368/1/16 REV 1) which fall within the scope of the Working Party for Schengen Matters (SIS/SIRENE).

*Objective: In conjunction with COSI, the Terrorism Working Party and the SIS/VIS committee ensure strengthened use of the SIS, and efficiency in SIRENE cooperation in the fight against Foreign Terrorist Fighters.*

#### **(2) Coordination mechanism to improve the implementation of certain categories of entry ban alerts [Measure 11]**

At its meeting of 30 June 2016, COREPER endorsed the Terms of reference of the coordination mechanism to improve the implementation of certain categories of entry ban alerts, pursuant to the Council Conclusions as set out in 10441/16. Work will start on the implementation of this coordination mechanism by reviewing the listings set out in the Decisions imposing restrictive measures.

*Objective: Supporting the GSC at RELEX level with a view to the implementation of an effective coordination mechanism to introduce alerts on EU and UN sanctions in the SIS.*



**(3) SIS II [Measure 12]**

Discuss the proposals that COM will submit to the Council, likely in 2017, regarding the revision of the legislation on SIS II. The future instrument(s) would lisbonise the current legislation still based on ex-I and III pillars.

*Objective: Commence discussions of the Commission proposals, when submitted.*

**(4) Missing persons [Measure 12]**

In conjunction with the DAPIX Working Party and other relevant forums (if applicable), the Working Party will seek to strengthen and improve the exchange of information and experiences between Member States and encourage improved performance and use of existing tools for finding missing persons (adults and children subject to various non-criminal and criminal causes for being missing, including human trafficking, smuggling, foreign terrorist fighters).

*Objective:*

*Implement a European platform of national (central) police contact points on missing persons.*

## **WORKING PARTY ON FRONTIERS**

The Working Party on Frontiers is the Council body primarily responsible to examine the EU Borders Policy related issues (be it of legal, or practical nature).

On 15 December 2015 the Commission presented the European Border Package. This package includes a set of measures aimed at securing the EU's external borders, managing migration more effectively and improving the internal security of the European Union, while safeguarding the principles of free movement of persons. In this regard the Working Party has already started the examination of the:

### **(1) Proposal for an amendment to Article 7(2) of the Schengen Borders Code [Measure 13]**

The objective of the proposal is to amend the Schengen Borders Code to provide for systematic controls of persons enjoying the right of free movement under Union law at the external borders against relevant databases, making full use of technical solutions while not hampering the fluidity of cross border movement.

The Council adopted a General Approach on the proposal on 25 February 2016. The LIBE Committee of the European Parliament adopted a report on the proposal on 21 June 2016.

The Presidency has started interinstitutional negotiations with the European Parliament with the aim of reaching agreement as soon as possible.

*Objective: reach political agreement with the European Parliament by September/October 2016*

**(2) Proposal for a Regulation on the European Border and Coast Guard including new definition Integrated Border Management and stronger mandate Agency on terrorism and cross border crimes [Measure 15 bis]**

The objective of the proposal is to create an European Border and Coast Guard that will bring together a European Border and Coast Guard Agency built from Frontex and the Member States' authorities responsible for border management including coastguards to the extent that they carry out border control tasks.

Coreper gave a mandate for negotiating the proposal already on 6 April 2016. The LIBE Committee of the European Parliament adopted a report on the proposal on 30 May 2016.

Extremely intensive interinstitutional negotiations during June 2016 lead to a political agreement confirmed by Coreper on 22 June and by the LIBE Committee on 4 July, and the European Parliament Plenary adopted a non-edited version of the proposal on 6 July.

Following legal linguist editing, the European Parliament is expected to adopt a corresponding Corrigendum in September 2016. Adoption by the Council, signature and publication will follow as soon as possible thereafter.

*Objective: formal adoption and publication in September/October 2016.*

**(3) Entry/Exit System [measure 15 ter]**

On 6 April 2016 the Commission presented the Smart Border Package, currently examined by the Working Party: The package includes a proposal for a Regulation setting up an Entry/Exit System (EES), whose objective is to register the entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and to determine the conditions for access to the EES for law enforcement purposes. It is accompanied by a proposal for a Regulation amending the Schengen Borders Code in order to take into account the existence of the EES.

The EES would contribute to addressing border check delays and improving the quality of border checks for third country nationals, ensuring systematic and reliable identification of ‘overstayers’, (thus permitting to apprehend illegal migrants more efficiently). It would also reinforce internal security and the fight against terrorism and serious crime, by providing access for designated law-enforcement authorities to a record of travel histories of third country nationals who are suspected of being involved in serious criminal and terrorist activities.

The Working Party has concluded the second examination of the proposals in July 2016.

*Objective: To provide a mandate to the Presidency in the autumn and open interinstitutional negotiations with the EP soon afterwards with a view to reaching a political agreement, if possible by the end of the year.*

## **WORKING PARTY ON GENERAL MATTERS INCLUDING EVALUATIONS (GENVAL)**

The GENVAL Working Party is a horizontal and cross-cutting justice and home affairs Working Party, covering both criminal law and related security aspects. It deals with issues in these areas that are not dealt with by COSI or any other Working Party, in particular relating to organised crime, crime prevention (excluding terrorism), and coordinates the process of mutual evaluations of Member States' practices in the area of law-enforcement (except Schengen evaluations).

The following topics could be discussed in the second half of 2016 in the context of the implementation of the ISS:

### **(1) Post-2016 Strategy on trafficking in human beings [Measure 33bis]**

As stated in the European Agenda on Security, building on the existing THB framework, the Commission is currently working on a Post 2016 Strategy on trafficking in human beings, foreseen to be finalised by the end of 2016, and to replace the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)". In parallel, the Commission is preparing the report foreseen in Article 23.1 of Directive 2011/36/EU assessing the extent to which the Member States have taken the necessary measures in order to comply with this Directive.

*Objective: provide feedback to the Commission on the Post-2016 Strategy on trafficking in human beings and the reports foreseen in Article 23 par.1 and 2 of Directive 2011/36/EU.*

### **(2) Proposal for amending the Firearms Directive 91/477 [Measure 29]**

GENVAL is the responsible Working Party for the negotiations of the revision of the Firearms Directive 91/477. Following the general approach reached at the Council on 10 June 2016 and the IBE vote of the report on 13 July 2016, interinstitutional negotiations are expected to start in September 2016.

*Objective: reach a political agreement on the revision of Directive 91/477 by end 2016.*

**(3) Seventh Round of Mutual Evaluation on Cybercrime [Measures 37 and 38]**

Continue the discussions on and the adoption of the experts country reports on cybercrime based on Joint Action 97/827/JHA of 5 December 1997 on establishing a mechanism for evaluating the application and implementation at national level of international undertaking in the fight against organised crime.

*Objective: discuss and adopt experts country reports on cybercrime*

## **HORIZONTAL WORKING PARTY ON DRUGS (HDG)**

The Horizontal Working Party on Drugs is tasked with leading and managing the Council's work on drugs. It performs both legislative and general policy work and takes a strategic approach, in particular via the EU Drugs Strategy 2013-2020, which is implemented through the EU Action Plan on Drugs 2013-2016. This Action Plan named the fight against drug trafficking as one of the key pillars of the Strategy. It also is in charge of new legislation on drugs.

In practice its work is more focused on horizontal issues, demand reduction side and international cooperation on drugs rather than on operational aspects related to fighting drug trafficking.

The following topics will be discussed in the second half of 2016 in the context of the implementation of the ISS:

### **(1) International cooperation in the field of drugs [Measure 31]**

This is a major pillar of the EU Drugs Strategy. In 2014 the EU-Central Asia Action Plan on Drugs 2014-2020 was endorsed and the EU-Western Balkans Action Plan on Drugs was prolonged, which will be further implemented. In April 2016, the UN General Assembly Special Session on drugs (UNGASS) took place. The EU has contributed actively to the drafting of the UNGASS outcome document with the aim to promote balanced drugs policies and critical issues such as human rights, risk and harm reduction measures, proportionate criminal justice and the abolition of the death penalty for drug related offences. The HDG is now working on the follow up and also started preparations for the evaluation of global drug policy in 2019.

*Objective: prepare and follow-up on third country dialogues as well as prepare for the global drug policy evaluation in 2019*

**(2) Legislative package (Regulation and Directive) on new psychoactive substances (NPS)**  
*[Measure 4]*

The HDG will discuss the new Commission proposal on amending Regulation (EC) No 1920/2006 as regards information exchange, early warning system and risk assessment procedure on new psychoactive substances (COM(2016) 547 final) tabled following the new approach agreed by COREPER on 6 April 2016, as well as the amendments to the Directive based on Article 83(1) TFEU.

*Objective: reaching a general approach on the package of two legal acts on NPS by the end of the Presidency*

**(3) Commission proposal for a Council Decision on subjecting the new psychoactive substance MDMA-CHMICA to control measures [Measure 30]**

The HDG will discuss the Commission proposal for a Council Decision on subjecting the new psychoactive substance methyl 2-[[1-(cyclohexylmethyl)-1*H*-indole-3-carbonyl]amino]-3,3-dimethylbutanoate (MDMA-CHMICA) to control measures (COM(2016) 548 final) with a view to prepare the adoption of the Decision beginning of 2017.

*Objective: endorsing the text of the Council Decision on subjecting MDMA-CHMICA to control measures in the HDG during the Presidency, and consulting the European Parliament*

**(4) Preparation for the mid-term evaluation of the EU Drugs Strategy and Action Plan**  
*[Measure 30]*

The Commission will present the results of the mid-term evaluation of the EU Drugs Strategy and Action Plan at the end of 2016/early 2017. The evaluation results will be followed by a Communication from the Commission highlighting the main results of the evaluation and the way forward proposed by the Commission. This is expected in the first quarter of 2017.

*Objective: provide input to follow-up proposals*



## **WORKING PARTY ON COOPERATION IN CRIMINAL MATTERS (COPEN)**

COPEN is tasked with preparing legislative activities regarding the cooperation between the Member States in criminal matters, where a core principle is the mutual recognition of judicial decisions. The working party examines initiatives relating to mutual legal assistance in criminal proceedings, the surrender and transfer of sentenced persons, the enforcement of judicial decisions. Eurojust and the European Judicial Network are invited to contribute to the discussions at the COPEN meetings. COPEN is also tasked with providing follow up to the implementation of the EU legislative acts in the field, in particular in relation to the mutual recognition instruments.

### **(1) Implementation of mutual recognition instruments (e.g. EAW, EIO) [Measure 17]**

COPEN will continue evaluating the current state of play and the challenges faced in the implementation and practical application of the mutual recognition instruments by the Member States.

*Objective: continuing the ongoing evaluation of Member State implementation and discuss possible solutions to difficulties encountered*

### **(2) EPPO [Measure 18]**

COPEN will continue working on the Commission proposal for a European Public Prosecutor's Office (EPPO) to fight crimes affecting the financial interests of the Union.

*Objective: build on the achievements of the previous presidencies and seek agreement on the remaining chapters of the proposal, with a view to achieve a political agreement on the text in Council by the end of the year.*

**(3) Improve ECRIS to cover non-EU nationals (COM proposal issued in January 2016)**  
*[Measure 7bis]*

The June JHA Council took stock of the progress of the negotiations on the proposal for ECRIS extension to third country nationals and supported the approach for establishment of a centralised automated system for the exchange of both fingerprints and alphanumeric data of convicted third country nationals. As a consequence the Commission needs to take a policy decision whether to propose a new legislative proposal(s) or modify the current one. COPEN will continue the examination of the legislative proposal with a view to achieve a maximum progress once such decision is taken.

*Objective: Advance the negotiations in the Council as far as possible.*

## **WORKING PARTY ON FUNDAMENTAL RIGHTS, CITIZENS' RIGHTS AND FREE MOVEMENT OF PERSONS (FREMP)**

The Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) deals with all matters pertaining to the respect and promotion of fundamental rights in the European Union, citizens' rights and free movement of persons, as enshrined by the Treaties and the Charter of Fundamental Rights. FREMP is tasked with the preparatory work of the negotiations for the accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). It is also responsible for elaborating the legal basis and the multiannual work programme of the Fundamental Rights Agency and works closely with the Agency on different topics related to fundamental rights. Regarding security and respect for fundamental rights, the Council conclusions of 23 June 2015 (prepared by FREMP) on the application of the Charter of Fundamental Rights in 2014 underline so. 2016 Council conclusions on the application of the Charter of Fundamental Rights in 2015, adopted by the Council at its 3473rd meeting held on 9 June 2016, focus on measures to counter hatred and intolerance, in particular hate speech and hate crime.

In addition to this overarching human rights angle, FREMP will:

- discuss coherence between the initiatives in the internal and external dimension on fundamental rights (stressed also in above mentioned 2016 Council conclusions on the application of the Charter of Fundamental Rights in 2015);
- discuss the proposal for multiannual framework of the Fundamental Rights Agency, which is removing the exclusion of judicial cooperation in criminal matters and adding a reference to police cooperation.

*Objectives:*

- *continue discussions on internal and external dimension of fundamental rights*
- *reach an agreement on the proposal for multiannual framework of the Fundamental Rights Agency*

## **WORKING PARTY ON SUBSTANTIVE CRIMINAL LAW (DROIPEN)**

The Working Party on Substantive Criminal Law examines legislative proposals and initiatives which aim at approximating national provisions of substantive criminal law. It also considers new legislation relating to criminal procedure.

Among others the Working Party works on:

- definition of criminal offences and sanctions;
- the rights of suspects and accused persons in criminal proceedings;
- the rights of victims.

This Council Working Party examines the legislative proposals by the European Commission in its field of expertise that are sent to the Council.

### **(1) Review 2002 Framework Decision on terrorism [*Measure 24*]**

On 2 December 2015, the Commission tabled a proposal for a Directive on combating terrorism updating the existing Framework Decision 2002/475/JHA, in line with the Renewed EU Internal Security Strategy and following the call of the Council for accelerated action in the aftermath of the Paris attacks of 13 November 2015. The proposed Directive introduces an extended criminalisation framework covering criminal behaviour related to the foreign terrorist fighters phenomenon in line with the requirements of the UN Security Council Resolution 2178 (2014) and the Additional Protocol to the Council of Europe (CoE) Convention on the Prevention of Terrorism, signed on behalf of the EU on 22 October 2015.

*Objective:*

*Reach a political agreement with the EP on the proposed Directive by the end of 2016.*

**ANNEX III**

		COSI	CATS	TWP	LEWP	CCWP	DAPIX	Cyber FoP	SCHENGEN	FRONTIERS	GENVAL	HDG	OTHER
	<b>MEASURES</b>												
	<i>Improving information exchange</i>												
1	Adoption PNR Directive												adopted
2	Adoption Europol Regulation												adopted
3	Adoption Data Protection Package												adopted
4	Adoption proposals on new psychoactive substance												
5	Develop/implement information management strategy												
5bis	Third Action Plan on Security statistics												
6	Monitor implementation of Prüm Decisions/"Swedish Framework decision"												
7	Development of an EPRIS												
7bis	Extension of ECRIS to third country nationals												COPEN
8	Development of a global approach to International PNR												
9	Data Retention Directive												
10	Creation of European Forensic Area												
	<i>Monitor effectiveness of the SIS and Schengen Border Code</i>												
11	a) Look into possibilities to help MS to implement travel bans set at national level;												
12	b) Evaluate SIS in 2015-2016 to assess whether new operational needs require legislative changes, such as introducing additional categories to trigger alerts;												
13	c) Help MS to use automated border controls with checks of SIS and SLTD, monitor compliance by MS to their obligation to provide data to SLTD												
14	Monitor application of common risk indicators (foreign terrorist fighters)												
	<i>Improving operational cooperation</i>												
15	Maximise operational cooperation, inter alia by contribution from EU Agencies												
15bis	Adoption of the European Border and Coast Guard Regulation												agreed
16	Develop the risk assessments methodology in areas such as critical infrastructures, money laundering, virtual currencies, terrorist financings												
17	Monitor implementation of mutual recognition instruments												COPEN
18	Adoption EPPO Regulation												COPEN

