



Brussels, 12 July 2017  
(OR. en)

10827/17

**LIMITE**

**COSI 165  
CATS 80  
CT 71  
ENFOPOL 359  
ENFOCUSTOM 171  
DAPIX 260  
SIRIS 126  
GENVAL 70  
CORDROGUE 99  
DROIPEN 103  
COPEN 237  
FREMP 85  
JAI 690**

**NOTE**

---

From: Presidency/outgoing Presidency

To: Standing Committee on Operational Cooperation on Internal Security

---

No. prev. doc.: 5645/2/17, 15277/1/16 REV 1, 11001/1/16 REV 1, 9151/16, 8587/16, 5298/1/16 REV 1, 15345/15, 14636/15, 14079/15, 10854/15

---

Subject: Renewed European Union Internal Security Strategy and Counter-Terrorism Implementation Paper: report of the first half of 2017 and programme for the second half of 2017

---

**Executive Summary**

This paper gives an overview of the progress achieved in the implementation of the Renewed EU Internal Security Strategy (2015 - 2020)<sup>1</sup> under Maltese Presidency (first half of 2017) as well as an overview of the activities to be carried out under Estonian Presidency (second half of 2017). It builds on the outcome of the discussions on enhancing the role of COSI in the context of which it was agreed to create a joint Internal Security Strategy implementation paper from the outgoing and incoming Presidency.

---

<sup>1</sup> 9798/15

## Structure

The current document follows the structure of the previous reports on the implementation of the ISS with two main annexes:

1. annex I, which provides an overview of the most relevant counter-terrorism actions that were carried out under Maltese Presidency and that are planned under EE Presidency.

2. annex II, which gives an overview of the Working Parties. A distinction was made between the progress under MT Presidency and the objectives that are planned to be carried out under the EE Presidency in the second half of 2017. Regarding the EE Presidency, 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.

## Main results

Information exchange and interoperability, the launch of the new EU Policy Cycle, prevention of radicalisation, the EU Cybersecurity Strategy, the revision of the Schengen Borders Code, the European Travel Information and Authorisation System (ETIAS), strengthened links between the external and internal security policies, the Entry-Exit System, the Directive on countering money laundering by criminal law, e-evidence and encryption were important priorities under MT Presidency for which important progress was made.

- Information exchange

One of the important activities of COSI under MT Presidency was to work towards ensuring better information exchange. A second implementation report of the Roadmap on Information exchange<sup>2</sup> was presented to the Council on 9 June 2017 and Council conclusions were adopted on the way forward to improve information exchange and ensure the interoperability of EU information systems<sup>3</sup>. One of the commitments by the Council set out in these Conclusions is to follow up on the final report of the High-Level Expert Group on information systems and interoperability, set up by the Commission, in a dedicated Council forum, which will be the DAPIX (Friends of the Presidency) - Interoperability of EU information systems format. The first meeting of this dedicated forum will take place on 26 July 2017.

- Fight against terrorism

The fight against terrorism remained and will remain a priority for the Council. The creation of the High Level Expert Group on radicalisation entrusted with looking at the possible development of centre for preventing and addressing radicalisation will be an important item for the Estonian Presidency and the first results of the discussions in the HLEG on radicalisation are expected for the Council in December 2017.

Strengthening EU action on counter-terrorism by enhancing military and law enforcement cooperation and information exchange was discussed at a joint lunch of the Ministers of Defence and Home Affairs on 18 May 2017. Based on a dedicated paper by the EU CTC, the EE Presidency will discuss the options for a way forward to enhance information exchange in TWP and COTER. This will be followed by a discussion at a joint meeting between PSC and COSI on 26 September 2017. The Council also discussed the feeding and usage of Union databases and information exchange instruments on the basis of a reporting by the EU CTC. The CTC's policy paper regarding the judicial response to FTF returnees was discussed by Council on 28 March 2017.

---

<sup>2</sup> 8433/17

<sup>3</sup> 10151/17

The EE Presidency will start looking at the role of special intervention units (ATLAS) in the context of the fight against terrorism with the aim to ensure that the network has adequate resources and structures.

The update on the conclusions, recommendations and way forward on the INTCEN and Europol threat assessments mechanism, as set out in 6699/2/17 REV 2, was endorsed by COSI and the EE Presidency will review the mechanism by the end of 2017 following the discussions in the Terrorism Working Party and COSI.

#### - EU Policy Cycle

Important progress was made in the implementation of the EU Policy Cycle 2014-2017 with a series of operational actions and the final reports of the Operational Action Plans (OAPs) will be presented in December 2017 when the 2014-2017 EU Policy Cycle will end. The results of the independent evaluation of the EU Policy Cycle were discussed in COSI and were used for the development of a new Policy Cycle 2018-2021, which was agreed by Council on 28 March 2017.

Following the publication of the EU SOCTA 2017 on 9 March 2017, COSI discussed the EU crime priorities 2018-2021, which were adopted by Council on 18 May 2017. The EE Presidency will continue with the implementation of the EU Policy Cycle, notably with the adoption of the Multi Annual Strategic Plans and the Operational Action Plans 2018. The coordination of operational actions within the EU Policy Cycle with the Customs Cooperation Working Party will continue under EE Presidency, notably in view of the upcoming 9th Action Plan.

#### - Borders

Enhancing the security at the external borders remained a priority for the Maltese Presidency and will remain high on the Council's agenda under EE Presidency. A general approach was reached on the draft Regulation establishing a European Travel Information and Authorisation System (ETIAS) and the EE Presidency will start negotiations with the European Parliament as soon as possible with a view to reaching political agreement by December 2017. Checks at the external borders were reinforced with the adoption of the Regulation EU 2017/458 of 15 March 2017, which amended Article 8(2) of the Schengen Borders Code. Discussions on the Entry/Exit System will continue under EE Presidency with a view to reaching political agreement, if possible by the end of 2017.

- Strengthened links between external and internal policies

Closer CSDP/JHA cooperation in the field of counter-terrorism was discussed by COSI and PSC on 16 May 2017 and by the Home Affairs and Defence Ministers on 18 May 2017. The EE Presidency will continue work on strengthening the links between external and internal policies. The EE Presidency will also focus on facilitating the EU-Ukraine internal security cooperation.

- Money laundering/combating fraud and counterfeiting of non-cash means of payment

Following the general approach on the draft Directive on countering money laundering by criminal law, and subject to progress to be made in the European Parliament, the EE Presidency will enter in negotiations with the EP in the context of the ordinary legislative procedure with a view to reaching a timely political agreement on this file. A Commission proposal for a Directive on Combating fraud and counterfeiting of non-cash means of payment amending the Framework Decision of 2001 is expected by the end of September 2017.

- Cybersecurity

The EE Presidency will also give special attention to the renewed Cybersecurity Strategy, which is expected in September 2017 and intends to prepare a strategic set of Council Conclusions on this Strategy. In this respect, discussions will also start on ENISA's mandate as soon as the Commission's proposal on amending ENISA's mandate becomes available. To strengthen the fight against cybercrime, the EE Presidency will promote closer operational cooperation between the law enforcement authorities of the Member States.

- Encryption

Regarding encryption, the Presidency will seek for implementation of the four-steps approach which the Council endorsed on 8 December 2016. This will be done in close cooperation with the Commission, Europol, FRA and ENISA.

Following the discussion in the Council on 8 June 2017, a report from the Commission is awaited.

The Commission issued five progress reports "towards an effective and genuine Security Union"<sup>4</sup> in the first half of 2017 which track the implementation of the European Agenda on Security<sup>5</sup> and the Communication on a Security Union and identify where more efforts are needed. The eight progress report<sup>6</sup> was issued on 29 June 2017 setting out the measures taken at EU level to prevent and counter radicalisation and providing an update on the progress made in other priority files such as information exchange or cutting off terrorist financing. The EE Presidency is looking forward to the publication of the Commission report on the results of the comprehensive assessment of the EU Security Policy, which is expected in July 2017.

---

<sup>4</sup> 5775/17, 6928/17, 8339/17, 9348/17, 10930/17

<sup>5</sup> 8293/16

<sup>6</sup> 10930/17

**Overview of counter-terrorist work carried out in the first half of 2017 and foreseen in the second half of 2017**

For each of the items mentioned below, more detailed information is provided in Annex II regarding the responsible Working Parties.

***Threat assessment***

On the basis of the threat assessments presented by Europol and INTCEN, the MT Presidency reviewed the state of implementation and updated, where needed, the set of policy recommendations elaborated under the SK Presidency. This was done with the remit of the Terrorism Working Party (TWP), and subsequently the recommendations were submitted to COSI for endorsement. The EE Presidency will undertake an evaluation of the current threat assessment follow-up process and provide ways forward on their optimisation.

***Information sharing***

The measures to be developed in this regard are set out in the Roadmap on information exchange. Implementation of these measures will continue to be mainly discussed in the relevant working parties (SIS/SIRENE Working Party, DAPIX, SCIFA) and monitored by COSI. The High Level Expert Group on information systems and interoperability (HLEG) set up by the Commission examined legal, technical, financial and operational requirements to pursue interoperability solutions of information systems and presented its final report on 11 May 2017 (8434/1/17 REV 1). Following the findings of this Expert group, the Commission on 16 May 2017 in its Communication to the Council and the European Parliament on the Security Union presented specific ideas on the way forward, and the Council at its meeting on 8 June 2017 adopted Conclusions on the way forward to improve information exchange and ensure the interoperability of EU information systems (10151/17). This will be now followed up in the DAPIX (Friends of the Presidency group).

## *Financing of terrorism*

On 2 February 2016, the Commission presented a Communication on an Action Plan for strengthening the fight against terrorist financing, with a view to disrupt the sources of revenue of terrorist organisations, prevent terrorists to move funds and other assets and to help law enforcement to trace financial movements of terrorists. The Action Plan included a number of legislative and non-legislative measures to be adopted. Delivering on the commitments made in the Action Plan, the latest Commission measures included the adoption of a terrorism financing package on 21 December 2016.

The December 2016 "terrorism financing package" included:

- a) A proposal for a Directive on countering money laundering by means of criminal law, among other things complementing the terrorism financing offence in the CT Directive. A general approach was reached in June 2017;
- b) A proposal for a Regulation on cash controls, which would repeal Regulation 1889/2005 and provide for updated measures. Under MT Presidency, a general approach was prepared by the Union Customs Working Party and adopted by Coreper on 28 June 2017;
- c) An appraisal of the need for an EU regime for the freezing of assets of terrorists under Article 75 TFEU;
- d) A proposal for a Regulation to strengthen the mutual recognition of freezing and confiscation orders in order to deprive criminals more effectively of their illegal assets. The EE Presidency aims to make as much progress as possible on this file;
- e) An appraisal of the possible need for mechanisms to complement the existing EU-US Terrorist Finance Tracking Programme agreement; the Commission is continuing its assessment and will report back in summer 2017;

Only measures a), d) and e) will be discussed in JHA Working Parties.



## *Countering radicalisation and violent extremism*

The MT Presidency carried out a review of the Guidelines of the Strategy Countering Radicalisation and Recruitment to Terrorism<sup>7</sup>. The guidelines were adopted by the Council on 8 June 2017<sup>8</sup> and will feed into the ongoing work on countering radicalisation.

Member States received regular updates on the newly established Network of Prevent Co-ordinators, the functioning of the EU Internet Forum, which included action taken by the EU Internet Referral Unit at Europol, research carried out under the Forum and the launch of the Civil Society Empowerment Programme (on 15 March 2017). There were also updates by the European Counter Terrorism Centre (ECTC) and the Radicalisation Awareness Network (RAN) Centre of Excellence (CoE), including updates on RAN's external engagement. Regular updates were also provided by the European Strategic Communications Network (former SSCAT (Syria Strategic Communication Advisory Team)).

Work was also taken forward on the issue of foreign terrorist fighter (FTF) in cooperation with the Commission, drawing in particular on the work undertaken by the RAN which on 19 June 2017 presented a handbook on FTFs and the EU CTC<sup>9</sup>. The MT Presidency explored aspects of the radicalisation of vulnerable groups within the community such as asylum seekers and discussed how youth empowerment may help in decreasing the risk of radicalisation in youths in close collaboration with the Commission and drawing upon the work that the RAN has undertaken in this field.

---

<sup>7</sup> 13469/1/14 REV 1

<sup>8</sup> 9647/1/17 REV 1

<sup>9</sup> 14799/16

In the fight against radicalisation, the EE Presidency will work closely with the Commission and the Member States to take forward the work of the High Level Expert Group on Radicalisation. Additionally, the aim is to strengthen connections between the internal and external aspects of EU CT/CVE policies, particularly looking at the ways how the internal dimension should best inform, guide and target the activities of the external dimension in the fight against terrorism and vice versa. The EE Presidency will invite Member States to discuss the more systematic use of the EU internal security tools, like JHA agencies, to coordinate and implement relevant activities in, and with, third countries and at EU external borders. Furthermore, more efficient use of EU external security tools, like the CT experts network or CT dialogues would be tackled along with the question on how to better coordinate the matters within the different Council preparatory bodies.

The role of individual risk assessment in the fight against radicalisation and violent extremism will be discussed. The EE Presidency will also look radicalisation in the internet and terrorist use of media with a particular focus on the counter measures such as removing content, strategic communication and the use of alternative narratives.

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

The MT Presidency carried work forward on the files aimed at strengthening the EU's external borders:

- Revision of the Schengen Borders Code (SBC): the compromise text to amend Article 8(2) SBC to reinforce checks against relevant databases at external borders was adopted on 15 March 2017 and entered into force on 7 April 2017 ((EU 2017/458). It obliges Member States to carry out systematic checks on all persons, including persons enjoying the right of free movement under EU law, when they cross the external border, both at entry and exit, against databases as well as in order to verify that those persons do not represent a threat to public order and internal security. The setting up of the entry - exit system shall also contribute to the work of law-enforcement authorities. In principle an agreement was reached on 30 June 2017 subject to the finalisation of the texts by the EE Presidency regarding the recitals and certain more technical issues.

- Implementation of the security aspects of the hotspots is ongoing.
- The objective of the European Travel Information and Authorisation System (ETIAS) is to identify irregular migration, security or public health risks associated with visa-exempt visitors travelling to the Schengen Area. A general approach was reached under MT Presidency and the co-legislators should reach a political agreement on this file by the end of 2017.

### ***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 and the FAC Council conclusions of 19 June 2017 on the external dimension of counter-terrorism;
- CT packages with a number of priority countries in the MENA (Middle East and North Africa) region and Turkey;
- Integrative Internal Security Governance (IISG) for the Western Balkans, including the Western Balkans Counter-Terrorism Initiative (WBCTi): implementation of the initiative, particularly the Integrative Plan of Action (iPA) that focuses on the implementation of a multi agency approach for tackling radicalisation for the Western Balkans and other aspects of CT and P/CVE. A report on the follow-up to the Council conclusions on the IISG was provided to COSI on 14 March 2017;
- COSI agreed on the Policy Cycle Terms of Reference which contain a special chapter on strengthening the cooperation with third countries.

**COSI****(1) Implementation of the EU Policy Cycle [Measure 35]***Progress under MT Presidency:*

- The new EU Policy Cycle 2018-2021 was adopted by Council on 27 March 2017<sup>10</sup>.
- The final report of the independent evaluation launched by the Commission was presented to the COSI Support Group on 8 February and the findings were used to prepare the new EU Policy Cycle 2018/2021.
- The JADs media strategy<sup>11</sup> was adopted on 22 May 2017.
- Following the issuance of the EU SOCTA 2017 on 9 March 2017, COSI discussed the new EU crime priorities 2018-2021 on the basis of the Policy Advisory Document (PAD) which resulted in the adoption of Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 - 2021<sup>12</sup> on 18 May 2017.
- Templates for the MASPs and OAPs and guidelines on designing SMART Key Performance Indicators (KPI) for MASP and OAPs were agreed by the COSI Support Group on 14 June 2017.
- The EU Policy Cycle Terms of Reference<sup>13</sup> were discussed at COSI on 20 June 2017 and agreed subsequently on 26 June 2017 under silence procedure.
- The list of relevant actors for the different crime priorities was agreed by COSI on 20 June 2017 except the Driver for "Illegal Immigration" and "Criminal finances, money laundering and asset recovery".
- COSI monitored the implementation of the current EU Policy Cycle on the basis of the six months progress report 2017, the report of the Europol Director and the report of the National EMPACT Coordinators (NEC) meeting.

---

<sup>10</sup> 7704/17  
<sup>11</sup> 9612/17  
<sup>12</sup> 9450/17  
<sup>13</sup> 10544/17

Objectives under EE Presidency:

- COSI will deal with the next steps of the 2018-2021 Policy Cycle in particular;
  - the adoption of the Multi Annual Strategic Plans and Operational Action Plans 2018;
  - the identification of Drivers; for "Illegal Immigration" and "Criminal finances, money laundering and asset recovery";
  - the identification of one (or possibly a few) impact indicator(s);
  - the adoption of the new reporting collection mechanism. This mechanism, which would include the new template for the Action Leader report, should also integrate an assessment of the results of the actions to measure the achievements of the strategic goals;
  - the validation of the funding opportunities information package.
- At the same time COSI will continue to monitor the implementation of the current Policy Cycle, inter alia by;
  - ensuring a strong 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 REV 2;
  - monitoring the development of the 2017 Joint Action Days;
  - monitoring the funding of the OAPs, notably in light of the closure of the Policy Cycle 2014-2017 and the presentation of the "Funding opportunities information package";
  - strengthening the involvement of third countries in the Operational Action Plans, as set out in Chapter 2.9 of the Policy Cycle Terms of Reference;
  - presentation of and agreement on the finalised model fact sheet on the results of the EU Policy Cycle.

## **(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 facilitated illegal immigration.

*Under MT Presidency this coordination took place at experts level in the framework of the OAP on Illegal Immigration. This will continue to be the case under EE Presidency.*

## **(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 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;
- systematic checks also on EU citizens at the external borders;

*Progress under MT Presidency:*

- *Council conclusions of 8 June 2017 on recommending security checks in case of irregular migration<sup>14</sup>;*
- *the 2017 Frontex Risk Analysis was presented to COSI on 14 March 2017.*

*Objectives under EE Presidency:*

- *Inform delegations of the implementation of the amendment to the Schengen Borders Code introducing systematic checks also on EU citizens at the external borders.*

---

<sup>14</sup> 10152/17

**(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 and the EC Conclusions of 17-18 December 2015<sup>15</sup> in particular the exchange of information and monitor the progress in the work of the European Counter-Terrorism Centre (for activities of the Internet Referral Unit within the ECTC at Europol (see also measure 23);
- 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 Europol and INTCEN comprehensive and future-oriented threat assessment picture and discussion of a possible reviewed set of conclusions and policy recommendations following preparatory discussions in the Terrorism Working Party;
- Follow-up to the EU CTC's document on FTF returnees: policy options (14799/16), presented at the JHA-Council of 8-9 December 2016 and Commission initiatives in this area (in particular work undertaken within the RAN Centre of Excellence);

---

<sup>15</sup> 14406/15, EUCO 28/15

*Progress under MT Presidency:*

- *COSI endorsed the update on the conclusions, recommendations and way forward on the INTCEN and Europol threat assessments mechanism, as set out in 6699/2/17 REV 2 on 20 June 2017.*
- *COSI discussed the EU CTC's document on Member States' approaches to dealing with accompanying family members of foreign terrorist fighter returnees, in particular children<sup>16</sup> at its meeting on 14 March 2017.*
- *COSI exchanged views on the access to battlefield data in the field of counter-terrorism at its joint breakfast meeting with the PSC and at its meeting on 20 June 2017 in order to prepare the ground for the next discussions in COSI/PSC in September 2017.*

*Objectives under EE Presidency:*

- *Discussion of the access to battlefield data and the cooperation between the CSDP missions and JHA actors.*
- *Discussion on the impact of the Court's opinion on the EU's PNR strategy in relation to third countries<sup>17</sup>. The EE Presidency will undertake an evaluation of the current threat assessment follow-up process and provide ways forward on its optimisation in line with 8409/2/16 REV 2.*

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

*Results achieved under MT Presidency:*

*A Senior Officials meeting of the EU Internet Forum was held on 27 June 2017 and a further one will be convened on 6 October 2017 to take stock of progress achieved (as set out in the discussion paper and subsequent action plan) and in preparation for the ministerial level EU Internet Forum on 6 December.*

---

<sup>16</sup> 6900/17 + ADD 1

<sup>17</sup> The Opinion of the European Court of Justice on the envisaged PNR agreement between Canada and the EU is expected on 26 July 2017.



*Objectives under EE Presidency:*

- *Monitor the work of the EU Internet 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;
- 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>18</sup>.

*Progress under MT Presidency:*

- *The state of play of the Firearms matrix was presented by Europol to the COSI SG on 12 June 2017.*
- *The progress report of the OAP on Firearms was endorsed by COSI on 20 June 2017.*
- *The final report of Finnish Police University College was presented to COSI on 20 June 2017.*

*Objectives under EE Presidency:*

- *Monitor the implementation of the Council conclusions of 8 October 2015;*
- *Monitor the OAP Firearms;*
- *Monitor the development of the Firearms matrix as agreed by COSI on 17 May 2016;*
- *Follow-up of the Council Conclusions on Firearms<sup>19</sup>.*

---

<sup>18</sup> 15516/14

<sup>19</sup> 12892/15

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

The Council conclusions of 9 June 2016 on the administrative approach to prevent and fight serious and organised crime<sup>20</sup> tasked the Presidency to report to the Council on the progress of EU actions on the development of the administrative approach which was done in the framework of the GENVAL Working Party under MT Presidency.

*Objectives under EE Presidency:*

- *Monitor the progress of EU actions in COSI on the development of the administrative approach.*

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

*Progress under MT Presidency:*

- *A breakfast meeting between the members of COSI and PSC discussed the CSDP/JHA cooperation in the field of counter-terrorism on 16 May 2017;*
- *COSI discussed the collection of battlefield data and the role of CSDP missions on 20 June 2017 as a follow-up to the joint Home Affairs and FAC/Defence Ministerial lunch of 18 May 2017;*
- *At its meeting on 14 March 2017 COSI was informed by the Slovenian delegation on the follow-up to the Council conclusions of 8 December 2016 on strengthening the EU internal security's external dimension in the Western Balkans including via the Integrative Internal Security Governance (IISG)<sup>21</sup>.*

*Objectives under EE Presidency:*

- *Facilitating European Union - Ukraine internal security cooperation via ensuring a common understanding of the internal security situation in Ukraine;*
- *Strengthening EU action on counter-terrorism by enhancing military and law enforcement cooperation and information exchange.*

---

<sup>20</sup> 9935/16  
<sup>21</sup> 15413/16

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

COSI will look at deepening the cooperation between JHA Agencies, including ways of improving information exchange between JHA agencies and Member States' data supply to the JHA Agencies.

*Progress under MT Presidency: The second Roadmap implementation report<sup>22</sup> was presented to COSI on 16 May 2017.*

*Objectives under EE Presidency*

- *A meeting of the Heads of JHA Agencies will be organised by EMCDDA in November 2017 and the results will be presented to COSI in December 2017.*
- *Monitor the elements of the Roadmap on information exchange relevant to this.*

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

COSI monitored and will continue to monitor the progress of the implementation of the Roadmap on Information Exchange. Special attention will be given to the follow-up of the work of the High-Level Expert Group on information systems and interoperability and its recommendations.

*Progress under MT Presidency:*

- *The second Roadmap implementation report was prepared and presented to the Council at its meeting on 9 June 2017, on the basis of discussions at DAPIX, LEWP, at the joint TWP and SIS/SIRENE Working Party meeting as well as at SCIFA;*
- *The Council Conclusions on the way forward to improve information exchange and ensure the interoperability of EU information systems (10151/17) were adopted by the Council at its meeting on 8 June 2017;*
- *COSI decided to set up the DAPIX (Friends of the Presidency) - Interoperability of EU information systems format at its meeting on 21 June 2017 in order to follow-up the work of the High-Level Expert Group on information systems and interoperability.*

---

<sup>22</sup> 8433/17

*Objectives under EE Presidency:*

- *Update the Roadmap as provided for in the aforementioned Council Conclusions;*
- *COSI will provide strategic guidance to and closely monitor the Working Party on Information Exchange and Data Protection (DAPIX) in Friends of the Presidency format discussing issues on interoperability.*

**(11) Financial investigation [Measure 36bis]**

The EE Presidency will submit a mid-term report to COSI on the implementation of the Action Plan for the way forward with regard to financial investigations, as set out in the Council conclusions of 9 June 2016 on the way forward with regard to financial investigation.<sup>23</sup>

**(12) Discuss gaps in the fight against cybercrime and practical responses [Measure 38]**

*Objectives of the EE Presidency: Launch discussions in COSI on improved and coordinated law enforcement response to criminal phenomena on the Darknet and other operational cooperation aspects that matter in the fight against cybercrime.*

---

<sup>23</sup> 10125/16 + COR 1

## **CATS**

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

The EU signed the CoE Convention on the prevention of Terrorism and its Additional protocol on 22 October 2015. Following the adoption of the new Directive on combating terrorism the procedure for concluding the Convention and its Protocol on behalf of the Union could be completed, subject to the consent of the European Parliament.

*Results/state of play under MT Presidency: At present the Council is awaiting a proposal of the Commission for Council decisions on the conclusion of the Convention and its Additional Protocol on behalf of the EU.*

*Objectives under EE Presidency: Subject to the Commission presenting the respective proposals which are expected in September, work towards 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 [Measure 9]**

Following the judgment of the European Court of Justice of 8 April 2014 *Digital Rights Ireland* invalidating the Data Retention Directive 2006/24/EC and the recent judgment of 21 December 2016 (Tele 2 Sverige and Watson case), there is an ongoing reflection on possible ways forward taking into account the important role of the data retention mechanisms in maintaining a high level of internal security of the EU.

*Results/state of play under MT Presidency:*

- *A common reflection process on data retention issues was set up in the Council, following establishment of the dedicated Friends of the Presidency group based on the decision by CATS from 8 March 2017. The Group held three meetings under the MT Presidency, analysing elements of the judgement and possible solutions to address the needs of the law enforcement in line with the case law. A progress report was presented at the Council in June 2017.*

*Objectives under EE Presidency: To advance further the work of the DAPIX - FoP on data retention with a view to look in-depth into different legislative and non-legislative options on the table, eliminate the non-suitable solutions and continue work at the experts level with potentially workable options to address the issue.*

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

See the description of this measure under HWP on Cyber Issues.

**(4) Encryption [Measure 38]**

On 8 December 2016 the JHA Ministers acknowledged the importance of a strong encryption and future solutions ensuring proper balance between the individual rights and the law enforcement needs and endorsed a four-steps approach comprising:

- the launch of a reflection process by the Commission to define practical solutions;
- the exploration of the possibilities for improving the technical expertise both at national and EU level to face the challenges stemming from encryption;
- the encouragement of the European Judicial Cybercrime Network members to discuss the practical/operational aspects related to encryption and to exchange information; and
- the deepening of the practical/operational aspects of encryption-related trainings for law enforcement authorities.

*Progress under MT Presidency: Updates on the state-of-play*

*Objectives under EE Presidency:*

- *Ensure a follow-up of the implementation of the approach in close cooperation with the Commission, FRA, Europol and ENISA.*
- *seek implementation of the 4 steps approach by the end of 2017.*

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

Apart from the regular information updates on incidents of significant interest (including Member States informing on Foreign Terrorist Fighters), INTCEN reports and presentations comprising an important element of TWP and COTER discussions and EU CTC, COM, EEAS and Europol informing on CT-activities, the following items were discussed during the first half of 2017 in the context of the implementation of the ISS and are foreseen for the second half of 2017:

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

Also under MT Presidency, the TWP received regular updates concerning the work of the EU Internet Forum, including from the EU Internet Referral Unit at Europol, and contributed to the guidance to be provided by COSI. This will continue under EE Presidency.

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

Under MT Presidency, the TWP received regular updates on the newly established Prevent Co-ordinators' Network, the functioning of the EU Internet Forum which included action taken by the EU Internet Referral Unit at Europol, research carried out under the Forum and the launch of the Civil Society Empowerment Programme (in 15 March 2017). There were also updates by the European Counter Terrorism Centre (ECTC) and the Radicalisation Awareness Network (RAN) Centre of Excellence (CoE), including updates on RAN's external engagement. Regular updates were also provided by the European Strategic Communications Network (former SSCAT (Syria Strategic Communication Advisory Team)).

The MT Presidency also explored aspects of the radicalisation of vulnerable groups within the community such as asylum seekers and discussed how youth empowerment could help in decreasing the risk of radicalisation in youths in close collaboration with the Commission and drawing upon the work that the RAN has undertaken in this field.

The TWP also dealt with:

- The discussion and way forward on the basis of six-monthly future oriented threat assessments by EU IntCen and EUROPOL;
- Implementation of the JHA parts of the Council Conclusions on prevention of radicalisation leading to violent extremism adopted by the Youth and Education Council (EYCS) at its meeting on 21-22 November 2016.
- The MT Presidency carried out a review of the Guidelines of the Strategy Countering Radicalisation and Recruitment to Terrorism<sup>24</sup>. The guidelines were adopted by the Council on 8 June 2017<sup>25</sup> and will feed into the ongoing work on countering radicalisation.

*Objectives under EE Presidency:*

- *Monitor ongoing initiatives by all stakeholders including by receiving ECTC updates, including on IRU;*
- *Collaborate with COTER on looking at how to ensure closer collaboration between the internal and external EU CT/CVE tools and policies;*
- *Facilitate a discussion and sharing of best practices on individual risk assessment as one of the available counter terrorism tools;*
- *In general terms, EE Presidency supports the WBCTi initiative and sees this as another opportunity to fight against radicalization and violent extremism. The WBCTi and the situation in the Western Balkans will be discussed in a joint session of TWP and COTER.*

---

<sup>24</sup> 13469/1/14 REV 1

<sup>25</sup> 9647/1/17 REV 1



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

Under the MT Presidency the TWP looked at the development of the EU CTC's document of 8-9 December 2016 and Commission initiatives in this area (in particular work undertaken within the RAN Centre of Excellence).

*Objective under EE Presidency: Based on a dedicated discussion paper by the EU CTC, the Member States in a TWP-COTER session will discuss how to enhance military and law enforcement information exchange to ensure the availability of evidence and information for investigating and prosecuting FTFs.*

### **(4) Information exchange [Measures 5, 12 and 28]**

The TWP continues to look towards the implementation of relevant actions contained in the Roadmap on information exchange, especially Chapter III thereof on the strengthening of the collection, checking and connection of information for the detection of persons involved in terrorism and terrorism-related activity and their travel movements.

*Progress under MT Presidency:*

- *The implementation report regarding certain Actions of Chapter III was discussed at the joint meeting of the TWP and the SIS/SIRENE Working Party on 15 March 2017, and the outcome of this discussion contributed to the overall Roadmap implementation report.*

*Objectives under EE Presidency:*

- *Follow the work of the SIS/SIRENE and Dapix Friends of Presidency groups and liaise as appropriate to ensure expert input from the counter terrorism side.*
- *Estonia will stress the importance of strategic communication in CT/CVE field, with particular focus on alternative narratives.*

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

The TWP awaits the communication which the Commission is expected to propose in the CBRN-E (explosives) area in the third quarter of 2017, including the review of the implementation of the EU CBRN and Explosives Action Plans. When issued, the EE Presidency intends to also discuss the follow-up to the broader Commission Communication incorporating CBRN-E related aspects. Further measures to strengthen EU and national efforts in this domain are of utmost importance for tackling CBRN related threats.

*Objectives under EE Presidency:*

- *Intends to discuss the both preventive and reactive measures for possible dangers emanating from CBRN dependent on the CBRN Communication of the Commission.*

**(6) Enhancing the security of explosives and explosive precursors [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 under EE Presidency: Follow-up the implementation of the explosives part of the Action Plan.*

**(7) Strengthening cooperation on counter-terrorism threat analysis [Measure 16bis]**

On the basis of the threat assessments presented by Europol and INTCEN, the MT Presidency set out the state of implementation and updated, where needed, the set of policy recommendations elaborated under the SK Presidency within the remit of the Terrorism Working Party (TWP). Subsequently the recommendations were submitted to COSI on 20 June for endorsement.

*Objectives under EE Presidency: Europol and EU IntCen's Threat Assessments will be presented to TWP. This will be followed by an evaluation of the current threat assessment follow-up process and provide ways forward on its optimisation.*

**(8) The ATLAS Network [Measure 15]**

*The EE Presidency will start looking at the role of special intervention units in the context of the fight against terrorism and how to possibly raise its capacity as first responders in case of terrorist attacks. The options and possibilities for strengthening the network will be discussed in a joint TWP-LEWP session and later in COSI with the aim of Council conclusions establishing a way forward.*

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

The following actions were undertaken in the first half of 2017 in the context of the implementation of the ISS and are foreseen for the second half of 2017:

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

The Commission has tasked an external contractor to develop the new methodology for the strategic training needs assessment (according to Article 4.1 of the new CEPOL Regulation), and the LEWP delegates have been invited to take part in the interviews in order to contribute to this process.

*During the last meeting of the LEWP under the MT Presidency, the Commission indicated that the new methodology should be finalised before September 2017. Consequently, a final report should be presented to the LEWP under the EE Presidency.*

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

The JHA Council on 9/10 June 2016 adopted Council Conclusions and Action Plan on the way forward with regard to financial investigation (8777/16), building upon the renewed European Union Internal Security Strategy 2015-2020 and the Commission's European Agenda on Security.

*Progress under MT Presidency:*

*At the last meeting under the Maltese Presidency, the LEWP discussed an updated implementation paper relating to the Action Plan on Financial Investigation. Four out of five actions have been thoroughly updated by their action leaders (CEPOL, Europol, the Presidency and Belgium), with good results achieved.*

*Objectives under EE Presidency:*

*Under the EE Presidency, the remaining action will be updated by the Netherlands as its leader. The overall update will serve as a basis for a mid-term report for COSI, which the EE Presidency is due to present in the second semester of 2017 according to the Council Conclusions.*

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

LEWP will continue to monitor the implementation of the Council Conclusions and Action Plan on the way forward in view of the creation of a European Forensic Science Area, adopted at the JHA Council 9/10 June 2016<sup>26</sup>.

*Progress under MT Presidency:*

*The MT Presidency has provided an update to actions 4 and 6 of the Action Plan, as the responsible leader.*

*Objectives under EE Presidency:*

*The EE Presidency is set to achieve important progress on the remaining actions, especially in cooperation with ENFSI (network of forensic science institutes). This should prepare the ground for a mid-term report that is to be provided to COSI in the first semester of 2018 according to the above Council Conclusions.*

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

*Progress under MT Presidency:*

*During the Netherlands and Slovak Presidencies, joint LEWP/CCWP Experts meetings took place to discuss the Joint Police and Customs Operation ARES and the Council Conclusions on Environmental Crime. The results of the operation and possible challenges posed by the JPCO (e.g. in the area of information exchange) have then been discussed at a joint meeting in March 2017. The cooperation between law enforcement and customs in the area of combatting crime against cultural goods has also been mentioned in the presentation by the EU-CULTNET network on the outcomes of its meeting held in Malta.*

---

<sup>26</sup> 8770/16

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

*Progress under MT Presidency:*

*In line with the strategic guidelines adopted in December 2015 (12915/2/15 REV 2), the LEWP has discussed and taken note of the annual reports of most of the networks related to it.*

*Objectives under EE Presidency:*

- *Still in line with the above revised strategic guidelines, work programmes of the networks for 2018 will have to be discussed and approved in the LEWP during the EE Presidency.*
- *Renewing the objectives of the networks based on the SOCTA and the new Policy Cycle 2018-2021, including opening discussion on the possibility of wider involvement and cooperation of the networks with third countries, based on crime modus operandi in areas where the need exists (intelligence-led approach).*

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

The LEWP will monitor the implementation of the Council Conclusions on countering environmental crime, adopted by the JHA Council on 8/9 December 2016<sup>27</sup>. To that end it will coordinate with relevant networks such as the EnviCrimeNet which may be carrying out similar activities in order to ensure cohesiveness and avoid duplication of work.

*Progress under MT Presidency:*

*At the last LEWP meeting under the Maltese Presidency, the Slovak representative in EnviCrimeNet presented the outcomes of the network's meeting held in Malta.*

*Objectives under EE Presidency: Further activities of the EnviCrimeNet will be explored under the EE Presidency, especially in the light of the fact that environmental crime became a new crime priority in the EU Policy Cycle 2018-2021.*

---

<sup>27</sup> 15142/16

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

In close cooperation with the CARPOL network, the Maltese Presidency aims to work in the area of recovering stolen cars. To that end it will assess the situation of Member States on the issue of seizure and repatriation of stolen vehicles.

*Progress under MT Presidency:*

*At the last LEWP meeting under the MT Presidency, CARPOL presented the outcomes of its meeting held in Malta, exposing especially the challenges that law enforcement is facing with respect to technologies used by criminals.*

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

In the context of the implementation of the renewed ISS, the following actions have been undertaken during the first half of 2017 and will be taken in the second half of 2017:

**(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, 35 and 37]**

During the Netherlands Presidency, the CCWP adopted its 8<sup>th</sup> Action Plan (2016-2017)<sup>28</sup>. The following actions will be part of CCWP activity for the indicated period: 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 are in coordination with the relevant EMPACT/OAPs in order to avoid duplication.

*A. Progress under MT Presidency:*

- *The CCWP has been updated by action leaders on the activities undertaken under each action as well as on coordination with relevant EMPACT actions under the Operational Action Plans from the EU Policy Cycle for serious and organised crime;*
- *The Chairman of the COSI Support Group attended a CCWP meeting and gave information on the renewal of the ISS as well as on the EU Policy Cycle;*
- *A joint meeting CCWP-LEWP was organised with a particular focus on the trafficking of firearms. During that meeting, the final report of JPCO ARES (trafficking of firearms) was approved;*
- *As part of a more structured and systematic multi-agency engagement, the Executive Director of the European Border and Coast Guard Agency provided a thorough presentation on opportunities opened by the new mandate of the Agency for developing operational cooperation between the Agency and customs authorities. In another meeting, the Agency presented the EUROSUR fusion services and how they contributed to fighting cross-border crime.*

---

<sup>28</sup> 13749/2/15 REV 2 + COR 1



*B. Objectives under EE Presidency:*

- *To approve the final reports of each action under the 8th Action Plan;*
- *To update the monitoring file with the relevant recommendations flowing from the 8th Action Plan;*
- *Strengthening cooperation with EUROPOL and the European Border and Coast Guard Agency.*

**(2) Prepare a situational awareness paper as a basis for the drafting of the 9th Action Plan 2018-2019 [Measure 35]**

The purpose of the situational awareness paper is to provide a picture of the current and future threats affecting the various aspects of the customs environment in the European Union. The situational awareness paper should also seek to take align with the SOCTA 2017 and any other strategic input. On the basis of this paper, the CCWP will reflect on the priorities for the 9th Action Plan.

*A. Progress under MT Presidency: The situational awareness paper was approved by the CCWP.*

*B. Objectives under EE Presidency: Agreement by the CCWP on the priorities to be developed in the 9th Action Plan.*

**(3) Prepare a 9<sup>th</sup> Action Plan 2018-2019 [Measure 35]**

The CCWP Action Plan builds upon objectives set out in Council Resolution 2012/C5/01 on the future of customs law enforcement co-operation and the Strategy for the future customs law enforcement co-operation. The Action Plan is based on customs enforcement priorities and, where appropriate and where synergies exist, aligned with actions and priorities in other documents such as the Renewed Internal Security Strategy and the European Policy Cycle.

*Objectives under EE Presidency:*

- *Preparation and adoption of the 9th Action Plan;*
- *Explore new ways to create synergies between 9th Action Plan and Policy Cycle relevant OAPs.*

**(4) 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>29</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 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. In particular, the Presidency intends to complete the work carried out by the NL Presidency on a common non-paper on the value of PNR for Customs law enforcement and risk management in light of the new PNR Directive.

A. *Progress under MT Presidency:*

*Endorsement of a common non-paper on the value of PNR for Customs law enforcement and risk management in light of the new PNR Directive*

B. *Objectives under EE Presidency:*

*Prepare a contribution from the CCWP on the Commission's forthcoming legislative proposal on cultural heritage import control.*

---

<sup>29</sup> 12644/14 + ADD 1, 15403/14

**(5) Council Conclusions on OLAF's report in the area of cigarette smuggling and other forms of illicit trade in tobacco products [Measure 36quater]**

OLAF has published a progress report on the implementation of the Commission Communication "Stepping up the fight against cigarette smuggling and other forms of illicit trade in tobacco products- a comprehensive EU strategy".

*Objectives under EE Presidency: Adopting 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.*

**(6) Contribution on operational aspects of the future Regulation on Cash Controls [Measure 36quinquies]**

The draft Regulation on controls on cash entering or leaving the Union aims at bringing into line the current Regulation<sup>30</sup> with international norms and best practices in the fight against money laundering and the financing of terrorism. The main discussion on this proposal will be held in the Customs Union Working Party. However the Presidency aims to seek the feedback on the operational issues that may be impacted by the coming into force of this proposal.

- A. *Progress under MT Presidency: A contribution by the Presidency to the Union Customs WP on the discussion held by CCWP experts on the operational aspects arising from the draft Regulation on Cash Controls<sup>31</sup>.*
- B. *Objectives under EE Presidency: Monitoring the negotiations and possible contribution on operational aspects during negotiations between the Council and the European Parliament.*

---

<sup>30</sup> Regulation (EC) No 1889/2005

<sup>31</sup> 6030/17

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

The following actions were undertaken under MT Presidency and are foreseen under EE Presidency:

**(1) Prüm Decisions [Measure 6]**

*Actions:*

- Monitor the implementation of the Prüm Association Agreement with NO and IS, CH and LI
- Monitor the implementation of the "Prüm Decisions".

*A. Progress under MT Presidency*

*Adoption of Council Implementing Decisions, amending the Council Decisions on the launch of automated data exchange with regard to DNA, FP and VRD prior to the judgment of the Court of Justice*

*Adoption of Council Implementing Decisions for*

*VRD: DK, HR*

*B. Objectives under EE Presidency:*

*Adoption of Council Implementing Decisions for:*

*DNA: HR, IE, IT, UK;*

*FP: EL, HR, IE, IT, PT, UK;*

*VRD: CZ, EL, IE, IT, PT, UK.*

(2) **Implementation of Action 6 of the Action Plan on the way forward in view of the creation of a European Forensic Science Area<sup>32</sup> [Measure 10]**

*A. Progress under MT Presidency*

- *Discussion on a consensual roadmap to strive for full interconnectivity of operational Member States;*
- *Search for solutions to the obstacles identified in 6854/16 entitled ‘Prüm Implementation and Daily Obstacles’;*
- *Reduction of the number of false positive matches with DNA-profiles;*
- *Notification of unavailability of the Prüm online data exchange (e.g. sudden technical problems, routine modifications of the systems);*
- *Search for solutions/ideas to improve and streamline the exchange of DNA or fingerprint data between Member States;*
- *Promote and develop best practices in the field of information exchange for the correct application of the Prüm Decisions.*

*B. Objectives under EE Presidency:*

*Drafting of a manual on Prüm best practices*

---

<sup>32</sup> 10128/16

### **(3) Prüm training needs analysis [Measure 19]**

Whilst recognising the efforts undertaken in this field to develop training, there are still significant gaps between training needs and training currently available at EU level. The Working Party shall develop a quantitative assessment of Police cooperation/Prüm training needs based upon a medium-term approach covering a 3-year period (2018 – 2020). The Member States would be requested to identify their training needs regarding the areas of Prüm cooperation and forensic awareness. On the basis of such needs, the Working Party shall present such findings to CEPOL, Council and Commission.

*Progress under MT Presidency: A Quantitative Assessment of training needs of Member States was carried out.*

*Objectives under EE Presidency: Development of an efficient, targeted approach to training on a specialised, thematic level in cooperation with CEPOL.*

### **(4) Information Management Strategy concerning the improvement of the data provision and use of national and international systems by steering [Measure 5], in particular:**

The Working Party will continue working on matters which cover the actions of the IMS Strategy:

*Objectives under EE Presidency:*

- *Enhancing the data provision and use of national and international systems by means of exchange of expertise;*
- *To define the drivers of new IMS actions, such as Europol's role in the Prüm information exchange and the strengthening of SPOCs.*
- *Drafting of IMS action list No 6.*

**(5) Implementation of DAPIX relevant aspects of the ‘Roadmap on information exchange [Measure 5]**

The Working Party will take forward any work related to the Roadmap, in particular the implementation of Chapter 2 (Actions 1 – 16) regarding information management and exchange in the area of law enforcement, including judicial cooperation in criminal matters, as well as with regard to the implementation of Directive 2016/681 on the use of Passenger Name Record (PNR) data (Actions 37-40).

*Progress under MT Presidency:*

- *The implementation of Chapter 2 and Actions 37-40 was discussed at DAPIX on 4 April 2017, and the outcome of this discussion contributed to the implementation of the Roadmap on information exchange and to the implementation report submitted to the Council on 9 June 2017.*

*Objectives under EE Presidency:*

- *Overview of the implementation of Chapter 2 and Actions 37-40 and report to COSI.*

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

The Working Party sought to strengthen and improve the exchange of information and experiences between Member States as well as enhancing the 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).

*Progress under MT Presidency:*

- *Endorsement of proposal on European platform of national (central) police contact points on missing persons to be implemented by NL*

### **(7) Monitoring of the PNR Directive [*Measure 8*]**

The DAPIX Working Party will continue monitoring the implementation of Directive (EU) 2016/681 on the use of PNR Data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime.

*Objectives under EE Presidency:*

- *Monitoring the implementation of the PNR Directive by the Member States within the deadline set by the Directive.*

### **(8) Negotiations on the new eu-LISA Regulation**

DAPIX in its dedicated forum on eu-LISA will discuss the new Commission proposal for a Regulation on eu-LISA extending its mandate based on the outcome of the High-Level Expert Group on information systems and interoperability.

*Objectives under EE Presidency:*

- *Reach a general approach on this file.*



## **HORIZONTAL WORKING PARTY (HWP) ON CYBER ISSUES**

The following actions were undertaken in the first half of 2017 and are foreseen for the second half of 2017;

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

The HWP will continue to encourage the remaining two Member States to complete the already started ratification procedures as well as to uphold the Budapest Convention as a model for cybercrime legislation when engaging internationally, including in cyber capacity building activities. The work ongoing within the Council of Europe will be closely followed in view of the drafting of an additional second protocol to the Budapest Convention whose terms of reference were adopted at the last T-CY held on 7-9 June 2017 in Strasbourg.

*Progress under MT Presidency: completion of the ratification procedures by EL*

*Objectives under EE Presidency: Encourage the ratification of the Budapest Convention by the remaining two Member States. Continue good cooperation with the Council of Europe and facilitate consultations with regard to the forthcoming drafting process by the T-CY.*

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

The HWP will continue to seek consolidating the Member States positions and/or to provide political guidance in respect to ongoing external discussions, inter alia on the adoption of the second Additional Protocol to the Budapest Convention. The HWP will follow the preparations of the upcoming EU cyber dialogues as well as the development of the joint EU diplomatic response against coercive cyber operation (diplomatic toolbox) by EEAS.

*Progress under MT Presidency*

- *achievement of consolidated EU line to take with respect to the meeting of the intergovernmental experts on cybercrime held in Vienna, April, 2017 in the framework of UNODC.*
- *adoption of Council Conclusions on a Framework for a joint EU diplomatic response to malicious cyber activities.*

### *Objectives of the EE Presidency*

- *to continue upholding the EU position that no new addition international instrument on cybercrime is needed, especially within the UN fora;*
- *to prepare implementing guidelines to the cyber diplomacy toolbox.*

### **(3) Discuss (legal) gaps in the fight against cybercrime and practical responses [Measure 38]**

The HWP will continue to discuss and/or contribute to the discussions on various cybersecurity issues in particular those related to challenges faced by LEA as result of the use of encryption, cross-border access to data (e-evidence) and establishment of jurisdiction in cyberspace, cybersecurity training and awareness raising in order to seek global approaches aiming at overcoming obstacles to criminal investigations in cyberspace.

*Progress under MT Presidency: launched discussions on CGN, Architecture of objects, awareness raising.*

*Objectives of the EE Presidency: continue the policy discussions on the practical and legal obstacles to investigations in cyberspace in order to ensure effective criminal justice and rule of law in cyberspace.*

### **(4) 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. Following the adoption of the Council Conclusions on improving criminal justice in cyberspace the Commission has launched an expert process on e-evidence.

*Progress under MT Presidency: the final findings which resulted of the Commission expert process encompassing both practical measures and options for legislative instruments were presented to the JHA Ministers on 8 June 2017.*

*Objectives under EE Presidency:*

- *Advance the follow-up work by the Commission, including encourage the implementation of the practical measures and facilitate the preparatory work regarding a future legislative proposal on E-evidence.*

## **(5) Encryption [Measure 38]**

On 8 December 2016 the JHA Ministers acknowledged the importance of a strong encryption and future solutions ensuring proper balance between the individual rights and the law enforcement needs and endorsed a four-steps approach comprising:

- the launch of a reflection process by the Commission to define practical solutions;
- the exploration of the possibilities for improving the technical expertise both at national and EU level to face the challenges stemming from encryption;
- the encouragement of the European Judicial Cybercrime Network members to discuss the practical/operational aspects related to encryption and to exchange information; and
- the deepening of the practical/operational aspects of encryption-related trainings for law enforcement authorities.

The HWP will push forward the **work on encryption** already started under the SK and ongoing under the MT Presidency with a view to ensure the implementation of the four-step approach endorsed by the December JHA Council last year (see point 4 under CATS). Besides regular updates by the Commission, Europol and ENISA on the matter, dedicated discussions to facilitate the progress could be undertaken in preparation of the debate at a higher political level.

*Progress under MT Presidency:*

- *information on the working programme and structure of the reflection process set up by the Commission;*
- *Updates on the state-of-play*

*Objectives under EE Presidency: Ensure the implementation of the 4 steps approach in close cooperation with the Commission, Europol, FRA and ENISA. Looking forward to discuss the Commission's report once it becomes available.*

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

The Commission undertook a review of the 2013 Cybersecurity Strategy, which will encompass an evaluation of its implementation and concrete measures on certification and labelling of cybersecurity products. The renewed strategy is expected in September 2017.

*Progress under MT Presidency:*

- *The HWP examined at its meeting of 12 May the last revised version of the Roadmap for implementation of the Strategy and started in parallel in-depth discussions on distinct elements that will form part of the renewed Cybersecurity Strategy.*
- *A questionnaire was disseminated and on the basis of its replies a comprehensive report was prepared outlining the main findings and drawing some conclusions. It was decided to tackle this issue as part of the renewed Cybersecurity Strategy and not by a distinct set of Council Conclusions.*

*Objectives of the EE Presidency:*

- *prepare strategic set of Council Conclusions following the presentation of the renewed Cybersecurity Strategy by the Commission in September*
- *Analyse the current methods for early cyber incident detection to identify possible good practices and/or other ways to decrease the response time as part of the Blue print in preparation by the Commission;*
- *Study the cyber awareness practices and on that basis consider the eventual preparation of Council Conclusions aiming to mainstream these practice across EU.*

**(7) Proposal for amendment of ENISA's mandate [New]**

As part of the actions to tackle the cybersecurity challenges the Commission is envisaging a new proposal for amendment of ENISA's mandate aiming at presenting it in a package together with the renewed Cybersecurity Strategy.

*Objectives of the EE Presidency:*

- *bring the examination of proposal forward as much as possible.*

## **WORKING PARTY FOR SCHENGEN MATTERS**

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.

### **WORKING PARTY FOR SCHENGEN MATTERS (“ACQUIS” configuration)**

The ACQUIS configuration will take forward the examination of the three proposals by the European Commission on 22 December 2016 with the aim of reaching a partial general approach by the end of 2017. The three proposals relate to the use of the Schengen Information System:

- (1) for the return of illegally staying third-country nationals;
- (2) in the field of border checks;
- (3) in the field of police cooperation and judicial cooperation in criminal matters.

*Progress under MT Presidency:*

*The Working Party has completed the first examination of the proposals and the second examination concerning the common articles of the Border checks proposal and the Law enforcement proposal. Member States also agreed to accept the preventive alert and inquiry check as new concepts. The use of SIS for the enforcement of other judicial cooperation instruments was not supported by Member States.*

*Objectives under EE Presidency: The Presidency will continue to deal with the proposals related to the Schengen Information System (SIS) as a matter of priority. The aim is to reach a general approach by October and be in a position to at least start the interinstitutional negotiations still in 2017, if not conclude them.*

## **WORKING PARTY FOR SCHENGEN MATTERS (“SIS/SIRENE” configuration)**

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 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 continue the work aimed at removing the remaining obstacles for information exchange on foreign terrorist fighters. The Working Party will maintain an up-to-date overview and ensure an adequate follow-up of the implementation of the actions of the Roadmap on information exchange which fall within the scope of the Working Party for Schengen Matters (SIS/SIRENE).

#### *Progress under MT Presidency:*

- *The outcome of the discussion at the joint TWP-SIS/SIRENE meeting of 15 March 2017 contributed to the implementation of the Roadmap on information exchange and to the implementation report submitted to the Council on 9 June 2017. It was decided by Member States that the indicative criteria concerning foreign terrorist fighters should be inserted in the SIS/SIRENE Catalogue of Best Practices and Recommendations and the Working Party tasked the Commission to produce a new version of the Catalogue.*

#### *Objectives under EE Presidency:*

- *In conjunction with COSI, the Terrorism Working Party and the SIS/VIS committee will examine ways to enhance the use of the SIS, and efficiency in SIRENE cooperation in the fight against terrorists including 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.

*Progress under MT Presidency:*

*The Coordination Mechanism became active on 1 January 2017 and after reviewing the listings set out in the Decisions imposing restrictive measures Member States have been asked to verify the attribution of names on the lists to the responsible Presidency (for accurate follow-up) and to provide the coordinates of the national Points of Contact for the purpose of the Mechanism.*

*Recent EU sanction lists also provide for travel bans in general (i.e., including also exit bans) and the Working Group will start discussing how the SIS could be used or adapted for such purposes.*

*Objectives under EE Presidency:*

- Supporting the GSC at RELEX level with a view to the further development of an effective coordination mechanism to introduce alerts for refused entry based on EU and UN sanctions in the SIS;*
- Monitoring the effectiveness of the coordination mechanism arrangements;*
- Assisting Member States to enforce exit bans pursuant to EU and UN sanction lists.*

## **(3) Missing persons [Measure 12]**

In conjunction with the other relevant forums (if applicable), the Working Party will continue seeking to strengthen and improve the exchange of information and experiences between Member States in the framework of the existing systems and in the framework of the ongoing discussions on the three proposals on the use of the SIS presented by the European Commission on 21 December 2016.



*Objective under EE Presidency:*

- *Contribute for the discussions of the relevant Articles of the recently presented proposals on the use of SIS which takes place within the Working Party for Schengen Matters ("Acquis" configuration).*

**(4) Training [Measures 11, 12, 13 and 14]**

Training is essential in order to ensure the proper implementation of applicable rules, the maximisation of use of existent SIS functionalities, the use of new functionalities and the effective carrying out of necessary action.

*Progress under MT Presidency:*

*On the Working Party meeting of 17 May 2017, the Presidency presented an overview of the delegations' answers to the questionnaire on SIS and SIRENE training needs. The conclusions of this exercise are aimed to assist CEPOL and EU LISA plan better their training activities for the years 2018-2020 on the basis of the Member States' training needs.*

*Objective under EE Presidency:*

- *Monitor the implementation of training according to the needs determined by the MT Presidency.*

**(5) SIRENE task and capability building [Measures 5, 11, 12 and 13]**

- *Objective under EE Presidency: Reach common approach and political agreement with Council Conclusions.*

## **WORKING PARTY ON FRONTIERS**

### **(1) Entry/Exit System [*Measure Ibis*]**

On 6 April 2016 the Commission presented a communication on stronger and smarter information systems for borders and security in view of the smart borders package. The smart borders package included 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 for law enforcement purposes. This proposal accompanied the proposal for a Regulation amending the Schengen Borders Code, adopted in the meantime ((EU)2017/458).

#### *Progress under MT Presidency:*

- *The adoption of the Regulation EU 2017/458 of 15 March 2017 which amended Article 8(2) of the Schengen Borders Code;*
- *In principle, an agreement was reached on 30 June 2017 regarding the outstanding political questions subject to the finalisation of the texts regarding the recitals and the alignment of the text to the political agreement.*

#### *Objective under EE Presidency:*

- *Following the political agreement on 12 July 2017, work will be continued towards final adoption by Council after EP's vote in plenary which is planned for the second half of October 2017.*

(2) **European Travel Information and Authorisation System** [*Measure Iter*]

The Commission has issued this Proposal on 16 November 2016. ETIAS is an automated system set up to identify security, illegal immigration or public health risks associated with visa-exempt visitors travelling to the Schengen Area. It will gather information on those visitors prior to their travel, to allow for advance processing.

*Progress under MT Presidency:*

*A general approach was reached under the MT Presidency on 8-9 June 2017.*

*Objective under EE Presidency:*

- *The EE Presidency intends to start negotiations with the European Parliament as soon as possible with a view to reaching a political agreement on this file by December 2017.*

## WORKING PARTY ON FRONTIERS (False Documents)

*Progress under MT Presidency:*

*The MT Presidency endeavoured to take forward four main issues:*

- *The False Docs Working Party to be used as a forum within which information is shared among the Member States on the state of play in Syria with regard to travel documents. The goal is to raise the necessary awareness and compile a risk analysis on Syrian travel documents.*
- *Regarding the issue of imposters, the aim is to explore and share best practices as to how the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> liners are examining these subjects and what objective evidence is being used. This will be achieved by means of a short questionnaire which will be circulated in order to gather the necessary information, following which the answers would be examined and compiled.*
- *The work done by the Netherlands Presidency on breeder documents was carried forward.*
- *Talks have started with FRONTEX to have an advance training tool to provide training to the border guards.*

*Objectives under EE Presidency:*

- *Collaborate with Frontex and the European Document Fraud project, and other relevant experts in the area to contribute in gathering the respective and relevant information for all MS;*
- *Cooperate with other agencies to highlight the risks involved and the state of play and seek contribution from other members' state in sharing of information and best practices in document trends and organised criminal organisations.*
- *Working together with the Commission on the follow-up of the Commission Action Plan on a European response to travel document fraud.*
- *To promote innovative e-solutions (e-Residency, Mobile ID, Electronic ID card).*

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

The following topics were discussed in the first half of 2017 in the context of the implementation of the ISS:

### **(1) Seventh Round of Mutual Evaluation on Cybercrime [Measure 39]**

With a view to finalise this round of mutual evaluations the discussions on the remaining reports will be continued towards their adoption. If concluded a final report outlining the main findings in terms of common challenges and best practices available to address them will be drawn and discussed in close link with the Horizontal Working Party on Cyber Issues.

#### *Progress under MT Presidency*

- *adopted all the remaining Member States reports;*
- *compiled the final report on the 7th Round of mutual evaluations (doc. 9986/17) and held initial discussion at the meeting of 13 June 2017.*

*Objectives of the EE Presidency: adopt the final report on the 7th Round of mutual evaluations.*

*Evaluation visits of the 8th round of mutual evaluations will start in September. Based on this planning, the EE Presidency will most probably not convene any meetings of the Genval WP.*

*Should there be issues requiring discussion, those will be addressed in appropriate formations. The EE Presidency will look into the further planning of the GENVAL WP work with a view to reaching the corresponding decision in COREPER.*

**(2) Eight Round of Mutual Evaluation on Environmental Crime [Measure 34]**

*Progress under MT Presidency: The Working Party commenced discussions on the drafting of the questionnaire which was adopted in May 2017.*

*Objectives under EE Presidency: On-site evaluation visits will be held. No Working Party discussions foreseen on this topic under the EE Presidency.*

**(3) Post- 2016 Strategy on Trafficking in Human Beings [Measure 33bis]**

As stated in the European Agenda on Security, the current strategy ‘*EU Strategy towards the Eradication of Trafficking in Human Beings (2012 – 2016)*<sup>33</sup>’ has contributed to the combating of trafficking in human beings at regional, national, European and international levels. The Commission is expected to issue the ‘*Post 2016 Strategy on Trafficking in Human Beings*’ in the first half of 2017.

*Objectives under EE Presidency:*

- *To provide feedback to the Commission on the Post-2016 Strategy on Trafficking in Human Beings and the Reports foreseen in Article 23 (1) and (2) of Directive 2011/36/EU. This will possibly be discussed under FREMP instead of GENVAL (under discussion).*

---

<sup>33</sup> COM(2012) 286 final

## **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 two EU Action Plans that cover the periods 2013-2016 and 2017-2020, respectively. The Action Plan sets out the Actions that need to be implemented to achieve the objectives of the Strategy. Actions cover the two policy areas of the Strategy: Drug Demand Reduction and Drug Supply Reduction; and the three cross-cutting themes of the Strategy: Coordination, International Cooperation; and Information, Research, Monitoring and Evaluation.

The EU Action Plan 2017-2020 was adopted on 20 June 2017. The following topics were discussed in the first half of 2017 in the context of the implementation of the ISS and will be discussed in the second half of 2017:

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

*Progress under MT Presidency:*

*The HDG is now preparing for the global drug policy review in 2019. In this context, the EU common position on post-UNGASS process was approved by COREPER in January 2017.*

*Preparation for the global drug policy review in 2019 will continue during the Estonian Presidency, including through a number of the EU statements to be presented at the forthcoming Commission on Narcotic Drugs (CND) intersessional meetings.*

*EU-CELAC technical committee meetings, Dublin Group meeting, EU-US and EU-Brazil dialogue on drugs were organised during the Maltese Presidency. The XIX High-Level Meeting of the Coordination and Cooperation Mechanism on Drugs between the European Union and CELAC in 2017 under the co-presidencies of Argentina and Malta was also organized in Buenos Aires on 17-18 May 2017. Buenos Aires declaration was adopted at the meeting, outlining commitment for cooperation and implementation of the UNGASS outcome document between the two regions.*

*Objectives under EE Presidency:*

- *During the EE Presidency EU-CELAC technical committee meeting, Dublin Group meeting, EU-US, EU-Eastern Partnership countries dialogues on drugs will be organised as well as the EU-Central Asia Senior Officials meeting on drugs;*
- *Preparation and follow-up on third country dialogues and preparation for the global drug policy review in 2019, including the implementation of the UNGASS outcome document.*

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

*Progress under MT Presidency:*

*A general approach on the NPS legislative package was reached in December 2016, following which trilogues were started. Interinstitutional agreement at trilogues was reached on 29 May 2017. On 31 May COREPER confirmed the agreement reached on the Regulation and Directive. LIBE approved both files at its meeting on 8 June 2017. Political agreement on the Directive is expected to be reached in the Council in June 2017.*

*Objective under EE Presidency: To adopt the NPS Regulation and Directive by the end of 2017.*



### **(3) International scheduling of new psychoactive substances (NPS) [Measure 30]**

*Progress under MT Presidency:*

*The HDG agreed on a common position on a number of new psychoactive substances proposed for international scheduling at the 60th Commission on Narcotic Drugs (CND) session in March 2017. A relevant Council decision was adopted on 7 March 2017.*

*Objective under EE Presidency:*

- *Discussions on the substances proposed for scheduling at the 61th CND session in March 2018 will start during the Estonian Presidency. Adoption of the Council Decision on international substance scheduling in March 2018.*

### **(4) Scheduling of new psychoactive substances (NPS) at the EU level [Measure 4]**

*Progress under MT Presidency:*

*In February 2017 the Council adopted a decision on subjecting NPS MDMB-CHMICA to control measures. In May 2017 the HDG approved the Commission's proposal to subject NPS acryloylfentanyl to control measures and the European Parliament is consulted on this proposal. The Commission and a number of Member States also requested the EMCDDA and Europol to analyse further another NPS, furanylfentanyl and to draft a risk assessment report on this substance, which might lead to the Commission proposal to also subject this substance to control measures.*

*Objective under EE Presidency:*

*During the EE Presidency, upon the conclusion of the consultation with the Parliament, the Council will decide on subjecting NPS acryloylfentanyl to control measures. The HDG will be requested to analyse the Commission's proposal as regards furanylfentanyl and Member States together with the Commission will decide if further assessment will be necessary as regards 6 new NPS, on which the EMCDDA and Europol are currently preparing the initial reports.*

**(5) Adoption of the new EU Action Plan on Drugs for 2017-2020 [Measure 30]**

*Progress under MT Presidency:*

*In early 2017 the Commission presented the results of the mid-term evaluation of the EU Drugs Strategy. In March 2016 the Commission presented the draft EU Action Plan on Drugs. HDG examined and endorsed the Action Plan with certain modifications on 6 June 2017. The Council adopted the Action Plan on 20 June 2017.*

**(6) Possible Council conclusions on Alternatives to coercive sanctions as a response to drug law and drug-related offences [Measure 30]**

The action 22 of the EU Action Plan on Drugs 2017-2020 as adopted by the Council in June 2017 requests Members States and working parties of the Council to provide and apply, where appropriate and in accordance with their legal frameworks, alternatives to coercive sanctions for drug using offenders, such as education, treatment, suspension of investigation or prosecution, rehabilitation and recovery, aftercare and social reintegration. The Action Plan also requests concerned parties to increase monitoring, implementation and evaluation of alternatives to coercive sanctions.

*Objective under EE Presidency:*

*The goal of the EE Presidency is to foster the use of the alternative to coercive sanctions through addressing the barriers that limit their implementation. The EE Presidency will prepare discussion paper outlining state of play in EU and will propose to the Member States questions on the way forward. Based on the discussions and views expressed by the Member States in the Working Party, the EE Presidency will draft a paper summarising the views and proposing preliminary recommendations for the Member States. The ultimate goal would be to prepare and adopt Council conclusions on promoting the implementation of alternatives to coercive sanctions. The work on these Council conclusions will continue under BG Presidency.*

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

### **(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.

*Objectives under EE Presidency: Continuing the ongoing evaluation of Member State implementation and discuss possible solutions to difficulties encountered.*

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

*Progress under MT Presidency:*

*A consolidated text was finalised under the Slovak Presidency. However, unanimity on the draft Regulation on the establishment of a European Public Prosecutor's Office could not be found. An enhanced cooperation was therefore launched in April 2017, whereafter Council reached a general approach on 8 June 2017. Currently, it seems that around 20 Member States will participate in the enhanced cooperation. Formal adoption of the Regulation is expected in the last quarter of 2017.*

*Objective under EE Presidency:*

- *Ensure the formal adoption of the Regulation.*

### **(3) Improve ECRIS to cover non-EU nationals (COM proposal issued in January 2016, additional proposal on 28 June 2017)) [Measure 7]**

*Progress under MT Presidency:*

*No discussions were held under the MT Presidency since the negotiations were suspended in June 2016 under the NL Presidency after the majority of the Member States expressed strong preference for a centralized option for exchange of fingerprints and alphanumeric data of convicted third country nationals. The Commission presented an additional proposal for a Regulation to establish the centralised system on 28 June 2017.*

*Objective of the EE Presidency:*

- *Relaunch the discussion at the working group level and reach the general approach by the end of 2017.*

**(4) Mutual recognition of freezing and confiscation orders [Measure 17]**

*Progress under MT Presidency:*

*On 21.12.2016, the Commission submitted a proposal for a Regulation on the mutual recognition of freezing and confiscation orders that is part of the terrorism financing package. The MT Presidency started the negotiations in the Council on the proposal. Although considerable progress was made in the working groups, there are still a lot of unsolved issues that need discussion. Some Member States raised the issue of the legal form of the proposal (whether it should stay as a regulation as the Commission proposed or whether the legal form of the instrument should be a directive). This topic was discussed in CATS on 24.05.2017 and was discussed between the Ministers in the informal JHA Council on 6 and 7 July 2017.*

*Objectives under EE Presidency: Discussions will continue on the proposal during the Estonian Presidency with the aim of reaching general approach in the JHA Council in December 2017. Depending on the positions of the Member States, there might be a need to redraft the proposal from a regulation to a directive.*

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

*Progress under MT Presidency*

*FREMP prepared and discussed the Council Conclusions on the EU Citizenship Report 2017 adopted by the Council at its 3533rd meeting held on 11 May 2017. Those conclusions call on the Commission to strengthen the security of citizens through continuing to support the implementation of the European Agenda on Security and to improve, where necessary, the security of identity, residence and travel documents. They also call on the Member States upon to effectively implement the Renewed European Union Internal Security Strategy 2015-2020.*

*In addition to promoting an overarching human rights approach during the EE Presidency, FREMP will:*

- Continue to highlight the importance of coherence between internal and external aspects of fundamental rights protection and promotion (as noted in the 2016 Council conclusions on the application of the Charter of Fundamental Rights in 2015);*
- prepare and discuss the Council Conclusions on the application of the Charter of Fundamental Rights in 2016;*

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

### **(1) Proposal for a Directive on countering money laundering by criminal law**

*[Measure 36ter]*

Further to the "Action Plan to strengthen the fight against terrorist financing" of 2 February 2016, the COM submitted a proposal for a Directive on countering money laundering by criminal law on 21 December 2016. The proposal seeks to strengthen the current legal framework at EU level by implementing international standards in the area of money laundering, including the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 2005, CETS No 198 ("the Warsaw Convention"), as well as the relevant recommendations from the Financial Action Task Force (FATF).

*Results under MT Presidency:*

- *General approach reached at the Council in June 2017.*

*Objectives under EE Presidency:*

- *To enter in negotiations with the EP in the context of the ordinary legislative procedure with a view to reaching a timely political agreement on this file.*

### **(2) Proposal for a Directive on Combatting fraud and counterfeiting of non-cash means of payment [Measure 36 quinquies]**

In the European Agenda on Security of 2015 the Commission committed to reviewing and possibly extending legislation on combatting fraud and counterfeiting of non-cash means of payments to take account of newer forms of crime and counterfeiting in financial instruments. A respective proposal amending the Framework Decision of 2001 is expected by end of September. So far two expert meetings (May and June) have been held in May and June respective to discuss the scope and other elements of the instrument together with Member States and also representatives of the private sector.

*Objective of the EE Presidency:*

- *EE will present a progress report in the December Council and hold an initial discussion.*

**ANNEX III**

		COSI	CATS	TWP	LEWP	CCWP	DAPIX	HWP Cyber issues	SCHENGEN	FRONTIERS	GENVAL	HOG	DROIPEN	OTHER
	<b>MEASURES</b>													
	<i>Improving information exchange</i>													
1	Adoption PNR Directive													adopted
1bis	Adoption EES Regulation													
1ter	Adoption ETIAS Regulation													
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	Extension of ECRIS to third country nationals													COPEN
8	Monitoring of the PNR Directive													
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													
16bis	Strengthening cooperation on CT threat analysis													
17	Monitor implementation of mutual recognition instruments													COPEN
18	Adoption EPPO Regulation													COPEN

		COSI	CATS	TWP	LEWP	CCWP	DAPIX	HWP Cyber issues	SCHENGEN	FRONTIERS	GENVAL	HOG	DROIPEN	OTHER
	<b>Supporting actions</b>													
19	Develop trainings, methodologies for assessing strategic training needs													
20	Examine further possible action re EU security industry													COM
	<b>Tackling terrorism and preventing radicalisation</b>													
21	Monitor the progress on the European Counter-Terrorism Centre at Europol													
22	Monitor the progress on the Internet Referral Unit (EU IRU) at Europol													
23	Monitor the progress on the EU Internet Forum													
24	Updating terrorism legislation (Foreign Terrorist Fighters)													
25	Prevention radicalisation in prisons, effective disengagement/de-radicalisation programmes, including via PAN centre of excellence													
26	Enhance protection against explosives													
27	Foster anti-radicalisation programmes/actions with relevant third countries													EEAS
28	Strengthen the EU's own strategic communication													
	<b>Disrupting organised crime</b>													
29	Fighting illicit firearms													
30	Fighting illicit drugs													
31	Implement and further expand the EU external policy in the field of drugs													
32	Administrative approach													
33	Implementation of the European Agenda on Migration (in particular the fight against smuggling of migrants)													
33bis	Post 2016 Strategy on THB													
34	Fighting Environmental crime													
35	Implementation of the EU Policy Cycle, including to neighbouring countries													
36	Links internal - external security													
36bis	Financial investigation													
36ter	Directive Money laundering													
36quater	Fighting illicit trade tobacco													
36quinquies	Illicit cash movements													
	<b>Fighting cybercrime</b>													
37	Monitor implementation of Cybersecurity instruments, incl. Budapest Convention													
38	Analysing legal gaps and remedies in the fight against cybercrime													
39	Foster international cooperation in the fight against cybercrime													
40	Adoption of Directive on network and information security													adopted