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NOTE

From:	Estonian Presidency, the incoming Bulgarian and Austrian Presidencies
To:	Standing Committee on Operational Cooperation on Internal Security
Subject:	Joint trio Presidency paper on the renewed EU Internal Security Strategy 2015–2020

The need for trio Presidency coordination regarding the implementation of the renewed EU Internal Security Strategy 2015–2020 (ISS)¹ was raised in the note on the role of the Standing Committee on Operational Cooperation on Internal Security (COSI)², so as to ensure a shared vision for COSI proceedings over an 18-month period, **with flexibility to update the document if appropriate in the future.**

Estonia, Bulgaria and Austria decided to draft a joint ISS trio paper containing five **key topics priorities**, which covers the 18-month joint trio Presidency period. During the joint Presidency period the most important topics to be addressed by the Presidencies will be the following: interoperability and information exchange, ATLAS, cooperation with third countries/third country regions (especially Ukraine and the Western Balkans), violent extremism, and the Security and the Migration Union 2025.

¹ 9798/15

² 8900/17

Interoperability and information exchange

Interoperability

The European Union is currently facing the parallel challenges of migration management and the fight against terrorism, organised crime and cyber-attacks. Threats are becoming ever more complex, **interconnected** and transnational, and thus cooperation and information are becoming increasingly important, to ensure the safety and security of citizens across the European Union. It is essential that full use be made of existing legislation and initiatives to promote information exchange among all those involved in the field of security.

Information systems which provide police officers, border guards, **and** migration and asylum officials, **and other law enforcement officials** with relevant information on individuals are essential for both external border management and internal security in the EU. The April 2016 Commission Communication³ affirmed that there is room for improvement, both in using or strengthening existing systems and in developing new systems. One key way in which this could be achieved would be by improving the interoperability of information systems, an objective endorsed by the European Council and the Council.

In May 2016, the Commission therefore decided to set up a high-level expert group on information systems and interoperability (HLEG). In December 2016, the chair of the HLEG presented interim findings and guidelines based on the group's work over the first six months of its operation. The final report, published in May 2017, presented the consolidated views expressed by experts nominated in response to the Commission's invitation to Member States, associated countries, agencies and bodies.

On 8 and 9 June 2017, the Council, as a follow-up to the recommendations put forward by the HLEG, adopted Conclusions on the way forward to improve information exchange and ensure the interoperability of EU information systems. The Conclusions call for an update of the Roadmap to enhance information exchange and information management including interoperability solutions in the justice and home affairs area, which should incorporate the recommendations of the HLEG.

³ COM(2016) 205 final, 6.4.2016.

The Commission, together with relevant stakeholders, has been tasked with undertaking a series of technical feasibility studies focusing on practical implementation. The Commission, together with eu-LISA, EDPS, FRA and other relevant stakeholders, is expected to carry out the relevant studies by the end of 2017, by which time the Commission should also have proposed an omnibus Regulation updating the legal bases of existing information systems and enabling native interoperability at EU level, as well as legislative proposals on the three main dimensions of interoperability – a European search portal, a shared biometric matching service and a common identity repository.

Implementation of the EU PNR Directive

The key EU priority of improving the interoperability of information systems and the management of information could not be effectively achieved without addressing the issue of the implementation of the EU PNR Directive.

Taking into account the ongoing processes of transposition of Directive 2016/681 into the national legislation of the Member States and the discussion on its practical implementation, Bulgaria will raise these issues during its Presidency.

Furthermore, the Council conclusions on the way forward to improve information exchange and ensure the interoperability of EU information systems provide a number of measures related to the use of PNR data and the connectivity between the national PIUs.

In addition to the work to be carried out within the DAPIX Working Party, which is responsible for monitoring the implementation of the PNR Directive, the Bulgarian Presidency is planning to organise an expert conference in Sofia in the first half of 2018 (possibly in February), where discussions could be held on particularly topical subjects such as the added value of the PNR Directive from an operational point of view and connectivity with air carriers. The legal amendments required in national legislation to introduce the provisions of Directive 2016/681 could also be addressed at the conference. In this regard, Bulgaria is considering distributing a questionnaire prior to the conference so as to gain an overview of Member States' opinions. Member States' contributions would be discussed during the event.

Such an event will clearly highlight the emphasis placed by the trio Presidency on the effective implementation of the PNR Directive. The results and possible recommendations produced by the conference could be presented within the working formats of the Council.

*Information exchange on **terrorist suspects, in particular** foreign terrorist fighters*

One of the main purposes of our efforts to optimise interoperability and information exchange is to make the fight against terrorism even more successful. Identifying foreign terrorist fighters travelling to and from the conflict regions ~~in the Middle East~~ and taking the relevant measures laid down in EU legislation (e.g. arrest, withdrawal of travel documents, discreet surveillance, specific checks, etc.) are of vital importance for the security of our citizens. Nevertheless, this is not always enough to guarantee that the identified foreign **terrorist** fighters will in fact return to their country of origin.

Bulgaria will initiate a discussion on the possibility of a common EU procedure for follow-up measures as regards foreign **terrorist** fighters – especially, but not exclusively, EU citizens **and residents** – identified in the territory of Member States until their transfer to the Member State of origin or return to the third country of origin.

This initiative should upgrade the proposal of the Commission to introduce a new type of 'inquiry check' alert under Article 36 of the draft Regulation on the use of the SIS for the purposes of police and judicial cooperation. Article 36 only lays down the action to be taken by **police law enforcement** officers and the SIRENE **Bureaux** in the event of a hit **or post hit notification**, and this could be developed further.

Bulgaria will therefore launch a discussion within the working formats of the Council (TWP ~~or~~ **and** SIS/SIRENE WP) and the results will be presented to COSI for adoption along with guidelines for further action to be taken during the Bulgarian Presidency.

Main activities during the Estonian Presidency

- Discussion by the Friends of the Presidency and COSI of COM's feasibility studies.
- Follow-up discussion on some of the themes explored by the HLEG.
- Discussions on updating the roadmap and incorporating the Information Management Strategy (IMS).
- Discussion on content of possible interoperability legal package.

During the Bulgarian and Austrian Presidencies, the following activities are to continue:

- Discussion of the legislative proposals on the three dimensions of interoperability in the first half of 2018.
- Continuation of the follow-up discussion on some of the topics explored by HLEG.
- Discussion on the practical implementation of Directive 2016/681 during the Expert Conference to be held in Sofia in February 2018.
- Presentation of the results of the discussions on establishing a common EU procedure on **follow-up** measures as regards foreign **terrorist** fighters in **TWP and COSI** in the first half of 2018, and agreement on further measures.

Reinforcement of the EU ATLAS network

During the recent major terror attacks in Europe, the first responders were the special intervention units (SIUs). In view of this, it is important to highlight the role of the EU ATLAS Network, the special format of the EU SIU units, in the context of countering terrorism and not only as a law enforcement body.

The ATLAS Network is an association consisting of 37 SIUs from the 28 Member States of the European Union, Norway and Switzerland. The network was informally established in 2001 in response to the 9/11 attacks and formalised by Council Decision 2008/617/JHA. The goal of the ATLAS Network is to improve cooperation among police SIUs and to enhance skills through training and the exchange of best practices so as to protect and save lives, rescue hostages and respond rapidly to terrorist attacks. It is a proactive stance against terrorism which underlines the solidarity and cooperation between EU Member States as set out in Article 222 of the Lisbon Treaty and helps ensure the protection of citizens and public security in the EU.

Although ATLAS is a well-functioning network, a number of challenges have been identified. The network is coordinated by a rotating presidency, which has limited capacity to manage long-term international training projects. Currently, the management of the entire network is limited in personnel to one SIU, which results in a high administrative burden and is an obstacle to sustainability and long-term planning. In addition, since cross-border cooperation is vital in countering terrorism, it is necessary to enhance the capacity of the ATLAS network regarding the use of special equipment and weaponry in the case of cross-border incidents or exercises. The use and transportation of firearms and explosives across EU internal borders presents challenges and Article 3 of Council Decision 2008/617/JHA has its limitations. The limitations of the latter are particularly pronounced in emergency situations where the speed of the response and the need for specific equipment are crucial. In this context, it is important to know the exact nature and speed of the assistance we can expect from our European partners in a time of crisis.

For these reasons, during the Estonian Presidency we intend to invite Member States to express their views on the possibility of creating a permanent secretariat for ATLAS to better ensure the continuity of efforts within the network, with a view to using some of the resources already available in Europol. However, it is essential that the present independent status and decision-making process of the ATLAS Network be maintained. We would like to discuss ways in which we could ensure better cross-border cooperation between the SIUs (*catalogue of the capabilities of SIU units, options for moving equipment quickly and efficiently, reviewing the response mechanism for international call-for-aid situations, etc.*), while paying appropriate attention to all the specificities and limitations related to the classified nature of the information.

Main activities during the Estonian Presidency

- Discussion by LEWP and TWP expert groups in a joint meeting on 12 September 2017.
- Concrete proposals will be submitted back to the high-level COSI officials in November 2017.
- COSI will decide whether to bring these proposals to the attention of the Justice and Home Affairs Council (JHA) for endorsement by ministers in December 2017.

During the Bulgarian and Austrian Presidencies, the following activities are to continue:

- Implementing the jointly agreed activities to enhance the ATLAS network.

Cooperation with third countries/~~third country regions~~ – especially Ukraine and the Western Balkans

The European Agenda on Security⁴ calls for preventive engagement with third countries to address the root causes of security issues. In addition, the Agenda places emphasis on maximising the added value of existing policy dialogues with third countries and extending these to include priorities such as cooperation in the fight against transnational organised crime and terrorism, **trafficking in firearms**, smuggling of migrants and trafficking in human beings. This in turn should lead to specific joint action plans with key third countries and be reflected in the targeted use of EU financial instruments.

So far, cooperation with third countries has been reflected in the ISS implementation papers in the framework of the Policy Cycle and in counter-terrorism activities⁵. However, only the Western Balkans, Turkey and the MENA region have been mentioned. COSI should also focus on **Eastern** partners when implementing the ISS **on relevant areas**.

Furthermore, the EU's Neighbourhood Policy principles⁶ highlight the need for cooperation with the countries closest to the EU's borders, to foster stability and security. The **joint staff European Commission** working document⁷ presented by the **Commission and the** High Representative of the Union for Foreign Affairs and Security Policy outlines some major developments which are expected in the EU's relations with its eastern partners by the next Eastern Partnership (EaP) Summit in November 2017. Twenty key deliverables have been identified in the framework of the priorities agreed at the last EaP Summit in Riga, which laid the groundwork for the next phase of the EaP until 2020. One of the deliverables mentioned is the need to strengthen the resilience of the EaP countries through stronger cooperation in the area of civilian security. The aim is to support partners, including through capacity-building projects, to ensure the security of their citizens, increase their resilience to security threats and better equip them to prevent and respond to conflicts and crises.

⁴ COM(2015) 185 final, 28.4.2015.

⁵ **10384/17**

⁶ JOIN(2015) 50 final, 18.11.2015.

⁷ SWD(2016) 467 final, 15.12.2016.

Cooperation between Member States and third countries, such as Ukraine, in the fight against serious and organised crime should be given more attention. The Council conclusions on the ISS invite COSI and the Commission to actively contribute to the existing policy dialogues on security with key third countries by, *inter alia*, establishing joint action plans for operational cooperation in close coordination with the EU's external action in general.

The gap in implementing the ISS should be addressed and the possibility of wider involvement of third countries in the operational action plans (OAPs) of the Policy Cycle for organised and serious international crime and in the work of the various networks⁸ of the Member States' law enforcement authorities should be considered. Western-Balkan countries are already involved in the European Firearms Experts (EFE) Network. The EU should also take a similar approach to other third countries, as underlined in the European Agenda on Security. COSI can delegate this issue to the Law Enforcement Working Party (LEWP) and the latter can in turn instruct networks to cooperate with certain third countries, based on crime trends. Taking into account the conflict in eastern Ukraine and the possible security implications, it is important for the EU to support the involvement of Ukraine in the Firearms OAP and in the work programme of the EFE network. The Agreement on Operational and Strategic Cooperation between Ukraine and Europol should facilitate the process of involving Ukraine in the OAPs and networks of the EU Member States' law enforcement authorities.

Furthermore, regarding cooperation in the prevention of illicit trafficking of firearms, the EU action plan against illicit trafficking in and use of firearms and explosives⁹ also calls for further steps to be taken to improve operational cooperation at EU level among Member States and with third countries in relation to firearms. As stated in the action plan, the illicit trafficking and use of firearms and explosives should be systematically integrated into security dialogues with key partner countries. The action plan explicitly calls for the EU and Ukraine to enhance their cooperation against common threats regarding the illicit trafficking and use of firearms.

⁸ Networks monitored under the Law Enforcement Working Party (LEWP).

⁹ COM(2015) 624 final, 2.12.2015.

The importance of the internal-external security nexus is highlighted in the ISS, the European Agenda on Security and the Global Strategy. It is therefore necessary for COSI, with its expertise and competence, to address the internal security situation in third countries and thus complement the work done by the Political and Security Committee (PSC). Regarding Ukraine, the existing formats at the EU level do not thus far seem to have focused sufficiently on the impact which the developments in Ukraine may have on the internal security of the EU. The PSC is more focused on the Minsk Agreements and sanctions. By contrast, the experts taking part in the missions of EUAM,¹⁰ EUBAM¹¹ and OSCE in Ukraine have an (internal) security sector background. Raising Ukraine's internal security situation higher up on the COSI agenda would thus ensure the attention of the internal security authorities of the Member States and the EU at the leadership level and maintain an overview of the activities in the internal security area as regards Ukraine. Systematic guidance of the activities of the Member States and a long-term view will help to ensure sustainability in planning and in reaching the goals set. COSI can set strategic objectives as to the areas on which Member States should focus in supporting Ukraine. During the Estonian Presidency, the aim is to negotiate draft Council conclusions on strengthening the external dimension of the EU's internal security in Ukraine.

Main activities during the Estonian Presidency

- Presentation by the EUAM Head of Mission during the informal JHA lunch in Tallinn on 6 July 2017 on the activities of the EUAM mission and reforms in Ukraine's internal security sector.
- Ministerial meeting of EaP countries in the margins of the informal JHA ministerial meeting on 7 July 2017.
- Discussion on strengthening cooperation with Ukraine at the informal COSI-CATS meeting on 20 and 21 July 2017.
- Overview by SGUA, in cooperation with EUAM, on activities in Ukraine's internal security sector during the COSI meeting on 25 September 2017.

¹⁰ European Union Advisory Mission in Ukraine.

¹¹ European Union Border Assistance Mission to Moldova and Ukraine.

- Threat assessments by INTCEN and Europol regarding illegal firearms trafficking in relation to Ukraine and neighbouring countries during the PSC-COSI meeting on 26 September 2017.
- Hybrid threat analysis by INTCEN (taking Ukraine as an example) during the PSC-COSI meeting on 26 September 2017.
- Discussion of draft Council conclusions calling on the EU to strengthen cooperation with Ukraine in the internal security sector during the COSI meeting on 21 November 2017, with a view to adoption by the Council in December 2017.
- Discussion in LEWP on the possibility of networks to cooperate with a larger number of third countries, including Ukraine. A Europol overview and recommendation to cooperate with certain third countries based on crime trends is also under consideration.

During the Bulgarian and Austrian Presidencies, the following activities are to continue:

- INTCEN and Europol are invited to draft periodic overviews of the situation in the EU's neighbouring countries, from the perspective of the possible impact on the EU's internal security.
- SGUA, in cooperation with EUAM, will be asked to take a 'helicopter view' of all the EU- and international-level support and Member States' bilateral projects relating to Ukraine in the internal security area, and to present it periodically to COSI so as to facilitate donor coordination, create synergies and prevent duplication, which would significantly improve the efficiency and effectiveness of the resources invested.
- Involving Ukraine in the OAPs and networks of the EU Member States' law enforcement authorities based on crime trends.

Cooperation with the Western Balkans

According to threat assessments from Europol and INTCEN, the region of the Western Balkans (WB) needs targeted attention in the fight against terrorism **and serious and organised crime**. Although the armed conflict in the region ended over 16 years ago (with the insurgency in the Republic of Macedonia in 2001), the region is still host to large numbers of illicit firearms. By way of example, terrorists used reactivated firearms from the WB region in the Charlie Hebdo terror attacks in 2015. Additional challenges to be addressed in the region include the recruitment of terrorists by Da'esh, violent extremism, and the use of the region as an area of transit for terrorists or suspected terrorists.

A number of regional strategies and action plans exist to address these challenges, but the role of the EU is also of crucial significance. At the end of 2015, the Council adopted conclusions on the Integrative and Complementary Approach to Counter-Terrorism and Violent Extremism in the Western Balkans (WBCTi), which were further developed into Integrative Internal Security Governance (IISG) in 2016.¹² WBCTi is an EU-supported effort to respond to the developments related to terrorism, violent extremism and radicalisation in the region and maximise the potential of regional cooperation by merging the efforts of relevant security actors in the area. IISG focuses on: (a) the prevention of violent extremism and the fight against terrorism (WBCTi); (b) the fight against serious and organised crime (WBCSCi); and (c) border security (WBBSi).

Furthermore, an informal working group has been created under the TWP, which gives regular updates on the progress of the WBCTi.

Upon a proposal put forward by the Commission, Europol is preparing a pilot project to deploy Europol (Guest) Liaison Officers in Albania, Bosnia and Herzegovina and Serbia, aiming at strengthening cooperation between the Western Balkan countries and Europol.

As mentioned above, the Western Balkan countries should also be more widely involved in the operational action plans (OAPs) of the EU Policy Cycle for organised and serious international crime and in the work of the various networks of the Member States' law enforcement authorities, such as preventing and combating the illegal trafficking of cultural heritage intended to finance organised crime and terrorism. As part of the transit route for cultural valuables, these countries should be considered as key stakeholders in the activity of the network of law enforcement authorities and experts competent in the field of cultural goods (CULTNET). Concrete measures involving the participation of the Western Balkans countries could be presented in COSI after the OAPs are finalised at the end of 2017.

¹² At the end of 2015, Council conclusions on the Integrative and Complementary Approach to Counter-Terrorism and Violent Extremism in the Western Balkans; in December 2016, Council conclusions on strengthening the EU internal security's external dimension in the Western Balkans including via the Integrative Internal Security Governance.

Main activities during the Estonian Presidency

- In general terms, the Estonian Presidency supports the WBCT initiative, but the priority is being led by Slovenia and Austria (in TWP, where there will be an update on the progress of the WBCT initiative). A more concrete focus will be set on the initiative in the joint session of TWP and COTER on 8 November 2017.
- As the EU Western Balkan CT Initiative Integrative Plan of Action (WBCTi iPA) for the period 2015-2017 is expiring, TWP will endorse the review thereof (if delegated to do so by COSI) as set out in the Council conclusions of 3 December 2015.¹³

During the Bulgarian and Austrian Presidencies, the following activities are to continue:

- Involving the Western Balkans countries in the OAPs and networks of the EU Member States' law enforcement authorities based on crime trends (e.g. CULTNET).
- Starting the implementation of the EU Western Balkans CT Initiative Integrative Plan of Action (WBCTi iPA) after its review by TWP/COSI.

Synergies between the internal and external dimensions of countering terrorism and violent extremism

The trio Presidency of the Council would like to facilitate and take forward the discussion on the internal and external aspects of the EU's fight against terrorism. The Global Strategy and the European Agenda on Security emphasise the need to consider the internal and external dimensions of security challenges and measures to strengthen EU policies on countering terrorism and violent extremism.

¹³ 14986/15

TWP and COTER are therefore invited to help build more coherence and synergies between the external and internal dimensions of CT/CVE, focusing on the following aspects:

- Analysing how to enhance the role of the EU JHA agencies and European networks to include the implementation of security-focused activities in third countries as relevant.
- More efficient use of the EU's external security tools, CSDP missions, CT/ **Security**-expert networks and CT/ **Security** dialogues to support objectives in internal security.
- Ensuring the coordinated and targeted use of EU financial instruments to enhance the fight against terrorism and violent extremism.

Main activities during the Estonian Presidency

- In July 2017, a discussion in COTER and TWP on the implementation of the Global Strategy and the European Agenda on Security as regards the further strengthening of the internal and external nexus of the EU CT/CVE policies and the creation of more synergies between the policies.
- Presidency paper in November 2017 on strengthening the internal and external nexus of the EU's CT/CVE policies.

During the Bulgarian and Austrian Presidencies, the following activities are to continue:

- JHA ministerial meeting with third countries.
- Joint informal TWP/COTER meeting.
- Community policing conference (Austrian 'Gemeinsam.Sicher' project).

Security and Migration Union 2025

The trio Presidency of the Council has initiated a process (the 'Vienna process'), with the involvement of subsequent Presidencies, to pursue long-term goals in the field of internal security, including security-related topics in the area of asylum, migration and borders. In the face of growing security challenges in an uncertain global environment, it is essential for the EU to support Member States in their efforts to ensure internal security and fight against terrorism. The three Presidencies will take work forward on the European Agenda on Security in order to build a genuine Security Union, for instance by strengthening security through citizen participation, building on concepts like community policing, increased involvement of civil society, including religious communities, and state-of-the-art security systems in the real and digital worlds.

An initial multi-presidency meeting took place in Vienna on 24 and 25 July 2017. The trio Presidency and the other participants at this meeting identified key challenges and areas of cooperation as well as cross-cutting issues that are of interest to all Member States. The key challenges identified were: (1) establishing a crisis-resistant EU asylum system; (2) removing the breeding ground for extremism and terrorism; (3) strengthening police cooperation/community policing; and (4) guaranteeing digital security¹⁴. Promoting European values as well as strengthening internal and external security cooperation, including by enhancing the EU's crisis response capabilities, could be seen as cross-cutting topics that should be tackled in the coming years. The overall aim of the 'Vienna process' is to build a citizen-focused, crisis-resistant and future-oriented Security Union 2025.

During the Bulgarian and Austrian EU Presidencies, the following activities are to continue:

- Second multi-presidency meeting in Vienna on 18 and 19 December 2017 (date TBC).

¹⁴ covering also areas such as data retention, encryption and access to evidence in cyberspace