



Council of the
European Union

Brussels, 30 October 2020
(OR. en)

11518/20

LIMITE

COSI 164	CATS 79
ENFOPOL 243	DROIPEN 88
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NOTE

From: Presidency
To: Delegations

Subject: Draft Council Conclusions on European Police Partnership

Delegations will find in the Annex draft Council Conclusions on European Police Partnership, to be discussed at the informal videoconference of JHA Counsellors / COSI Support Group on 4 November 2020.

DRAFT
COUNCIL CONCLUSIONS
on European Police Partnership

THE COUNCIL

WELCOMES the Commission's communication on the EU Security Union Strategy¹ setting out specific actions which aim to address strategic priorities in both the digital and the physical worlds in an integrated manner for the period 2021 – 2025, while building on the previous work of the Council², and UNDERLINES the importance of Security Union reports as a tool to monitor progress and assess gaps and emerging threats.

POINTS OUT that significant progress on cooperation in the field of internal security across the Union has been achieved in recent decades and that the principle of availability of information for data exchange as already laid down in the Hague Programme, the improvement of tools for sharing information, and the setting of a common standard of data protection have been major steps in fostering cooperation between European law enforcement authorities.

RECALLS that the previous trio presidency substantially advanced the discussion on the future of EU internal security policy, with an emphasis on the need to consolidate resources, share experience and expertise, and enhance the coordination of policing throughout the European Union to respond to evolving security challenges and harness the potential of technological developments.

ACKNOWLEDGES the recent discussions at the JHA Council, in the Standing Committee on Operational Cooperation on Internal Security (COSI), the Law Enforcement Working Party (LEWP) and the Working Party on JHA Information Exchange (IXIM), which bring a new impetus to developing a European Police Partnership to reinforce the existing cooperation.

¹ 10010/20.

² Future of internal security debates (references to be completed).

AGREES in particular that in a strengthened European Police Partnership, every police officer in every Member State should have access at all times to the necessary information from every Member State, to the extent prescribed by applicable law, as a result of continuous improvement of information management and optimisation of the use of existing instruments and agreements for information exchange.

UNDERLINES, with regard to enhancing internal security, that technical progress and digital transformation call for appropriate new solutions and approaches for the security authorities.

I. Milestones in the establishment of an effective European Police Partnership (2020 – 2025)

Against this background, the Council:

REITERATES the following political priorities for the coming years and STRESSES in particular that these milestones should be achieved by joint action by Parliament, Commission, Member States and the relevant JHA agencies between now and 2025 to support the functioning of the area of freedom, security and justice and to establish an effective European Police Partnership:

- Every police officer in the EU and in the Schengen area has access at all times to the information they need to do their job in line with the existing legal framework.
- The EU and the Member States have implemented technical solutions for law enforcement authorities to communicate with each other securely and confidentially in every situation.
- Full use of the instruments for EU-wide alerts for criminal acts is standard practice.
- Our common data protection framework and numerous legal and technical instruments allow us to better connect the information we already have. The EU's information architecture follows the principle of availability even more closely. A European Police Records Index System (EPRIS) is introduced, together with a renovated Prüm network.
- A robust and modern police cooperation acquis is established, in order, for example, to provide adequate authority for cross-border surveillance and hot pursuit.

- Law enforcement authorities use appropriate artificial intelligence tools in their daily work, subject to a clear safeguards framework.
- European law enforcement and Europol are equipped to work more intensively with third countries.
- Law enforcement agencies are in a position to work with public and private partners worldwide to counter terrorists, criminals and extremists exploiting the internet, as these entities may have information that our law enforcement needs to do its work.

II. Way forward

1. Strengthening European police cooperation

ACKNOWLEDGES that the **European dimension of police work** needs to be strengthened. In general, more awareness of the information needs of European partners is required in daily work routines. Whenever there is a national alert, EU-wide alerts in the Schengen Information System (SIS) should become a standard practice in compliance with the applicable legal framework.

UNDERLINES that the COVID-19 pandemic has shown the importance of **secure communication channels**. Thus, the Council urges Member States, EU law enforcement agencies and the Commission to further develop technical solutions for secure and confidential communication between EU law enforcement authorities.

HIGHLIGHTS the fact that the EU JHA agencies, in particular Europol, the European Border and Coast Guard Agency (hereafter ‘Frontex’) and eu-LISA, are cornerstones of the European security architecture, and thus REITERATES that providing appropriate funding and staff to these agencies is indispensable.

UNDERLINES the key role and the future direction of Europol, as stated in the Declaration of the EU Home Affairs Ministers of 21 October³[... further text elements to be added].

³ Reference to be added after adoption.

CALLS UPON Member States to make full use of the existing instruments for sharing information, in particular the SIS and Europol databases.

CALLS ON all Member States to make use of the existing instruments to their full potential and to advance the exchange of relevant information of the highest possible quality. Member States, together with the responsible EU agencies, foremost eu-LISA, Europol and Frontex, must swiftly implement the adopted legal framework for the revised JHA information architecture, including with regard to the **interoperability** of central systems for borders, migration and security.

REQUESTS that the Commission present a legislative proposal for the further development of the Prüm framework, including the introduction of a European Police Records Index System (EPRIS).

REFERS to the conclusions on enhancing cross-border law enforcement cooperation in Annex 1⁴ and POINTS OUT the importance of establishing more effective law enforcement cooperation between Member States and their respective officers, in particular along the internal borders of the Member States, while EMPHASISING the need to take all necessary steps to further strengthen operational cross-border law enforcement cooperation by effectively implementing existing instruments and, where appropriate, by enhancing, consolidating and simplifying the legal foundations in order to keep the European Union safe, and HIGHLIGHTING the value and success of local, regional and bi- or trilateral law enforcement cooperation, in particular in the internal border regions.

2. Shaping the future and keeping pace with technological progress

RECOGNISES that digital transformation and the use of **artificial intelligence** (AI) is having a profound impact on all spheres of people's lives. The use of AI by law enforcement authorities can potentially facilitate and improve the provision of security and the prevention, investigation and prosecution of crime throughout the EU. Digital tools can facilitate the gathering of evidence by better structuring datasets and information, discern patterns, automate and accelerate the handling of standardised and uniform tasks, and help to predict developments, thereby increasing the speed and effectiveness of law enforcement and reducing its costs.

⁴ Text prepared at LEWP-level, to be inserted into this document at a later stage.

STRESSES that using AI is likely to aid in the identification of new, previously unknown patterns and modi operandi, especially in the fields of **cybercrime, sexual abuse of children, drug-related crime and economic crime**. Therefore, law enforcement in the Member States should use AI to enhance investigation and prevention as well as to protect the victims of such crimes. Furthermore, the use of AI may contribute to limiting the negative psychological impact that stressful material such as images of sexual abuse or hate crime may have on law enforcement personnel.

REAFFIRMS that the design, development, deployment and evaluation of AI for internal security must be guided by and aligned **with fundamental rights**. For AI used by law enforcement, specific fundamental rights issues arise when considering the ‘whether’ and ‘how’ of a deployment. To the extent that these systems are to be used, sufficient safeguards are needed to ensure responsible, trustworthy, public-interest-oriented and human-centric development and use of AI applications in the law enforcement sector. Users must adequately understand how AI tools work and what assumptions about persons and groups they are based on.

STRESSES that the availability of **extensive, high-quality datasets is conducive to developing AI-based tools** for internal security in compliance with fundamental rights, safeguards and data protection rules. This is essential to guarantee non-biased and explainable outcomes, which should in addition always be submitted to human decision.

EMPHASISES that it is especially necessary for police to receive comprehensive training to be able to reap the benefits of using digital technologies, including AI. The Council CALLS UPON Europol to pool and share the experiences and assessments collected by law enforcement in the Member States in order to facilitate an exchange of relevant practices.

CALLS ON the Commission to promote the creation of an AI talent pool and facilitate the development of training opportunities in digital literacy and skills for police, e.g. through project funding for CEPOL training.

RECOGNISES that **hybrid threats** touch all policy sectors and go beyond the traditional elements of security policy. Therefore, comprehensive coordination between EU institutions and Member States and a proactive approach to countering hybrid threats is necessary. In this context, the Council CALLS UPON the Commission to assess the challenges and risks of criminal AI use in order to assist the EU and Member States in improving the effectiveness of national responses in this regard.

REITERATES the **principle of availability of information** and REAFFIRMS that the common European data protection framework and numerous existing legal and technical instruments have already made it easier to connect existing information.

UNDERLINES that **encryption** is an anchor of confidence in digitalisation and should be promoted and developed. It is a means of protecting privacy as well as the digital security of governments, industry and society. At the same time, independently of the technological environment of the day, it is essential to preserve the ability of law enforcement and judicial authorities to exercise their powers, as prescribed and authorised by law, both online and offline. As stated in the Council declaration on encryption⁵, any action taken has to balance these interests carefully, while seeking a close dialogue with the technological industry.

3. **Global challenges and international cooperation in the area of security**

UNDERLINES the need to deepen **cooperation with strategic third countries** in the field of law enforcement and in the context of civilian CSDP missions, as such cooperation is closely linked to the wider security interests of the Union.

EMPHASISES the need to further promote the EU's security partnership in the form of more operational cooperation between Frontex and third countries.

⁵ Reference to be added.

RECALLS that existing status agreements need to be adapted to the new Frontex Regulation. Pending status agreements, in particular with the Western Balkan partners, should enter into force as soon as possible, and the reinforcement of operational cooperation with other third countries, whether neighbouring the EU or not, should be assessed by the Commission in close cooperation with EEAS/CSDP within their mandates.

RECALLS that the implementation of the new Frontex Regulation in general and the deployment of the Frontex Standing Corps in particular are crucial for further development of police cooperation within the European security landscape, and thus URGES Member States to fulfil their legally binding share.

POINTS OUT that European law enforcement agencies are an integral part of the international community and must be able to work together more intensively with key partners from third countries that share our European values.

RECOGNISES that effective tools are needed in order to share information in real time with third countries too, while ensuring necessary safeguards.

UNDERLINES the need for more effective and efficient coordination of measures taken by EU institutions and bodies engaged in third countries, through common action in the field of security analysis, pilot projects and related activities.

EMPHASISES that CSDP missions set the foundations for further development while establishing the networks necessary for operational cooperation in the area of JHA, and therefore provide added value for the third countries and for the European Union and its Member States.

4. Fighting transnational organised crime

RECALLS that **organised crime** causes enormous economic and personal damage. Since organised crime groups increasingly operate across borders, improving operational cooperation and information exchange with partners all over the EU and close neighbours is essential. The Council TAKES NOTE of the Commission's intention to present a communication on an EU Agenda to tackle organised crime (2021-2025).

UNDERLINES that EMPACT, the EU policy cycle for serious and international organised crime, provides a criminal intelligence-led methodology for authorities to jointly tackle the most serious criminal threats affecting the EU. The EU policy cycle will continue to be the key instrument in fighting organised crime. The extensive digitalisation of procedures in the EU policy cycle holds great potential, in particular with regard to the development of a joint platform for EMPACT participants (EMPACT Exchange & Report (XR)).

TAKES NOTE of the worrying development of European **drug markets** in recent years. The situation is characterised by a high availability of various types of drugs, ever larger seizures and huge profits. Drug markets and the associated organised crime groups have long proven to be very resilient – even during the global COVID-19 pandemic.

RECALLS that the COVID-19 pandemic also highlights the importance of the fight against counterfeit medicines or protective devices and their inherent danger.

EMPHASISES the need for a new, reinforced **EU Drugs Strategy** for 2021-2025 to provide sustainable answers to these developments. The new EU Drugs Strategy should follow a balanced, evidence-based, integrated, and multidisciplinary approach to tackling all aspects of the drugs phenomenon at national, EU and international level.

WELCOMES the Commission's strategy for a more effective **fight against sexual abuse of children and adolescents**. UNDERLINES that combating the sexual abuse and exploitation of children, especially during the COVID-19 pandemic, is a global challenge that requires a joint and coordinated approach at European and international level.

INVITES the Member States to implement the strategy. In line with the Council conclusions of 8 October 2019 on combatting the sexual abuse of children, the Council REAFFIRMS the commitment of the EU and the Member States to protect the fundamental rights of children and the rights of victims of crime, and to combat the sexual abuse and exploitation of children regardless of the physical location or nationality of the children.

UNDERLINES that the **fight against firearms trafficking** remains a high priority. Recent progress should be noted in this area, including the work done under the EMPACT Firearms and the action plan on the illicit trafficking of firearms between the EU and the Southeast European region for 2015-2019. The fight against the illicit trafficking of firearms requires improved transnational information exchange, e.g. by systematically feeding the Schengen Information System (SIS) with information on lost, stolen and sold weapons.

RECALLS the Roadmap⁶ adopted at the Western Balkans Summit in London on 10 July 2018 and WELCOMES the fact that its goals are consistent with the efforts undertaken within the Union and the United Nations (UN) to combat the trafficking of SALW and their ammunition.

CALLS ON the Member States together with Western Balkan partners to continue the implementation of the Roadmap in accordance with the 2020-2025 EU action plan on firearms trafficking and the relevant Council decisions. This includes proven procedures and the successful cooperation with the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC).

CALLS ON the Commission to convene, together with the High Representative, a steering committee of key implementing partners and donors with the goal of ensuring the strategic global coordination of donors.

Due to diverse legal frameworks and needs, the systematic **collection of crime and criminal justice data** should be tailored according to the realities of each Member State. The Council CALLS UPON the Commission to discuss in further detail national implementation of the new key performance indicators.

⁶ Roadmap for a sustainable solution to the illegal possession, misuse and trafficking of Small Arms and Light Weapons (SALW) and their ammunition in the Western Balkans by 2024.

UNDERLINES the importance of the **fight against trafficking in human beings** and therefore WELCOMES the Commission's intention to develop a new EU strategy towards the eradication of trafficking in human beings within the framework of the Security Union. The strategy should address all forms of exploitation, in particular measures to combat trafficking in human beings for the purpose of labour exploitation or sexual exploitation, as well as the identification and protection of and support for victims. Combating trafficking in children should remain a priority in the strategy. The strategy should provide for the analysis of current technological developments and their effects on human trafficking, improved data collection and evaluation, and closer cooperation with the Council of Europe and GRETA.

5. Preventing and combating terrorism and politically motivated violent extremism

RECALLS that much has been achieved in recent years to strengthen EU cooperation in the **fight against terrorism and violent extremism**. Nevertheless, the terrorist threat to the European Union and its Member States remains high. This threat emanates from both religious and politically motivated extremism.

Mindful of the historic responsibility of Europe to safeguard the fundamental rights and security of its Jewish citizens and communities, the Council UNDERLINES the importance of the fight against antisemitism as a cross-cutting issue in all policy areas (with reference to Council Declaration 11874/20) and POINTS OUT that security remains a prime concern for Jewish citizens and communities. The Council URGES the Member States to place particular focus on the security of Jewish institutions, in close collaboration with Jewish communities.

EXPRESSES ITS CONCERNS about extremist groups of all types trying to use the COVID-19 pandemic for their own purposes, agitating and recruiting both on- and offline. The Council CONDEMNS all attempts to undermine social cohesion and promote violence and EMPHASISES that, within a comprehensive whole-of-society approach, all efforts must be taken to prevent further radicalisation and counter all forms of terrorism and violent extremism.

The Council therefore CALLS ON Europol to continue to monitor the developments in that regard and support Member States' efforts to counter violent extremism and terrorism emanating from or amplified by the pandemic.

CALLS UPON Member States to continue to strengthen their efforts to prevent radicalisation online and offline, in particular by extending their prevention and deradicalisation programmes to all phenomenon areas where this is not yet the case.

UNDERLINES that particular attention in this regard should continue to be paid to returnees from conflict zones as well as to prisons and released prisoners.

[PM: Text on persons assessed by Member States to be a terrorist or violent extremist threat to be included; under discussion at TWP level.]

STRESSES that, alongside religious extremism, the rise of violent right-wing extremism also poses a threat to security in Europe. TAKES NOTE that social media fuel the dissemination of right-wing violent extremist ideology and contribute to radicalisation. Violent right-wing extremism has an increasing international dimension and the international and cross-border links between extremist groups via internet have to be tackled.

URGES the adoption of the regulation on the prevention of terrorist content online while maintaining a high level of ambition in that respect.