



Council of the
European Union

Brussels, 13 November 2014
(OR. en)

14186/6/14
REV 6

LIMITE

JAI 767

NOTE

From: Presidency
To: Delegations

Subject: Draft Council conclusions on the development of a renewed European
Union Internal Security Strategy

Delegations will find attached revised draft Council conclusions on the development of a renewed European Union Internal Security Strategy as agreed by the Standing Committee on operational cooperation on internal security at its meeting on 10 November 2014, subject to the lifting of Danish and United Kingdom scrutiny reservations.

DRAFT

Council conclusions on the development of a renewed European Union Internal Security Strategy

The Council of the European Union,

RECOGNISING the duty of the European Union and its Member States to protect all persons residing in and visiting the Union, as well as the fundamental importance of security to promote economic growth and social progress,

RECALLING the Internal Security Strategy for the European Union: "Towards a European Security Model" (Internal Security Strategy)¹, adopted by the Council on 25 and 26 February 2010 and endorsed by the European Council on 25 and 26 of March 2010, which sets out the common threats and challenges that Europeans face, the EU's internal security policy and the principles underpinning it; defines a European Security Model consisting of common tools, a commitment to further cooperation and solidarity between Member States and the close involvement of the EU's institutions, agencies and bodies; and, within the implementation of the Stockholm Programme, asks the Commission to adopt a communication on the Internal Security Strategy, including action-oriented proposals,

TAKING NOTE of the Commission's Communication on the "EU Internal Security Strategy in Action: Five steps towards a more secure Europe"² which identified five strategic objectives for internal security³,

¹ Doc. 7120/10 CO EUR-PREP 8 JAI 182

² Doc. 16797/10 JAI 990

³ The five strategic objectives are: the disruption of international criminal networks, the prevention of terrorism and addressing radicalisation and recruitment, raising levels of security for citizens and businesses in cyberspace, strengthening security through border management and increasing Europe's resilience to crises and disasters.

TAKING IN CONSIDERATION the **Commission's final implementation report of the EU Internal Security Strategy 2010 - 2014** assessing the actions implemented under the five strategic objectives and identifying a number of future challenges, cross-cutting objectives and emerging threats⁴ in view of a renewed Internal Security Strategy,

BUILDING on the **Strategic Guidelines defined by the European Council of 26 and 27 June 2014**⁵ calling for a review and update of the internal Security Strategy by mid 2015,

WELCOMING the significant progress in the EU's measures in the field of Internal Security as shown by the **Commission reports on the Internal Security Strategy in action from 2011, 2013 and 2014**, which conclude that the five strategic objectives still remain valid, while new and emerging threats need to be taken into consideration,

RECOGNISING the significant work carried out by Member States, under their sole responsibility, in the area of national security in accordance with Article 4(2) of the TEU,

CONSCIOUS of the fact that the EU and its Member States remain confronted with the challenges identified by the Internal Security Strategy for the European Union and with evolving common security threats which increasingly take advantage of new technologies (including ICTs) in a globalised world, which are growing in scale and are increasingly linked to social, economic and external factors such as the financial crisis and budgetary constraints as well as the effects of regional conflicts and social and political changes in third countries,

STRESSING that the emerging and evolving threats and challenges to the internal security require a **swift, flexible and operational approach**, taking into account risks of any kind to the security of European citizens, and at the same time addressing the causes of insecurity and not just the effects,

⁴ Doc. 11260/14 JAI 559

⁵ Doc. EUCO 79/14 CO EUR 4 CONCL 2

RECOGNISING **the central role of the Standing Committee on operational cooperation on internal security (COSI)**, as established by Article 71 TFEU, in ensuring that operational cooperation is promoted and strengthened within the Union and in developing, implementing and monitoring the Internal Security Strategy,

BEARING IN MIND the arrangements for the implementation by the Union of the Solidarity Clause under the terms and conditions of Article 222 TFEU, which covers a wide range of policy areas and instruments, including the EU Internal Security Strategy, the Union Civil Protection Mechanism (UCPM), the health security initiative for serious cross-border threats to health, and crisis response and analysis structures in the EEAS, as well as the supporting EU Integrated Political Crisis Response arrangements,

RECOGNISING the added value and success of the **EU Policy Cycle** as an efficient model in the fight against organised and serious international crime and welcoming the results and lessons learnt from the EMPACT projects, as well as building upon the thorough evaluation of the merits/added value of the large scale law enforcement operation Archimedes which took place between 15 and 23 September 2014 for its successor and/or other future operational collaboration,

ENCOURAGING the deployment of EU-coordinated intelligence-led joint operations, based on a shared analysis, in the field of organised and serious international crime as well as the adoption of similar approaches in other crime and security areas,

STRESSING the need for a well-considered information management framework at EU level and the importance of providing relevant authorities with the appropriate tools, such as a strong Directive on EU PNR, required to fulfil their tasks and tackle the current threats, including terrorism,

RECOGNISING that the Integrated Border Management is a very important tool for ensuring the EU's internal security,

UNDERLINING the importance of appropriate **funding and the strategic use of EU funds such as the Internal Security Fund (ISF)** (2014-2020) as well the research and development programme Horizon 2020, promoting partnership between the public and the private sector in security related research, or European Structural and Investment Funds (ESIF) aimed at enhancing institutional capacity of public authorities,

RECALLING the role of continuous **training** at different levels aimed at achieving a shared understanding of European law enforcement as well as ensuring promotion of the Internal Security Strategy's fundamental objectives and basic principles within national training programmes, making the most of CEPOL's expertise, role and resources and the training capabilities developed in other JHA Agencies,

RECOGNISING the important role played by Europol and Eurojust in supporting Member States and their relevant authorities in promoting cooperation, information exchange and support in operations, investigations and prosecutions,

RECALLING the need **for consolidation of existing legislative tools as well as consistent, coherent and effective implementation** of existing legislation and strengthening operational cooperation,

UNDERLINING the need to respect the rights, freedoms and principles, as set out in the Charter of Fundamental Rights of the European Union, within the EU and in all work carried out in creating and upholding an area of freedom, security and justice,

EMPHASISING the need for **protection of all individuals**, especially the most vulnerable ones with a focus on **victims** of crime and in particular terrorism,

RECOGNISING the need for an involvement of the **European Parliament and national Parliaments**,

TAKING INTO ACCOUNT the contributions received at the informal meeting of Ministers of Justice and Home Affairs on 8 July 2014, at the informal meeting of the Standing Committee on operational cooperation on internal security and CATS held in Roma on 22 July 2014 as well as at the High Level Conference on a Renewed Internal Security Strategy jointly organised by the Commission and the Presidency on 29 September 2014, where civil society, the private sector and other stakeholders contributed to the debate,

CONSIDERS that the following structure and principles should be reflected in the renewed EU Internal Security Strategy and INVITES the Commission to take into account all the principles below when presenting by spring 2015 its Communication to the European Parliament and the Council for a renewed Internal Security Strategy:

1. **IDENTIFICATION of the MAIN COMMON THREATS and CHALLENGES** for the coming years in the field of Internal Security:
 - a) **Serious and organised crime** in all its forms and more specifically: facilitation of illegal immigration and different forms and consequences of trafficking in human beings, drug trafficking, counterfeiting, Missing Trader Intra-Community (MTIC) and Excise fraud, organised property crime, cybercrime, trafficking in firearms and corruption. Special attention should be given to any activity related to money laundering and reinvestments of related proceeds of crime, in particular aimed at infiltrating the legitimate economy,

- b) **Terrorism, radicalisation, recruitment and financing related to terrorism:** terrorism in all its forms remains a significant and an ever-evolving threat to the EU's internal security. In particular, special attention should be given to the issue of foreign fighters and returnees and lone actors who pose a very serious, direct and unprecedented threat to the EU's security as well as to the detection of various channels used for the financing of terrorism. This will require strong cooperation with third states and strategic partners such as Interpol and a renewed focus on preventing and countering radicalisation to violent extremism, including dissuading people from becoming involved in terrorism, and working together to reduce the availability and impact of online material that promotes radicalisation to terrorism,
- c) **Cybercrime and the need for cyber security,** for citizens, businesses and public institutions, are to be addressed taking into consideration the importance of the Internet as fundamental tool for EU growth whilst ensuring an open and free Internet based on the multi-stakeholder model and preventing illicit exploitation. Special attention should be given to on-line child sexual exploitation, cyber-attacks and on-line payment card fraud,
- d) Threats and challenges stemming from the use of **new technologies:** the breakdown of major Information and Communication Technologies can create safety and security challenges. The availability of enhanced communication and technological tools also creates opportunities for OCGs to target individuals or companies,
- e) **New and emerging threats** should be closely identified and monitored by using an intelligence-led approach,
- f) **Crises and natural and man-made disasters** can have major implications for the EU's internal security. Taking into account the responsibilities of Member States, the EU's resilience to such crises and disasters needs to be ensured, and the ability and capacity to react, deal with and mitigate such crises and disasters needs to be strengthened.

2. STRENGTHENING A **COMPREHENSIVE AND COHERENT APPROACH** both horizontally (law enforcement, integrated border management, judicial authorities, customs, civil protection agencies, administrative and other relevant authorities, academia, non-governmental organisations, private sector) and vertically (international and EU level cooperation, regional, MS national, regional and local policies) through:
- a) the further development of the **European Security Model** which shall contribute to actively shaping positive security conditions within the Union and its Member States,
 - b) a **comprehensive, multidisciplinary and integrated approach** integrating actions in the field of law enforcement, judicial cooperation, migration, border management, customs and civil protection, as well as further developing the role and actions of administrative authorities within this approach,
 - c) **an intelligence-led approach** that identifies and monitors new and emerging threats, based on threat assessments and on the basis of the Policy Cycle's methodology,
 - d) **access to, availability and exchange of information** in the prevention and fight against trans-national crimes and terrorism. A European PNR is one of several important tools in this field as well as the full implementation of the Prüm decision. Interoperability of different systems, enhancing and simplifying existing tools should be ensured to allow a more efficient and proportionate exchange of information and subsequently, to enable joint operations as well as to gather evidence for prosecution. The possible introduction of a European Police Record Index System (EPRIS) could be explored. A framework, respecting fundamental rights, for swift cooperation by investigating and prosecuting authorities in access to electronic evidence across jurisdictions held by players in industry is required,

- e) **prevention and anticipation** of criminal acts and terrorist attacks, requiring a proactive and intelligence-driven approach, sharing information and criminal intelligence in time, and procuring evidence for prosecution, including through financial investigations. In addition to the police and criminal justice authorities, administrative authorities at the national and local level also have a role to play in preventing crimes. A pro-active, comprehensive and integrated approach, comprising a stronger involvement of civil society, NGOs and educational institutions, would for example help in the prevention of and fight against radicalisation and recruitment to terrorism,
- f) an effective use of **new technologies**, in particular Information and Communication Technologies and technologies in the forensic field, in preventing and countering threats to the EU's internal security and protecting fundamental rights. This implies cooperation between the law enforcement and private sectors, in particular the **research and development** industry, notably to develop more technological autonomy. The EU should further develop an Industrial Security Policy closely connected with the Internal Security Strategy,
- g) stimulating and improving **coordination of investigations and prosecutions** in the Member States, including financial investigations aiming at confiscating criminal assets, as well as efficient use of joint investigation teams, mutual legal assistance and recognition procedures. Eurojust and Europol should continue to play a significant role in supporting the EU in this regard. Their efforts should be complemented by the measures taken by other agencies, in particular CEPOL and Frontex,
- h) intensifying **operational cooperation**, among other things, through EU and regional intelligence-led joint operations, with an enhanced involvement of Member States, as well as promoting joint investigation teams and joint patrols,

- i) ensuring coherence between the Internal Security Strategy and the different strategies related to the EU internal security such as the EU Maritime Security Strategy, the Information Management Strategy, the Cyber Security Strategy, the EU Drugs Strategy, the EU Strategy for Combating Radicalisation and Recruitment to Terrorism and the Strategy for Customs Risk Management,
- j) moving towards a stronger border management as a component of the EU's Internal Security Strategy, in line with the priorities defined in the EU border management policy, also with the assistance of state-of-the art technology. The EU Integrated Border Management concept should be updated taking into account the recent development in EU border management policy and adopted legislation in this field while fully observing the right of free movement of persons under the existing legal framework. This will provide a significant contribution to various EU policies and interests such as internal security, migration management and international relations,
- k) The use of the instruments and disaster management capacities developed under the previous ISS to continue enhancing Europe's resilience to crises and disasters,
- l) Consolidating and implementing the existing EU legal and policy framework addressing trafficking in human beings.

3. **LINKING INTERNAL - EXTERNAL SECURITY**

The EU's Internal Security Strategy is a shared agenda for action, where closer links between internal and external security should be developed and cooperation with third countries and partners such as Interpol should be promoted. The interdependence between internal and external security is constantly growing and the renewed EU's Internal Security Strategy should take into account the external security dimension, and vice versa, the Union's external and development policies should take into account the relevant principles of the EU's Internal Security Strategy.

- a) Internal security should be more systematically addressed as part of the EU external relations policies, and strong coherence should be ensured in any foreign policy with regard to security-related issues. Migration and refugee policies and cooperation with third countries in tackling criminal phenomena, including facilitating illegal immigration and trafficking in human beings, should be seen as an integral part of the Union's external and development policies. Special attention should be placed on establishing an effective common return policy and enforcing readmission obligations in agreements with third countries.

- b) Relations with third Countries should enhance cooperation, including operational cooperation, on the EU policy cycle's current and future priorities as well as cooperation on addressing radicalisation, and recruitment to terrorism and foreign fighters and returnees phenomena. The 'more for more' approach should be applied more systematically to the relations with third countries. In order to better address the perception of marginalisation and discrimination, which may contribute to radicalisation, efforts should be made to more clearly communicate the EU's policies, strategies and objectives towards third countries, including in terms of development assistance and humanitarian aid. The European External Action Service is invited to play a strong role in ensuring links between EU Internal and External Security are recognised and acted upon.

- c) When developing external relations strategies, due consideration should be given to the principles of the EU's Internal Security Strategy.

- d) The cooperation between all actors involved in internal and external security in combating the challenges identified above calls for stronger coordination on security issues, in particular between EU Delegations and Member States' Embassies. Particular emphasis should be given to the better use of and interconnection between EU agencies, and with regard to their role in external relations. Specific efforts are required to enhance coherence of action between civilian missions with a security related mandate, EC instruments and MS' bilateral initiatives. The principles contained in the CSDP/ FSJ road map on strengthening ties between the Common Security and Defence Policy (CSDP) and the area of freedom, security and justice (FSJ) need to be implemented and fully exploited.

4. **FUNDAMENTAL RIGHTS**

The EU's Internal Security Strategy should contribute to a Union that protects its citizens and fully respects the rights and freedoms of EU citizens and those residing or staying in the EU. The Strategy will facilitate the promotion of social inclusion and social cohesion - meaning living together in freedom and security on the basis of EU fundamental rights and values, aiming at preventing criminal phenomena. Respecting fundamental rights in planning and implementing internal security policies and action has to be seen as a means of ensuring proportionality, and as a tool for gaining citizens' trust and participation. Promoting integration and social inclusion through improved knowledge and acceptance of EU fundamental rights and values should be encouraged. To this end, the EU should consider strengthening targeted actions designed to raise awareness and promote the respect of fundamental rights and values, including assessing the need for the development of an EU communication strategy.

In this context, the EU Institutions and Member States are encouraged to work together with the assistance of the European Union Fundamental Rights Agency (FRA), within its mandate, to continue to ensure that fundamental rights safeguards are integrated into the Union's legislation and operational work on internal security.

5. IMPLEMENTATION

The renewed EU's Internal Security Strategy should focus on the consistent, coherent and effective implementation, application and consolidation of existing tools, legislation and policy measures. More emphasis is to be placed on strengthening operational cooperation. COSI will play a significant role in the implementation and monitoring of the EU's Internal Security Strategy, focusing its action on facilitating the operational cooperation among Member States. The Commission is invited to submit to the European Parliament and the Council an annual report on action taken within the framework of the EU's Internal Security Strategy. This report should monitor and evaluate results and provide regular updates on measures taken to strengthen internal security within the Union. Based on these reports, the Council will consider the appropriate measures in order to achieve the goals of the EU's Internal Security Strategy.
