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From: General Secretariat of the Council
To: Delegations
Subject: Foreign fighters: follow-up on the Conclusions of the European Council of 30 August 2014

In August 2014, the European Council recognised that the rise of the Islamic State of Iraq and the Levant (ISIS) is a major threat to European security and that determined action to stem the flow of foreign fighters from Europe is needed. The European Council, therefore, called for an accelerated implementation of the June 2013 package of 22 measures¹ in 4 priority areas and requested the Council to propose additional action, as required. The European Council will review this issue at its meeting in December 2014.

Taking into account the conclusions of the European Council and the work of the Ministers of Interior of the Member States most affected by the foreign fighters phenomenon², the Council had an extensive discussion on this subject at its meeting of 9-10 October 2014, on the basis of a Presidency paper (doc. 13416/1/14 REV 1) and concluded as set out below.

The Council will come back to this issue at its next meeting in December.

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¹ Doc. 9946/13, see also 16768/13 and 9280/1/14

² Doc. 12757/14 EU RESTRICTED

1. EU PNR

The European Council called on the Council and the European Parliament to finalise work on the EU PNR proposal before the end of the year.

Member States supported the Presidency work to revive the discussion on EU PNR with the European Parliament and notably to contact its President.

2. Checks at external borders

The Council agreed to improve without further delay the checks at the external borders under the existing legal framework. To that end, the Council :

- invited the Commission in close cooperation with the relevant Member States experts to update the Schengen Borders Handbook regarding the circumstances of non-systematic checks on persons so as to have a common interpretation, and also to develop common risk indicators for non-systematic checks.
- urged Member States to undertake systematic controls of the validity of travel documents against the relevant databases such as Interpol's SLTD as well as the document section of the SIS.
- invited all Member States, Schengen and non-Schengen, to apply at least equivalent standards for checks at their borders in order to guarantee an equal level of border control at all external borders.
- invited the Commission to consider whether to prepare draft legislation amending the Schengen Borders Code to allow for systematic checks on persons enjoying the right of free movement at external borders to fully ensure that they do not represent a threat to internal security.

3. Other measures

The Council approved the list of measures set out below and agreed on the need to implement them as a matter of priority.

In particular, the Council

- Welcomed the Conclusions of the meeting of the Ministers of Belgium, Denmark, France, Germany, Poland, Spain, the Netherlands and the UK in Milan and encouraged their implementation at EU level.
- Welcomed the Commission's decision to grant EUR 1 million to assist Member States in the area of strategic communications and supported the creation of the EU Syria Strategic Communications Advisory Team with a view to gathering, exchanging and making available expertise to Member States and EU bodies.
- Invited Europol to provide by the December Council 2014 figures for the contributions of Member States and third countries to the Focal Point TRAVELLERS so far, encouraged Member States to contribute to the Focal Point to the maximum extent, and invited the Commission, the High Representative and the CTC, in their dialogues with third countries, to encourage association to the Focal Point.
- Invited Europol and Frontex to conclude an agreement on sharing of personal data by December 2014.
- Invited Eurojust to produce, in view of the Council meeting in December 2014, a report regarding investigation and prosecution of foreign fighters and share its views on the effectiveness of the Framework Decision on Combating Terrorism of 2008.
- Invited the Commission, also in light of the adoption of the UNSC Resolution 2178(2014), to further monitor the effectiveness of the responses provided under the Framework Decision, and explore ways to address possible shortcomings, based on the implementation report adopted in September 2014, the report produced by Eurojust, and any relevant information.
- Invited the Schengen/SIS Working Party, together with CT experts, to discuss the conclusions of the meeting of the Ministers of Belgium, Denmark, France, Germany, Poland, Spain, the Netherlands and the UK in Milan³ on the better use of SIS II and make specific recommendations on their implementation in view of their approval at the December Council.

³ 12575/14.

- Invited Member State to make full use of the provisions of the 'cash control' regulation (Regulation No 1889/2005) with a view to counter the financing of terrorism, including facilitation networks.
- Encouraged the setting up, between the Member States concerned, in the form of a multinational ad hoc team and on a strictly voluntary basis, of a network of counter-terrorism contact points specialised in the phenomenon of foreign fighters.
- Invited Europol to further reinforce its cooperation with Interpol and invited COSI to explore before the December Council the possibilities to reinforce the analytical capacities of Interpol's fusion centre on foreign fighters and promote a more systematic use of its diffusion system to improve the exchange of information with third countries.
- Invited the relevant working groups to explore the possibilities for sharing API data on internal EU flights and to reflect on the appropriate legal framework for this exchange.
- Acknowledged the efforts of the Commission to address the terrorist use of the internet, most notably through the cooperation with internet companies and the civil society, as announced in its Communication of 15 January 2014 and invited the Commission to present to the Council as a matter of priority a set of recommendations on how the EU should engage with Internet companies on countering the use of the Internet for terrorist purposes.
- Invited the Commission to report by the December Council on the modalities of future airport/aviation security assessment missions to countries neighbouring Syria and Iraq, and in particular on how to mobilise the AirPol network in this context.
- Invited the High Representative, the Commission and the CTC to finalise by December 2014 a package of CT capacity building projects in the MENA-region, in particular to deal with the problem of foreign fighters and prevent the spill over from the Iraq/Syria crisis. Specific attention should be given to improving the flow of information, PREVENT work, including in refugee camps, as well as border management projects.
- Invited the EU CTC, in close collaboration with the services of the Commission and the High Representative, to submit a report to the December Council in which progress is assessed and where appropriate suggestions for the Council to decide about further work will be made.