



Brussels, 23 November 2015
(OR. en)

14079/15

LIMITE

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NOTE

From:	Presidency
To:	Standing Committee on Operational Cooperation on Internal Security
No. prev. doc.:	10854/15
Subject:	Renewed European Union Internal Security Strategy: Report on Implementation

Delegation will find attached a report on the progress achieved on the actions foreseen in the implementation paper¹ for the Renewed European Union Internal Security Strategy (ISS), which was adopted by the Council on its Conclusions of 16 June 2015².

The report, prepared on the basis of the input provided by the concerned Working Parties on the state of play of the renewed ISS implementation, follows exactly the same structure as the implementation paper.

The objectives of the forty different actions contained in the implementation paper have been distinguished between those ones which are being/were implemented and those ones which still are to be implemented. Where appropriate, only one of the two possibilities ("being/were implemented" or "still to be implemented") is indicated.

¹ 10854/15

² 9798/15

COSI is invited to discuss the enclosed report with a view to the general debate on implementation of the renewed EU Internal Security Strategy (2015-2020) that will take place at the Council on 4 December 2015.

COSI

COSI, as established by Article 71 TFEU and laid down in the Council Decision of 25 February 2010, has a central role in ensuring that operational cooperation on internal security is promoted and strengthened within the Union as well as in developing, implementing and monitoring the renewed EU Internal Security Strategy 2015-2020. The progress in the implementation of the renewed EU Internal Security Strategy will therefore be closely monitored by COSI, which will discuss a number of operational issues related to the priorities identified in the renewed ISS. For some of the items listed below, this will be done on the basis of work carried out by other Working Parties.

(1) Implementation of the EU Policy Cycle [Measure 35]

In this regard COSI will in particular examine the following items:

- extending the Policy Cycle to neighbouring countries and strengthening the involvement of third countries in the Operational Action Plans;
- increasing the involvement of Customs authorities in the Policy Cycle;
- monitoring emerging threats, including hybrid threats by using an intelligence-led approach;
- the independent evaluation mechanism;
- monitoring the development of operation “Blue Amber”;
- funding: state of play of the delegation agreement;
- lessons learned from the Joint Actions Days 2015 and strategic debate concerning the Joint Action Days 2016;
- the new OAPs 2016.

Objectives which are being/were implemented:

- *There has been a stronger involvement of third countries in the OAPs and the Presidency will underline this at the NEC meeting on 24-25 November 2015.*
- *The preliminary results of operation "Blue Amber" were presented to the Council on 8 October and COSI on 21 October 2015.*
- *COSI discussed the Customs' involvement in the Policy cycle on 21 October 2015 and considered it essential to have the Customs' authorities involved in the Policy Cycle and encouraged their active participation in the implementation of the relevant OAPs.*
- *Discussions on the independent evaluation mechanism for EU Policy Cycle are ongoing and an agreement is expected at COSI on 24 November 2015.*
- *Funding: the state of play of the delegation agreement was discussed by COSI on 21 October 2015.*
- *A strategic debate concerning the 2016 Joint Action Days was held at COSI on 21 October 2015.*
- *The new OAPs have been drafted and are currently being finalised.*

Objectives still to be implemented:

- *Monitoring emerging threats: will be discussed at the COSI meeting on 16 December 2015.*
- *Continue extending the Policy cycle to neighbouring countries.*
- *New OAPS 2016 would be submitted to COSI for adoption on 16 December 2015.*
- *The final results of operation Blue Amber will be presented to COSI on 16 December 2015.*
- *Examine the possibility to develop a methodology for a structured and multilateral approach for operational cooperation on countering terrorist threats (Council conclusions on Counter-Terrorism adopted on 20 November 2015 (14406/15+COR1))*

(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 this regard COSI will in particular deal with the following items:

- ensure that the actions of the Policy Cycle are streamlined with the European Agenda on Migration, in particular with regard to THB and smuggling of migrants;
- possible state of play JOT MARE.

Objectives which are being/were implemented:

- *For the first time a joint COSI - SCIFA meeting was held on 22 October to discuss measures against migrant smuggling and ensure coordination between the various actions.*
- *Disrupting smuggling and trafficking of migrants was discussed at the COSI - PSC meeting on 22 October 2015.*
- *JOT MARE was briefly presented to COSI on 21 September 2015.*

Objectives still to be implemented:

- *COSI to continue to ensure coordination between the actions of the Policy Cycle and the European Agenda on Migration but also with recent developments in the migratory field.*

(3) Integrated Border Management [Measures 13]

In this regard COSI will in particular examine:

- border security issues, notably in relation to the reinforced application of the Schengen framework; and
- the use of the existing databases such as SIS and SLTD.

Objectives which are being/were implemented:

- *The operationalisation of the common risk indicators will be discussed by COSI on 24 November together with the use of the SIS II for terrorism/foreign terrorist fighters and a state of play regarding the electronic connection of Member States' border guards to Interpol databases.*
- *The CTC presented his report on the follow-up to the Statement of the Members of the European Council of 12 February 2015 (12139/15 + COR 1) to COSI on 21 September 2015.*

Objectives still to be implemented:

- *The implementation of the measures of the Riga Joint Statement should continue to be monitored.*
- *In regards to the strengthening controls of external borders, monitor the implementation of the operational measures foreseen in the Conclusions on Counter-Terrorism adopted on 20 November 2015 (14406/15+COR1).*

(4) Terrorism [Measures 21, 22 and 25]

COSI will be invited to monitor the establishment of the European Counter-Terrorism Centre and the Internet Referral Unit within the ECTC at Europol. In this regard COSI will in particular deal with the following items:

- presentation of the Europol TE-SAT report;
- giving guidance to Europol in developing the ECTC and the IRU;
- discussing the link between organised crime and terrorism;
- Council Conclusions on the Western Balkan Counter Terrorism Initiative, incl. Action plan covering 2016-2017.

Objectives which are being/were implemented:

- *Conclusions on Counter-Terrorism (14406/15+COR1) were adopted by the Council on 20 November 2015.*
- *The TE-SAT was presented to COSI on 21 September 2015.*
- *The establishment of ECTC and IRU will be discussed by COSI on 24 November 2015.*
- *COSI took note of the key findings of a Europol report on 'the nexus between organised crime and terrorism in the EU' (10689/15) at its meeting on 21 September 2015.*
- *The draft Council Conclusions on the Western Balkan Counter Terrorism Initiative, incl. Action plan covering 2016-2017, will be discussed by COSI on 24 November and will be submitted for adoption to the December Council.*
- *COSI will discuss the state of play of the implementation of the five short term actions at its meeting on 24 November. The Council will discuss the progress made at its meeting on 3-4 December 2015.*

Objectives still to be implemented:

- *Monitor the implementation of the operational measures foreseen in the Conclusions on Counter-Terrorism adopted on 20 November 2015 (14406/15+COR1)*

(5) EU Forum with IT companies [Measure 23]

The Commission will be invited to update COSI on the launch and activities of the EU Forum with IT companies in the second half of 2015. COSI will be invited to provide guidance, as appropriate.

Objectives which are being/were implemented:

- *The Commission briefly referred to the EU Forum at the COSI meeting on 21 October 2015. First meeting is planned to take place on 2 December 2015.*

Objectives still to be implemented:

- *COSI to give guidance on the activities of the Forum.*

(6) Firearms [*Measure 29*]

The Commission's proposals to strengthen the firearms legislative framework are expected in 2016. Pending these proposals, COSI will in particular deal with the following items:

- the outcome of OAP Firearms;
- the specific Europol threat assessment in firearms;
- 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;
- initiatives with neighbouring countries such as the MENA countries in order to develop operational action in the fight against illegal trafficking in firearms.
- draft Council Conclusions on the strengthening of the use of Interpol's iARMS database;

Objectives which are being/were implemented:

- *The Commission adopted the Implementing Regulation on common deactivation standards on 18 November 2015,*
- *The Commission presented on 18 November 2015 a proposal to revise the current Directive on Firearms, on which work should start without delay.*
- *The Council conclusions on strengthening the use of means of fighting trafficking of firearms were adopted on 8 October 2015.*
- *The Committee took note of the Europol Threat Assessment on Firearms (12069/15) at its meeting on 21 September 2014.*
- *The six month report of the 2015 OAP Firearms will be discussed by COSI on 16 December. The new 2016 OAP Firearms will be submitted for approval to COSI on 16 December 2015.*
- *The security cooperation with the MENA region was discussed at a COSI - PSC meeting on 22 October 2015.*

Objectives still to be implemented:

- *Explore further ideas to cooperate with MENA countries.*
- *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.*

(7) Administrative approach [Measure 32]

COSI will discuss the administrative approach to prevent and disrupt organised crime on the basis of the report of the Informal Network of National Contact Points.

Objectives which are being/were implemented:

- *A meeting of the Core Group of the Informal Network on the administrative approach to tackling organised crime was held on 18 November 2015 at Europol.*

Objectives still to be implemented:

- *The meeting of the Informal Network of National Contact Points will be held on 21- 22 March 2016.*

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

COSI and PSC will discuss strengthening the implementation of the Road Map, "Strengthening Ties between CSDP and FSJ". COSI should also discuss how to contribute to existing policy dialogues on security with key third countries and tackling hybrid threats. In this regard COSI will in particular deal with the following items:

- examine the Commissions' Progress reports: follow-up
- contribute to policy dialogues with third countries

Objectives which are being/were implemented:

- *A COSI - PSC meeting was held on 22 October 2015.*
- *The fourth annual progress report "Strengthening Ties between CSDP - FSJ" will be presented at the COSI Support Group - CIVCOM meeting on 18 November 2015.*

Objectives still to be implemented:

- *The implementation of the Road Map is an ongoing process.*
- *COSI's contribution to the policy dialogues.*

(9) Cooperation between JHA Agencies [Measure 15]

COSI will also look at deepening the cooperation between JHA Agencies. Ways of improving information exchange between JHA agencies, including ways to improve Member States' contributions to the JHA Agencies will be discussed. COSI will be informed of the outcome of the next meeting of the Heads of JHA Agencies, to be hosted by eu-LISA in November 2015.

Objectives which are being/were implemented

- *The COSI Presidency participated in the Heads of JHA Agencies meeting on 3 - 4 November 2015. The results of this meeting will be discussed by COSI on 16 December 2015 on the basis of a report by eu-LISA.*

Objectives still to be implemented:

- *Agencies to continue the debate on ways of further improving cooperation and report to COSI.*

(10) Information exchange [Measure 5]

COSI will follow-up on the implementation of the recommendations of the 2012 communication of the Commission on the European Information Exchange Mechanism: on the basis of the discussions at DAPIX.

Objectives still to be implemented:

- *Monitor follow-up.*

(11) Fight against drug trafficking [Measure 30]

COSI will also discuss the future of the MAOC-N structure on the basis of a presentation by the Presidency.

Objectives still to be implemented:

- *COSI will discuss MAOC-N at its meeting on 16 December 2015.*

(12) Development of a global approach to PNR [Measure 8]

COSI will be invited to express itself on various possible options for exchanging PNR with third countries

Objectives which are being/were implemented:

- *A joint COSI - CATS meeting was organised on 22 - 23 July 2015 at which both Committees exchanged views with a view to providing input to the Commission for a future global PNR approach.*

CATS

CATS is a Council senior level committee of the Directors and Directors General at the Ministries of Justice and Home Affairs in the Member States. It assists Coreper in relation to legal, horizontal and strategic matters in the field of police and judicial cooperation in criminal matters. It works in collaboration with other relevant Council Committees, in particular COSI and SCIFA, and relevant working parties, providing the latter where appropriate with strategic guidance and support.

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

The planned update of the FD on terrorism will be taking into account the Additional protocol supplementing the Council of Europe Convention on the Prevention of terrorism, as indicated in the Security Agenda. To that end the Presidency envisages the adoption of the Council decision on the signing on behalf of the EU of the CoE Convention on the prevention of Terrorism and its recently adopted Additional Protocol.

Objectives which are being/were implemented:

- *On 18 September the Council adopted two Council Decisions authorising the signing on behalf of the EU of the Council of Europe Convention on the Prevention of Terrorism (CETS. No196³ and its Additional Protocol⁴).*
- *The two instruments were signed on behalf of the EU at the Opening Ceremony for the Signature of the Additional Protocol held in Riga, Latvia on 22 October 2015.*

³ COUNCIL DECISION (EU) 2015/1913 of 18 September 2015, OJ L 280 of 24.10.2015, p. 22

⁴ COUNCIL DECISION (EU) 2015/1914 of 18 September 2015, OJ L 280 of 24.10.2015, p. 24

Objectives still to be implemented:

- *A proposal of the Commission to update the existing Framework Decision 2008/919/JHA on combating terrorism with a view to implementing the criminal law aspect of the UN Security Council Resolution 2178 on foreign terrorist fighters is expected in 2016. In this respects it should take into account the Additional Protocol to the CoE Convention on the Prevention of Terrorism.*

(2) Data Retention Directive [Measure 9]

On the basis of Member states contributions CATS will examine the various ways in which the ruling of the ECJ and of some national Courts invalidating the Data Retention Directive have been taken into account in national legislation.

Objectives which are being/were implemented:

- *On 15 September and 29 October 2015 GENVAL discussed the current state of affairs following the invalidation of the Directive 2006/24 EC (Data Retention Directive) by the Court of Justice of the European Union on 8 April 2014(the Data Retention Judgment)⁵.*
- *On 10 November 2015 CATS addressed the issue in the context of the discussion on the challenges related to the effective collection, sharing and admissibility of e-evidence in criminal proceedings.*
- *A discussion on data retention by the Ministers of Justice in the light of the Data Retention Judgement and the way forward is foreseen to take place at the Council in December.*

Objectives still to be implemented:

- *Specific follow-up will be provided, as appropriate, further to the debate of the Ministers of Justice in December.*

⁵ Judgement of the Court of Justice of the European Union (CJEU) (Grand Chamber) "*Digital Rights Ireland and Seitlinger and others*" of 8 April 2015 in joined Cases C-293/12 and C-594/12.

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

An exchange of views on the current challenges that national competent authorities face to ensure an expedient collection of e-evidence in cyber-related criminal proceedings will take place at the Informal COSI-CATS meeting on 22-23 July 2015. This subject will be taken further at a dedicated Presidency workshop on mutual legal assistance in the digital age, which will take place in Luxembourg on 15 October 2015.

Objectives which are being/were implemented:

- *A joint COSI - CATS meeting was organised on 22 - 23 July 2015 at which both Committees exchanged views on the challenges related to the effective collection, sharing and admissibility of e-evidence in criminal proceedings. The issue was further addressed at a Presidency workshop on mutual legal assistance in the digital age, that took place in Luxembourg on 15 October 2015.*
- *With a view to preparing a debate of the Justice Ministers at the Council in December, on 10 November 2015 CATS examined certain areas related to the collection, sharing and admissibility of e-evidence that might be considered in order to identify possible deficiencies and to determine whether further action is needed.*

Objectives still to be implemented:

- *This issue will be taken further and specific follow-up will be provided, where appropriate, further to the debate of the Ministers of Justice in December.*

(4) Criminal justice response to radicalisation [Measure 19]

A High-Level Ministerial Conference “Criminal justice response to radicalisation” will be held in Brussels on 19 October 2015. Following the conference, the Presidency will present Council conclusions on this topic.

Objectives which are being/were implemented:

- *A High-Level Ministerial Conference “Criminal justice response to radicalisation” was held in Brussels on 19 October 2015.*
- *As a follow-up to the above Conference, Council conclusions on the criminal justice response to radicalisation leading to terrorism and violent extremism are under preparation with a view to submitting them for adoption by the Justice ministers.*

TERRORISM WORKING PARTY (TWP)

The Terrorism Working Party discusses the operational aspects of CT (as opposed to COSI, which discusses CT issues at strategic and policy shaping level). It should assess the terrorist threat; manage and improve cooperation instruments, define new cooperation instruments (e.g. the role and responsibilities of Europol in the field of terrorism) and continue cooperation with COTER (Second Pillar) via a joint meeting during each Presidency. The joint half-yearly TWP/COTER session is a regular dialogue on cross-cutting issues, with a view to reinforcing links between external and internal aspects of CT (such as in aviation security, cyber security, data issues, radicalisation, terrorist financing, terrorist movement, diaspora engagement and tackling the terrorist threat at its source).

Apart from the regular information updates on incidents of significant interest (incl. Member States informing on Foreign Terrorist Fighters), INTCEN reports and presentations comprising an important element of TWP and COTER discussions and CTC, COM, EEAS and Europol informing on Counter Terrorism (CT) activities, the following items may be discussed during the second half of 2015 in the context of the implementation of the ISS:

(1) EU Forum with IT companies [Measure 23]

TWP will receive regular updates concerning the establishment of the EU Forum with IT companies and contribute to the guidance to be provided by COSI.

Objective which is being implemented:

- *The next meeting within the internet platform with industry will take place on 27 November 2015. Apart from all the big internet providers, the platform counts 21 Member States and the CTC among its participants. The meeting will focus on the production of counter-narratives, culminating in the launch of an IT-platform back to back with the December JHA Council.*

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

TWP will in particular deal with the following items:

- Presentation “Radicalisation hotline” by AT and FR;
- Presentation of the RAN Center of Excellence;
- Outcome of the Ministerial conference "Criminal justice reply to radicalisation in prisons", Brussels on 19 November 2015;
- Regular updates from SSCAT (Syria Strategic Communications Advisory Team);
- Launching and roll-out of the Information Referral Unit (IRU);
- Outcome of the questionnaire “Draft guidelines of the EU strategy for combating radicalisation and recruitment to terrorism”.

Objectives which were implemented:

- *FR and AT presented their "Radicalisation hotline" on 14 July 2015.*
- *The head of the RAN (Radicalisation Awareness Network) secretariat presented RAN activities and developments since April 2012 and the new "Centre of Excellence" on 14 July 2015 and on 17 November TWP received a presentation focusing on activities related to radicalization from the perspective of the WP ("Prison and Provisions including an update on new developments and the establishment of new WPs.")*
- *TWP received regular updates from SSCAT (Syria Strategic Communications Advisory Team) at meetings on 14 July 2015, 21 September 2015 and 17 November 2015.*
- *The EU IRU was established in Europol on 1 July 2015. Europol has given regular updates to the group, most recently on 17 November 2015.*
- *The outcomes of the questionnaire “Draft guidelines of the EU strategy for combating radicalisation and recruitment to terrorism” was presented by the Presidency on 17 November 2015.*

- *An outcome of the Ministerial conference "Criminal justice reply to radicalisation in prisons", Brussels on 19 October 2015, was given to the group on 21 October.*

(3) Presentation of R&D contribution to actions against radicalisation [Measures 25]

The project **SAFIRE** (Scientific Approach to Finding Indicators and Responses to radicalisation), completed in 2013, has focused on the real needs of the policy-makers and of the security practitioners. It provides a model of the radicalisation process based: on typologies of radical groups, cultural aspects of radicalisation, observable indicators of radicalisation, pre-existing actions to reverse, halt or prevent the radicalisation process. The project also explored the ethical, legal and political context relevant to radicalisation, showing in particular that intervening in the pre-violent stage of radicalisation is not supported by all EU Member States. The model provided by SAFIRE can practically guide the choice of interventions, identify which factors are central and which are peripheral to a particular aspect of radicalisation.

Objective still to be implemented:

- *No presentation of SAFIRE so far.*

(4) Western Balkan counter-terrorism initiative (WBCTI) [Measure 27]

TWP will in particular deal with the following items:

- continuation of the Western Balkan counter-terrorism initiative. Extend work with other relevant third countries;
- threat assessment and counterterrorism strategy: Presentation by Serbia and Montenegro

Objective which was implemented:

- *Updates received at every TWP meetings*
- *Adoption of draft Council Conclusions on the Western Balkan Counter-Terrorism Initiative, including an attached action plan covering 2016-2017 to be adopted at the December 2015 JHA Council.*

(5) Foreign terrorist fighters [Measure 24]

TWP will in particular look at the following actions:

- Presentation of the activities of the Dumas Group;
- Withdrawal of travel documents: outcome of the questionnaire and presentation by the UK;

Objective which was implemented:

- *The Group was informed of the adoption of the Decision to sign the Additional Protocol to the Council of Europe Terrorism Convention incriminating travel of Foreign Terrorist Fighters (FTFs) (implementing the requirements regarding FTF related offences as laid down in the UN Security Council Resolution 2178(2014)) and the mother Convention on behalf of the EU. The Group examined possibilities for measures against foreign terrorist fighters.*
- *The Group was informed by Europol on activities of the Dumas Group on 14 July 2015.*
- *On 9 September 2015, UK (the Home Office, National Security Directorate) gave a comprehensive presentation on its national measures on withdrawal of travel documents (ppt presentation distributed) and the range of tools available, among other things describing legislation, adopted this year. On 21 October 2015 the Presidency made a summary of the questionnaire on withdrawal of travel documents, focusing on recent MS legislation that had been introduced by a number of MSs, establishing power to seize travel documents to hinder persons intending to travel to engage in terrorism activity. A written summary was circulated at the following TWP meeting.*

(6) The link between terrorism and organised crime [Measure 36]

TWP will examine the links between these two crime phenomena by dealing with the following items:

- Presentation by the European Parliament “Nébuleuse criminalo-terroriste en Europe: corrélation entre groupes terroristes et crime organisé dans l’UE; and
- Presentation by Europol “The link between organised crime and terrorism”.

Objective which was implemented:

- *Europol made its presentation on "The link between organised crime and terrorism".*

Objective still to be implemented:

- *Presentation by the European Parliament “Nébuleuse criminalo-terroriste en Europe: corrélation entre groupes terroristes et crime organisé dans l’UE”;*

(7) CBRN-E Progress report on the implementation of Action Plans [Measure 26]

TWP will discuss the Commission Progress Report on the implementation of the 2009 EU CBRN Action Plan as well as the Action Plan on the 2008 EU Action Plan on Enhancing the Security of Explosives.

Objective still to be implemented:

- *The Commission Progress Report on the implementation of the 2009 EU CBRN Action Plan is delayed but underway.*

(8) Presentation of R&D contribution to the detection of improvised explosive devices (IED)
[Measure 26]

BONAS developed a new wireless-sensor network to protect against terrorist threats – particularly those from improvised explosive devices (IEDs) – by detecting precursor traces in IED production as found near bomb-making facilities. These sensors were successfully tested in two field campaigns to demonstrate their capabilities to detect target precursors directly in field operations involving simulated bomb factories.

Objective which was implemented

- *The Commission informed the Group on 17 November 2015 on project BONAS.*

LAW ENFORCEMENT WORKING PARTY (LEWP)

The main goal of LEWP is to contribute to ensuring security in the Union by enabling police and other law enforcement agencies to better combat cross-border crime. In line with the principles set out in the renewed ISS, this is done, inter alia, by increasing cross-border cooperation, including operational cooperation, and mutual trust, as well as ensuring a cross-sectorial approach.

The following actions could be undertaken in the second half of 2015 in the context of the implementation of the ISS, many of them in the context of better steering the networks and encourage top-down approach in the LEWP relationship with such networks by better guiding their action, which would help contributing to the implementation of the renewed ISS as follows:

(1) Europol Regulation [Measure 2]

LEWP is, together, with JHA Counsellors responsible for receiving debriefings, discussing compromise proposals on the way forward.

Objectives which are being/were implemented:

- *Negotiations on the draft Europol Regulation are ongoing and political agreement with the EP is expected to be reached by the end of 2015.*

(2) Glossary of Firearms Terminology [Measure 29]

The European Firearms Experts (EFE) have been tasked to update the Glossary of Firearms Terminology and bring it line with the existing EU and international legislation. The Glossary could foster a common understanding of the terminology and thus help to improve the sharing of information on firearms.

Objectives which are being/were implemented:

- *The LEWP endorsed the updated Glossary of Firearms Terminology (13250/15) following the discussion on this document at the LEWP meeting on 23 October 2015 and the subsequent written procedure which ended on 9 November 2015, and encouraged its better and wider use by the relevant experts, especially in the framework of national experts' contributions to multinational databases.*

(3) Security-related research and industrial policy [Measure 20]

The European Network of Law Enforcement Technology Services (ENLETS) should further implement the Council Conclusions on strengthening the internal security authorities' involvement in security-related research and industrial policy and thus contribute to the promotion of security-related research and innovation by further involving end-users at all stages of the process, from conception to market.

Objectives still to be implemented:

- *The report on the recent activities of ENLETS and the implementation of the Council Conclusions will be discussed by the LEWP on 25 November 2015.*

(4) Financing of organised crime and the infiltration of the licit economy by organised crime [Measure 36]

The recently created operational network - @ON - aimed at countering mafia-style serious and organised crime groups could contribute to addressing the financing of organised crime and the infiltration of the licit economy by organised crime by improving the sharing of relevant knowledge and expertise.

Objectives still to be implemented:

- *The report on the recent activities of the @ON network and its contribution to addressing the financing of organised crime and the infiltration of the licit economy by organised crime will be discussed by the LEWP on 25 November 2015.*

(5) Combatting the environmental crime [Measure 34]

The informal network for countering environmental crime (EnviCrimeNet) could contribute to combatting the environmental crime and provide its contribution in relation to the relevant legislation.

Objectives still to be implemented:

- *The report on the recent activities of EnviCrimeNet will be discussed by the LEWP on 25 November 2015.*

(6) Development of the European Forensic Area [Measure 14]

A questionnaire on this topic was presented to LEWP on 24 June. The replies will be analysed and processed jointly by relevant stakeholders - NL, LU, GSC, COM, Europol, Eurojust, ENFSI. On this basis NL, during its Presidency, will draft and present a paper outlining the measures to be adopted.

Objectives which are being/were implemented:

- *Member States' contributions to the questionnaire have been collected and are being analysed. The initial results of this analysis will be presented to the LEWP meeting on 21 December 2015.*

(7) Assessing strategic training needs [Measure 19]

LEWP will be invited to reflect on developing methodologies for assessing strategic training needs and the impact and effectiveness of such trainings (2015-2020), with a view to ensure well-targeted trainings by CEPOL.

Objectives still to be implemented:

- *On the basis of the ongoing preparatory work by CEPOL on this subject, a thematic discussion on training needs could take place at the LEWP at a later stage.*

(8) Organisation of Joint Police Operations [Measure 15]

LEWP will monitor the organisation of Joint Police Operations (JPOs), which address cross-border crime and contribute to improving operational cooperation.

Objectives which are being/were implemented:

- *JPO LUXCAR was organised. Its results will be presented to the LEWP meeting on 21 December 2015 where the recommendations of this JPO and the need for further JPOs will be discussed.*

(9) Cooperation between customs and law enforcement agencies [Measure 15]

LEWP will discuss the recommendations outlined in the Europol report.

Objectives still to be implemented:

- *Better ways of coordinating the work of customs and police will be discussed by the LEWP on 25 November 2015.*

(10) Internet based organised crime [Measure 36]

LEWP will be invited to discuss the findings and recommendations of Europol's I-OCTA evaluation.

Objectives which are being/were implemented:

- *The LEWP took note of the findings and recommendations of Europol's iOCTA following the presentation by Europol at its meeting on 23 October 2015.*

(11) Administrative approach [Measure 32]

LEWP will discuss the administrative approach to prevent and disrupt organised crime on the basis of the report of the Informal Network of National Contact Points.

Objectives which are being/were implemented:

- *This action is to be addressed by GENVAL under the NL Presidency.*

CUSTOMS COOPERATION WORKING PARTY (CCWP)

The CCWP deals with the operational cooperation between customs authorities from Members States, at experts and plenary level. In this sense, the outcomes and conclusions of debates, actions, Joint Customs Operations etc. organised under the auspices of this Working Party should feed into the work related to the renewed ISS, bringing on board the customs perspective on aspects like firearms, drug trafficking and NPS, cash movements, counterfeit goods, the use of Internet or criminal activities etc. The following actions will be undertaken in the second half of 2015 in the context of the implementation of the renewed ISS:

- (1) Finalise the Action Plan 2014-2015 and adopt the Final Reports for Actions 7.1-7.4, 7.8, 7.9 and 7.11. The Presidency will finalise Action 7.10, which concerns environmental crime [Measure 34]**

Objectives which are being/were implemented:

- *The Final Reports for Actions 7.2 and 7.7 have been adopted. The Final Reports for Actions 7.1, 7.9 were adopted on 17 November 2015 and there are good prospects regarding 7.11 (16 December 2015). The mandates of Actions 7.3 and 7.8 will be extended for the new Action Plan (2016-2017).*

Objectives which still need to be implemented:

- *The adoption of the Final Report on Action 7.4 is rather unlikely due to the fact that Members States have very divergent positions in relation to VAT and customs competence in the area. The finalisation of Actions 7.5 (cooperation between customs/other agencies) and 7.10 (environmental crime) according to their initial mandate is also unlikely. However, the interim reports drafted by IT and LV Presidencies on environmental crime could still feed into COM reviewing process.*

(2) Adopt a new Action Plan 2016-2017 [Measures 29, 30 and 37]

To be drafted on the basis of document 9396/15 (adopted at CCWP on 17 June 2015), which suggests that the following challenges and threats should be taken into account for the drafting of the next Action Plan: firearms, cigarette/tobacco products smuggling, synthetic drugs (NPS), counterfeit goods, use of information technology and internet for criminal activities, cash movements, excise duty/MTIC fraud and environmental crimes. The Presidency will therefore draft the new Action Plan, which could feed into:

- the Commission's proposals for the new Firearms legislation;
- Member States' activities in fighting illicit drugs;
- as far as the use of information technology and internet for criminal activities are concerned, assess if and to what extent the customs perspective in this area (use of Darkweb for illicit trade in drugs, precursors, NPS, counterfeit goods, firearms etc.) should be considered;

Objectives which are being/were implemented:

- *The Presidency presented a first draft of the new Action Plan during CCWP Plenary on 17 November 2015. The proposed actions concern the illegal trade via Internet /small consignments (NPS, counterfeit goods), cash movements, entry and import of firearms, export of strategic goods and the regional occurrence of excise fraud (cigarettes and mineral oils). The new Action Plan should be adopted during CCWP Plenary on 16 December.*

(3) Cooperation between customs and law enforcement agencies [Measure 15]

CCWP will discuss the recommendations outlined in the Europol report.

Objectives which are being/were implemented:

- *The strategic review paper on Europol and Customs cooperation (9572/15) was discussed during CCWP Plenary on 23 October 2015 (item 4 on the agenda).*

WORKING PARTY ON INFORMATION EXCHANGE AND DATA PROTECTION (DAPIX)

With regard to information exchange, the Working Party on Information Exchange and Data Protection (DAPIX) is mandated to improve cross-border law enforcement exchange while taking due account of the protection of personal data, in particular by examining the implementation of Council Framework Decision 2006/960/JHA ("Swedish Framework Decision" (SFD)) and the "Prüm Council Decisions" 2008/615/JHA and 2008/616/JHA. To that end, DAPIX is furthermore implementing the Council's Information Management Strategy (IMS) aiming at technical solutions to current information exchange issues.

In the second half of 2015, the Working Party will continue to deal with:

(1) Prüm Decisions [*Measure 6*]

Pending 4 cases at the ECJ, DAPIX will continue with the further preparation of Council Implementing Decisions (22), subsequent to organisation of evaluation visits in Member States in question, drafting of evaluation visit reports, overall reports, Council Conclusions on the implementation of automated data exchange for certain data categories (DNA, fingerprint data (FP) and vehicle registration data (VRD)) in certain Member States, preparation of the consultation of European Parliament. In this regard, Dapix will further the implementation of the Prüm Decisions.

Objectives which are being/were implemented:

- *Three Council Implementing Decisions (BE/FP, PL/FP, SE/FP) were taken, one consultation of European Parliament was launched (LV/VRD). UK business case on whether to join Prüm at its final stage in UK Parliament.*

Objectives still to be implemented:

- Full interconnectivity of operational MS; Council implementing Decisions for DNA/DK, EL, HR, IE, IT, (UK), NO; FP/DK, EL, HR, IE, IT, PT, (UK), NO; VRD/CZ, DK, EL, HR, IE, IT, PT (UK), NO to be prepared but date for evaluation visits scheduled only for DK in May 2016. NO on good tracks, agreement on CH/LI joining Prüm to be negotiated.

DAPIX will draw up a pragmatic compilation of lessons learnt concerning Prüm follow-up (or 2nd step) procedures, which are governed by national law, by discussing national approaches.

Objectives still to be implemented:

- Identify best practices - possibly draft of a handbook in the framework of IMS; a project is still under discussion.

(2) Swedish Framework Decision on "simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the EU"
[Measure 6]

Since the legal implementation has been nearly completed, awareness rising at both political and practical level should be envisaged. The biggest challenge seems to be a lack of training at operational, SPOC (Single Point of Contact) level. To that end, DAPIX experts discuss with a view to further defining a European Information Exchange Model (EIXM) which goes beyond the description of the status quo, best practices on current information exchange.

Objectives still to be implemented:

- A project providing input for future training schemes (probably within the IMS) is still under discussion.

(3) IMS (Information Management Strategy) [Measure 5] concerning the improvement of interoperability of national and international systems (both on a organisational and technical level) by steering, in particular:

- the further deployment of the UMF project (Universal Message Format, on-going project under DE lead) in specific expert meetings; and
- the ADEP project (Automation of Data Exchange Procedures, on-going project under FR/FI lead), by organising expert meetings on technical details;
- by convening a conference of Police and Customs Cooperation Centres (PCCC) aimed at further strengthening their European dimension.

Objectives which are being/were implemented:

- *The UMF project is on tracks, the ADEP pilot will be presented in December 2015, the PCCC conference was in The Hague on 7/8 September 2015⁶.*

Objectives still to be implemented:

- *Exchange of expertise with a view to enhancing interoperability of national and international systems.*

(4) European Police Register Information System (EPRIS) [Measure 7]

DAPIX will contribute to the reflection regarding the possibilities of setting up a European Police Register Information System

Objectives still to be implemented:

- *In view of ADEP project, provision of input for legislative proposals COM may submit in 2016 has been delayed.*

⁶ See outcome 13285/15

FRIENDS OF THE PRESIDENCY GROUP (FoP) ON CYBER ISSUES

FoP has been created with the main objective of ensuring a horizontal coordination of cyber policy issues within the Council by providing a platform for information exchange and priorities setting through strategic political discussions covering a broad range of issues related to security and resilience of networks and information systems, cyber defence, fight against cybercrime and EU international cyber policy. FoP is contributing to the implementation of the EU Cyber Security Strategy through specifically dedicated Roadmap.

The following actions could be undertaken in the second half of 2015 in the context of the implementation of the ISS:

(1) Monitor the implementation of the EU Cybersecurity strategy [Measures 37 and 38]

Objectives which are being/were implemented:

- *The implementation of the EU Cybersecurity strategy is a recurring topic on the FOP agenda.*
- *Several meetings were devoted to this issue in general: The cyber attaches meeting on 19 November 2015 at which delegations took note of the progress achieved so far on the various actions stipulated in the Roadmap for the Strategy implementation and specifically. Previously, the cyber attaches meeting on 17 July 2015 and FOP at capital level on 22 September 2015 at which the cooperation with the private sector was addressed.*
- *At the moment a new round of consultations with all the relevant actors as indicated in the Roadmap is ongoing with the aim to provide the state of play and allow discussion on the future priority actions and respective steps.*

Objectives still to be implemented:

- *Continue monitoring the implementation by Member States.*

(2) Ratification of the Budapest Convention [Measure 37]

The FoP will continue to support the efforts of the three remaining Member States to ratify the Budapest Convention and to encourage promotion thereof as a model for cybercrime legislation when engaging internationally, including in the capacity building activities.

Objective which are being/were implemented:

- *Although some positive developments were reported in the remaining three MS, no actual progress has been realised yet.*

Objective still to be implemented:

- *To ensure ratification of the Budapest Convention by 3 remaining Member States.*

(3) EU positions in international fora [Measure 39]

The FoP will, through thematically focussed meetings, seek to form/consolidate EU position or to provide political guidance in respect to the ongoing external discussions on international security issues, including the norms for responsible state behaviour. It will also continue to be involved in the preparations for the World Summit on Information Society+10 Review Process, the IANA transition and to work for reaffirming the MSH model in Internet governance.

Objectives which are being/were implemented:

- *Several meetings in both formats of FOP were devoted to discussions on EU reaction / position / message to different cyber-related international processes/events/developments.*

- *The various international cyber issues to confirm our positions and respective messages, namely the developments in the UN Governmental Group of Experts and its expected 2015 Report (published just few days after the meeting); and the EU preparations for the World Summit on Information Society review process (which is supposed to be held in December); delegations also examined the norms for responsible state behaviour in cyberspace (cyber norms); the updated draft of code of conduct for information security presented by six members of the Shanghai Cooperation Organisation to the UN, the UNGA 70 Agenda and finally the recently established Public Safety Working Group within ICANN's GAC.*

Objective still to be implemented:

- *To discuss and prepare respective response as well as to form and consolidate EU position in international fora on cyber-related issues.*

(4) Discuss (legal) gaps in the fight against cybercrime and practical responses [Measure 37]

The FoP will discuss security issues related to encryption IP addresses, cloud computing, jurisdiction and crypto-currencies, international recognition of e-evidence, public private partnership and access to information in order to seek global approaches aiming at overcoming obstacles to cybercrime investigations.

The FoP will provide attention to the further development of the responsible disclosure policy issue as an example of good practice that can serve as fast track solution to some cyber security concerns.

Objectives which are being/were implemented:

- *The obstacles to cybercrime investigations were the central topics for discussion at the last two cyber attaches meetings held on 19 October 2015 and 9 November 2015: lack of information, loss of location, interaction with the private sector, e-evidence, abuse of encryption and anonymity, data retention, IP addresses.*

Objective still to be implemented:

- *Provide practical input to COM on potential new legislative instruments as well as raise awareness and share good practices.*

(5) Presentation of R&D contribution against cybercrime [Measure 38]

The **SECCRIT** (SEcure Cloud computing for CRITICAL infrastructure IT) project is a multidisciplinary research project with the mission to analyse and evaluate cloud computing technologies with respect to security risks in sensitive environments, and to develop methodologies, technologies, and best practices for creating a secure, trustworthy, and high assurance cloud computing environment for critical infrastructure IT.

Objective still to be implemented:

- *Provide practical input to COM on potential new legislative instruments as well as raise awareness and share good practices.- the last FOP meeting scheduled to take place on 1 December 2015 will explore the topic.*

WORKING PARTY ON SCHENGEN MATTERS ("SIS/SIRENE" configuration)

This Working Party, which meets in different configurations (Evaluation, Acquis, SIS/SIRENE and SIS TECH) deals with all aspects regarding the correct implementation of the Schengen acquis by Member States. The SIS/SIRENE configuration examines measures related to checks on persons and efficient monitoring of the crossing of external borders.

The following actions could be undertaken in the second half of 2015 in the context of the implementation of the ISS:

(1) Monitoring the application by Member States of the common risk indicators *[Measure 14]*

A questionnaire will be submitted to the delegations in order to assess the degree of implementation and the obtained results of a set of recommendations agreed in December 2014 in the context of the foreign fighters (14523/3/14 REV 3). A considerable part of them regards travel ban as well as an enhanced use of the SIS in the context of document checks, both inside the territory and at the external borders. Although the measures at central level have been implemented, the implementation achievement may vary among the Member States.

The Schengen Working Party will assess the degree of implementation and the obtained results of the recommendations in order to fight against the foreign terrorist fighters phenomenon.

Objectives which are being/were implemented

- *The recommendations agreed on 18 December 2014 at the Working Party for Schengen Matters (see 14523/3/14 REV 3) have been fully implemented at Central level and at Member States' level its fully accomplishment is under good progress. In any event, the awareness for the foreign terrorist fighter's problem the Member States has been thoroughly addressed and in several measures had been taken.*

In most Member States, the implementation of the recommendations led to an increasing number of alerts and hits and had, as a consequence, an enhancement of the cooperation between the different involved authorities, both law enforcement and State security.

(2) Coordination mechanism to improve the implementation of certain categories of entry ban alerts [Measure 11]

Furthermore, in second half-year 2015 the discussions could be continued at political level on the setup of a mechanism of coordination at European Union level for the implementation and follow-up of the Council decisions on restrictive measures as regards the alerts entered under Article 26 of the SIS II Regulation, pursuant to the Council Conclusions as set out in 17112/13.

The Schengen Working Party will examine how to continue the discussions on the setup of a coordination mechanism to improve the implementation of certain categories of entry ban alerts.

Objectives still to be implemented

- *The Presidency organized a RELEX/JHA Counsellors informal meeting without COM and EEAS to discuss the matter on the basis of 10093/15. General position of the MS following the exchange of views is that the tasks of Coordination Mechanism could be assigned to GSC. A document will be prepared by Presidency and GSC in order to present this issue to COREPER and Council.*

(3) Monitoring the application by Member States of the common risk indicators [Measure 13]

The Schengen Working Party will engage in discussions on a systematic use of SIS and SLTD based on common risk indicators

Objectives still to be implemented

- *To ensure coordination between Schengen Matters WP and Frontiers WP with a view to monitoring the level of the implementation.*

(4) SIS II [Measure 12]

The Schengen Working Party will deal with the issue of the UK's accession to the SIS II by October 2015

Objectives still to be implemented

- *The SIS/SIRENE evaluation took place early June 2015 and the evaluation report agreed by the Working Party for Schengen Matters (Schengen Evaluation) on 19 November 2015 (11780/15). The Working Party agreed on a set of recommendations addressed to the UK and considered that further proceedings were necessary before concluding the evaluation with a view to adopting the implementing decision setting the date for the final putting into effect by the United Kingdom of the provisions referred to in Article 1(a)(ii) of Decision 2000/365/EC⁷, in so far as they relate to the functioning of the SIS.*

⁷ See FN 1 and 2.

WORKING PARTY ON FRONTIERS

The Working Party on Frontiers (including its Mixed Committee formation) is the Council body primarily responsible to examine the EU Borders Policy related issues (be it of legal, or practical nature).

The WP will be actively involved in the monitoring of the degree of implementation of the measures undertaken by the Member States for the reinforced application of the Schengen Framework. The recently updated Schengen Handbook shall serve as a reference for this monitoring task. In the context of the implementation of the ISS in the second half of 2015 the Working Party will especially look at:

(1) Examine the application by Member States of the common risk indicators [*Measures 13 and 14*]

This exercise shall cover the application by Member States of the common risk indicators, which are going to serve as a basis for carrying out systematic checks on travel documents, as well as all persons (including those who enjoy the right of free movement under Union Law) against relevant data bases. It is likely to start most likely in early autumn 2015 and constitutes a follow-up to the work which is currently being carried out in order to fulfil the mandate from the JHA Council in March 2015. Close cooperation with the Commission and with Frontex is needed. It could also be recalled that this exercise shall be further substantiated with information regarding the implementation emanating from the Schengen Evaluation context.

The recently updated Schengen Handbook also refers to the use of common risk indicators regarding systematic control of travel documents against the SIS II and SLTD data bases and of persons enjoying the right of free movement under EU Law, based on risk assessment. The Commission has presented at the JHA Council on 15-16/2015 these common risk indicators⁸. In this regard the Working Party will:

- examine the implementation of the measures undertaken by the Member States for the reinforced application of the Schengen Framework by using the updated Schengen Handbook for border guards; and
- examine the application by Member States of the common risk indicators, which are going to serve as a basis for carrying out systematic checks on travel documents, as well as all persons (including those who enjoy the right of the free movement under Union Law) against relevant data basis.

Objectives which are being implemented:

- *The Presidency has received replies from 19 MS on questions regarding i) the use and the operationalisation of common risk indicators, ii) the inclusion of these indicators in the respective national analysis, iii) the possible increase of checks on persons enjoying the freedom of movement under Union law and the relevant statistics on these checks and iv) information on reasons why (if any) the recommendations contained in the Schengen Handbook have not been implemented.*

A summary of these replies was presented to the Working Party on Frontiers during its meeting of 19 November 2015. The Presidency asked for any further contributions until Monday 23 November with a view to submitting these to the JHA Council in December.

⁸ 9940/15

WORKING PARTY ON GENERAL MATTERS INCLUDING EVALUATIONS (GENVAL)

The GENVAL Working Party is a horizontal and cross-cutting justice and home affairs Working Party, covering both criminal law and related security aspects. It deals with issues in these areas that are not dealt with by COSI or any other Working Party, in particular relating to organised crime, crime prevention (excluding terrorism), and coordinates the process of mutual evaluations of Member States' practices in the area of law-enforcement (except Schengen evaluations).

The following three topics could be discussed in the second half of 2015 in the context of the implementation of the ISS:

(1) PNR Directive [*Measure 1*]

GENVAL was the responsible working party when the proposal for a "Directive on the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime" was discussed in 2010-2012 (general approach reached in April 2012). When informal trilogues with the European Parliament start, hopefully in autumn 2015, on the Council side, GENVAL, together with JHA Counsellors, will be the responsible working parties receiving debriefings, discussing compromise proposals and the way forward.

The Presidency intends to use the Working Party to discuss thematic topics in PNR matters.

Objectives still to be implemented

- *Two meetings were held: One on 24 July 2015 setting out delegations' positions following the LIBE vote on the rapporteur's revised report of 15 July 2015 and a second on 23 October 2015 discussing data protection issues.*

The main work on this file obviously took place in the context of the trilogues and technical meetings with the EP.

(2) Support to local authorities on the administrative approach to prevent and disrupt organised crime [Measure 32]

Preparatory activities, in coordination with the future NL Presidency, which, considering the issue as a priority of its programme, intends to have Council conclusions adopted by the June 2016 JHA Council on the administrative approach to crime prevention, covering *inter alia* embedding the role of the local authorities within the Informal network of contact points on the administrative approach to organised crime, in line with the Network's multi-annual work programme (2015 - 2017). This could involve discussion, with special focus on the support to local authorities, on:

- relevant activities within the framework of the EU Crime Prevention Network (EUCPN), in particular the ongoing elaboration of best practices in the form of a Handbook (following discussions on the administrative approach in Riga at the end of June 2015); and
- a recent Commission-funded external study on the administrative approach.

Objectives which are being/were implemented:

- *In preparation of the NL Presidency, the GENVAL on 15 September 2015 took note of presentations of the following projects, carried out within the framework of the Programme "Prevention and Fight against Crime" (ISEC):*
 - a) *EUCPN toolbox on the administrative approach to tackle crime;*
 - b) *The Toolbox and Manual elaborated by the city of Genk (Belgium) on the administrative approach to organized crime;*
 - c) *A study on the administrative measures to prevent and tackle crime carried out by Tilburg University (NL) in 10 Member States.*

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 the EU Action Plan on Drugs 2013-2016. This Action Plan named the fight against drug trafficking as one of the key pillars of the Strategy. It also is in charge of new legislation on drugs.

In practice its work is more focused on horizontal issues, demand reduction side and international cooperation on drugs rather than on operational aspects related to fighting drug trafficking.

The following topics will be discussed in the second half of 2015 in the context of the implementation of the ISS:

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

This is major pillar of the EU Drugs Strategy. In 2014 the EU-Central Asia Action Plan on Drugs 2014-2020 was endorsed and the EU-Western Balkans Action Plan on Drugs was prolonged, which will be further implemented. Expert dialogues on drugs will be held with US, Western Balkans, Community of Latin American and Caribbean States (CELAC) and possibly with Russia, where an important part of agenda will be devoted to drug trafficking.

Objectives which are being/were implemented:

- *On 4 September 2015 the Presidency organised the EU-Western Balkans dialogue on drugs which discussed among other topics drug supply reduction. A similar meeting with The Russian Federation was held on 8 October 2015, where an important part of the agenda was devoted to reducing drug supply and tackling NPS as well as drug trafficking as regards Afghanistan and Central Asia. On 2 December a similar meeting will be held as a videoconference between the EU and the US drug experts.*

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

To tackle the increasing challenge posed by new psychoactive substances (the number of which already exceeded the number of "traditional" drugs, with 101 new substances being reported for the first time to the European Early Warning System in 2014) the Commission in September 2013 tabled a legislative package (Regulation and Directive) on new psychoactive substances. The Horizontal Working Party on Drugs has been examining the proposed Regulation, aiming at establishing the most efficient mechanism to tackle this challenge.

Objectives which are being/were implemented:

- *The Horizontal Working Party on Drugs continues to examine the legislation on new psychoactive substances, aiming at establishing the most efficient mechanism to tackle this challenge. Following the COREPER decision of 27 May 2015, the Luxembourg Presidency submitted a proposal for a draft Directive on NPS, merging the provisions of the Proposed NPS Regulation and of the Proposed NPS Directive⁹ under the same legal instrument, which is being examined by the HDG since September 2015.*

⁹ See doc. 13865/13.

WORKING PARTY ON COOPERATION IN CRIMINAL MATTERS (COPEN)

COPEN is tasked with legislative activities regarding the cooperation between the Member States in criminal matters, where a core principle is the mutual recognition of judicial decisions. The working party examines initiatives relating to mutual legal assistance in criminal proceedings, the surrender and transfer of sentenced persons, the enforcement of judicial decisions. Eurojust and the European Judicial Network are invited to contribute to the discussions at the COPEN meetings. COPEN is also tasked with providing follow up to the implementation of the EU legislative acts in the field, in particular in relation to the mutual recognition instruments.

(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 which are being/were implemented:

- *Continuing the ongoing evaluation of Member state implementation and discuss possible solutions to difficulties encountered.*

(2) EPPO [Measure 18]

Objectives which are being/were implemented:

- *COPEN has continued working on the Commission proposal for a European Public Prosecutor's Office. The Presidency aims at reaching an agreement in principle on the text of Articles 17-37 at the Council of 3 December. This would mean that the core chapters of the Regulation (organisation, investigation, prosecution, procedural safeguards) will have been provisionally closed by the end of the year.*

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

The Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) deals with all matters pertaining to the respect and promotion of fundamental rights in the European Union, citizens' rights and free movement of persons, as enshrined by the Treaties and the Charter of Fundamental Rights. FREMP is tasked with the preparatory work of the negotiations for the accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). It is also responsible for elaborating the legal basis and the multiannual work programme of the Fundamental Rights Agency and works closely with the Agency on different topics related to fundamental rights. Regarding security and respect for fundamental rights, the Council conclusions of 23 June 2015 (prepared by FREMP) on the application of the Charter of Fundamental Rights in 2014 underline that:

- security and respect for fundamental rights are consistent and complementary policy objectives;
- Member States and the EU need to work together to ensure that all security measures comply with the principles of necessity, proportionality and legality, with appropriate safeguards to ensure accountability and judicial redress;
- proportionate and legitimate responses also foster peaceful, inclusive and diverse societies and integrate respect for fundamental rights into planning and implementing counter-terrorism and other law enforcement actions from the outset.

In addition to this overarching human rights angle, FREMP will follow up:

- (1) The first Annual Colloquium on fundamental rights in the EU: "Tolerance and respect: preventing and combating anti-Semitic and anti-Muslim hatred in Europe" organised by COM on 1-2 October 2015 [Measure 25]**

Objectives which are being/were implemented:

- *The first Colloquium on Fundamental Rights mainly focused on actions ahead, centred around 4 areas: empowerment of local level, especially through education, cooperation with IT companies, civil society and media, implementation of hate crime laws and strengthening anti-discrimination laws. COM also created posts of two coordinators, one for anti-Semitism, the other for anti-Muslim hatred, to act as a single points of contact and policy contributors. FRA representative also presented their joint initiative with AT to work towards an EU-wide communication strategy to promote respect, non-discrimination, fundamental rights, freedoms and solidarity throughout the EU as follow-up to the Internal Security Strategy. On 14-15 December 2015 a workshop will be organised on this in Vienna.*

- (2) Presentation by the Institute for Strategic Dialogue NO and by the FRA "Islamophobia"**

Objectives which are being/were implemented:

- *The Working Party took note of outcome of conferences.*