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NOTE

From: EU Counter-Terrorism Coordinator
To: Delegations

Subject: State of play on implementation of the statement of the Members of the European Council of 12 February 2015, the JHA Council Conclusions of 20 November 2015, and the Conclusions of the European Council of 18 December 2015

This report of the EU Counter-Terrorism Coordinator covers progress against all of the measures set out in the conclusions on counter-terrorism agreed by the Members of the European Council on 12 February 2015. It also takes into account the conclusions of the JHA Council of 20 November 2015 (on terrorism and on enhancing the criminal justice response to radicalization leading to terrorism and violent extremism) as well as the conclusions of the European Council of 17 and 18 December 2015.

Documents 9422/1/15, 12318/15 and 14734/15 drafted by the EU CTC assessed the state of implementation in June, October and November 2015.

The following recommendations can be drawn from the report:

Europol:

- Member States should further increase secondments of counter terrorism staff to support the ECTC. The Commission is invited to increase the ECTC budget.
- Those Member States who do not yet contribute or who contribute relatively little to FP Travellers and other Europol FPs as well as the EIS are encouraged to increase their contributions.

PNR:

- Member States should speed up national implementation of the PNR directive once it is adopted by the Council (and not wait two years as the directive allows) and harmonize the exploitation of the PNR data. The decision by the Commission to launch a call under the Internal Security Fund (ISF) to support to ensure interconnectivity between Passenger Information Units (PIUs) is welcome. Those Member States which have not set up PIUs yet are invited to mobilize their national part of the ISF to do so.

Prüm:

- Those Member States who have not yet established all possible operational connections should do so as soon as possible.

Eurojust:

- Member States should facilitate the association of Eurojust to FP Hydra so that Eurojust can provide timely and efficient support to investigations and prosecutions in Member States.
- Member States are encouraged to increase the use of Eurojust to exchange information and for operational cooperation.
- Cooperation between Eurojust and the ECTC should be strengthened.

SIS II:

- A search function for fingerprints in the SIS II should be implemented as soon as possible.
- Member States should further increase their contributions and use of SIS II.
- Europol should develop a systematic search function of the SIS II as soon as possible.
- Frontex should be granted access to SIS II to improve risk analysis and detect suspicious travel.
- The use of SIS II as an investigation tool has to be maximised.
- The work undertaken by the Netherlands Presidency to identify legal, technical and practical obstacles and good practices to the use of the SIS II should lead to recommendations for the June JHA Council.

Eurodac:

- Member States' law enforcement authorities and Europol should fully connect to Eurodac and be able to search Eurodac to prevent, detect and investigate serious crimes and terrorist offenses

Interpol:

- Those Member States which have not yet established an electronic connection to Interpol tools on all their external border crossing points should do so as soon as possible.
- The Commission is invited to support Member States' efforts in ensuring SLTD data quality.

Border security:

- Progress on implementation by Member States of the necessary systematic checks of EU citizens should be measured. Member States are invited to upgrade technology, where necessary.
- Registration and security checks of the relevant databases in the hotspots need to be increased as a matter of priority (technology, staffing, processes).
- Member States should provide additional experts to support Frontex in systematic cross-checking information in hotspots and to Europol for the second line checks.
- Detection of falsified blank passports should be a priority at hotspots and other migrant entry points.
- Systematic exchange of personal data between Europol and Frontex should take place as soon as possible

EU IRU:

- Member States and Europol should work together to increase the volume of referrals made by Europol's IRU.

Rehabilitation Programmes

- Member States are invited to make use of Commission funding for the development of rehabilitation programmes

Overview

The report shows that while progress is being made in all areas, further urgent improvements to information sharing and border security are necessary.

Information sharing and operational cooperation via Europol and Eurojust has considerably improved in 2015 compared to 2014, and also since the last JHA Council of December 4 2015. The connectivity of almost all Member States to the counter-terrorism configuration of Europol's SIENA network has now been established (the 3 remaining Member States should be connected in March 2016).

However, information sharing still does not reflect the threat: while there are now five times more person entities in Europol's **Focal Point Travellers** database compared with last year, the analysis file still contains only 2,786 verified foreign terrorist fighters (FTF) entered by EU Member States. The **European Information System** (EIS) contains only 1,473 FTF entered by Member States. This despite well-founded estimates that around 5,000 EU citizens have travelled to Syria and Iraq to join DAESH and other extremist groups. It should also be noted that more than 90% of the contributions by Member States regarding verified FTFs in FP Travellers in 2015 originate from just 5 Member States. Not all FTFs are systematically entered into the **SIS II** and the **EIS** of Europol. **Prüm connections** have increased since the December JHA Council, but further progress is needed. Moreover, enhancing quality of data (common definitions and formats) as well as uniform use of systems (in particular entering of SIS II alerts) is necessary.

Only 18 operational FTF cases were registered at **Eurojust** in 2015 and information on only 104 ongoing terrorism prosecutions has been shared with Eurojust. This despite the fact that, according to the relevant Council Decision, information about all prosecutions has to be shared by Member States with Eurojust.

Task Force Fraternité at Europol, established at the request of the French authorities to support the investigations after the November 2015 Paris attacks, could be a blueprint for how the European Counter Terrorism Centre at Europol - launched in January 2016 - can support Member States in CT investigations in the future. Several Member States have already taken the commitment to second experts to the Task Force and to the Joint Liaison Teams which support the work of the ECTC. For the time being, no additional posts are budgeted in the financial year 2016 regarding the establishment of the ECTC and its key supporting capabilities, in particular the EU Internet Referral Unit (IRU) and the FIU.Net.

Working towards the **interoperability of relevant EU databases** for the purpose of **security checks**, as requested by the European Council, is a priority. The changed security and threat environment, as well as improved technology and a different EU legal framework since the databases were conceived, make an in-depth reflection necessary. It will be a complex discussion, where the EU will need to define "interoperability" and the level of ambition. The revision of the relevant legal framework of the SIS II and Eurodac (where Commission proposals are expected this year) will be important. The SIS should (at national level) be used more and more as an enhanced tool supporting investigations rather than be limited to an instrument to support security checks. Member States' law enforcement authorities and Europol should fully connect to Eurodac and be able to search Eurodac to prevent, detect and investigate serious crimes and terrorist offences. The Commission is preparing to implement the fingerprint functionality for identification purposes which requires establishment of an automatic fingerprint recognition system.

Connectivity of Europol and Frontex to the EU databases is a priority set out in the 20 November Conclusions, but remains a challenge. In cooperation with the Commission, Europol is working to improve its access to and use of SIS II, to allow batch searches against its databases and move from manual ad-hoc to systematic use of SIS II. Europol is also developing a business concept to establish access to the Visa Information System and Eurodac (to which it is not yet connected).

Sharing of personal data between Europol and Frontex is now possible as the operational agreement has been concluded. The modalities are still being developed before sharing of personal data can be systematic.

With regard to **security at the external borders**, by March 2016 electronic connection to the relevant Interpol databases at all external border crossing points and automatic screening of travel documents has not been achieved in all Member States. Member States are encouraged to enter systematically all FTFs into the SIS II. This is necessary in order to improve the system, including the dissemination of better quality information in the alert itself and in the supplementary data. Based on the replies by Member States to the Presidency's questionnaire, challenges currently include: the compatibility of discreet and specific check alerts with other alert categories and the information on a hit of such alerts; the incompatibility of Art. 36 alerts with Art. 26 alerts (when a European Arrest Warrant has been issued for an FTF in another MS, the service issuing an Art. 36 alert will not be informed); the different use by Member States of Art. 36 (2) and Art. 36 (3) alerts for FTFs; the possible lack of basis for arrest in case of a discrete check for FTF based on Art. 36 (3); and the lack of information surrounding the alert (which creates difficulties in distinguishing between FTFs and other crimes).

In addition, the difference between figures concerning alerts in SIS II (based on Art. 36 (3) for national security purposes this came to 7,945 entries on 31 December 2015) and the number entered by EU Member States into the EIS (1,473 FTF by end of January 2016) highlights the lack of coherence between systems. All entries by Member States in the SIS II concerning FTF should also, by default, be transferred to the EIS. More sensitive additional information should be shared for analysis purposes with Europol's Focal Point Travellers (allowing for full data ownership control by the contributor).

While **security checks and registration in the hotspots** has improved, further progress is needed. The deployment of officers under the coordination of Europol, as per the 20 November 2015 conclusions, to enhance secondary security checks is under preparation and will need support from Member States, including through the deployment of experienced staff as seconded national experts as well as the required funding for Europol. Blank passports stolen in Syria and Iraq and then used by DAESH are of serious concern. Urgent action to address this problem is needed. France has suggested to explore how special teams dedicated to the detection of these blank passports (falsified documents) could be deployed to hotspots and other migrant entry points.

Frontex advanced-level document experts (ALDOs) have already been deployed in all hotspots and are working directly with screening teams to help with identification procedures. It will also be important to **measure progress towards the necessary automatic and systematic checks** of the relevant databases to be carried out by Member States at the EU external borders.

Progress is being made on various fronts with regard to **firearms**, including an increase in the number of Member States participating in the firearms priority under the EU Policy Cycle (from 13 to 20). Coordination of the various initiatives will be important. However, more Member States are needed to participate in the pilot project to create a single entry and search interface between the firearms section of the SIS II and Interpol's i-arms database (so far only two Member States are involved).

The **Terrorist Financing Tracking Program (TFTP)** shows significant value to track terrorist financing activities. However in light of SEPA transactions being outside the scope of TFTP, an EU system complementary to the TFTP should be considered in due course, as also suggested by the Commission in the EU Action Plan on terrorist financing (released at the beginning of February 2016).

While the Commission has made available funding to support Member States in the development of **rehabilitation programmes** inside and outside prisons, few Member States have presented applications for the first such call. These focus mainly on risk assessment methodology. Another call will be issued by the Commission in mid-2016 from which Member States could benefit.

Finally, **actions to counteract terrorist propaganda have increased** (e.g. through the work of the EU IRU at Europol and corresponding self-regulatory measures by internet service providers). But further effort is required to increase the volume of referrals made to social media platforms.

Detailed description of recent and planned CT/CVE related activities

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I. ENSURING THE SECURITY OF CITIZENS

1. PNR

Four and a half years after the proposal for a PNR-directive was submitted by the Commission, on 4 December 2015 the Council approved the compromise text agreed with the European Parliament on a directive on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime. The LIBE Committee endorsed the text on 10 December 2015. The directive will be voted on by the European Parliament in spring and will afterwards be submitted to the Council for adoption. Once adopted, Member States will have two years to bring into force the laws, regulations and administrative provisions necessary to comply with this directive. **Member States should speed up national implementation to be able to comply with the directive as soon as possible.**

Under the new directive, air carriers will be obliged to provide Member States' authorities with the PNR data for flights entering or departing from the EU. It will also allow, but not oblige, Member States to collect PNR data concerning (selected) intra-EU flights. Each Member State will be required to set up a so-called Passenger Information Unit (PIU), which will receive the PNR data from the air carriers. The Commission has supported several Member States in setting-up PIUs and is invited to support the remaining Member States.

2. Information sharing and operational cooperation

Information sharing was discussed at the informal JHA Ministers meeting on 25 January 2016 in The Hague. The Dutch Presidency organises a high level meeting on Countering Terrorist Travel on 1 March 2016 on the state of play in the detection and countering of terrorist travel and information exchange, to identify obstacles to effective information exchange and proposals for improvements.

– *Europol*

On 1 January 2016, Europol launched the **European Counter Terrorism Centre (ECTC)**. This is a platform through which Member States can increase information sharing and operational cooperation with regard to: the monitoring and investigation of foreign terrorist fighters; the trafficking of illegal firearms; and terrorist financing and the identification of additional lines of investigations. Member States can make use of Europol’s full range of capabilities in the area of organised and cyber-crime. The ECTC serves as an information hub for counter-terrorism for law enforcement authorities in EU Member States and beyond and provides operational support, coordination and expertise for Member States’ investigations, as well as a strategic support capability, including in tackling the use of social media for radicalisation purposes.

On 7 December 2015, at the request of the French authorities, the **Task Force Fraternité** was established at Europol, in long-term support of the respective investigative authorities. The overall mission of Task Force Fraternité is to support counter terrorism investigations in Europe in the wake of the terrorist attacks that occurred in Paris on 13 November 2015. More than 60 officers were assigned to the first response support activities (EMRT) from within Europol. Currently, 21 Europol officers are permanently working to directly support the Task Force ‘Fraternite’, which represents a ‘blueprint’ case of how the ECTC could be used in future. **So far, no additional posts** have been budgeted yet for the financial year 2016 for the establishment of the ECTC, including EU IRU and FIU.NET. In December 2015, Europol submitted a resource proposal for the ECTC to the European Commission.

Several Member States including Austria (support to Working Group Dumas), the United Kingdom, Germany, Spain and France have appointed additional staff in their Europol Liaison Bureaux supporting CT work (Joint Liaison Team for an enhanced cross-border investigation response). Task Force Fraternité, set up to support the investigations into the Paris attacks, is currently supported by 4 Seconded National Experts from France (3) and Spain (1). Member States are invited to **further increase secondments of counter terrorism staff** to support the work of the European Counter Terrorism Centre (ECTC) at Europol.

Considerable progress has been made by Member States to connect counter-terrorism authorities to the specific **SIENA counter-terrorism configuration**. While in early December 2015 only 15 EU MS were connected, 25 MS are now connected to the counter terrorism area in SIENA (the counter terrorism authorities of the remaining three MS are expected to join shortly). Six third parties followed by the end of January 2016. SIENA will be upgraded to "EU Confidential" in 2016 (planned for Q 3). It is envisaged that the **communication network of the Police Working Group on Terrorism (PWGT)**, at the level of 'EU Secret, will in the future be hosted by and integrated into Europol, thus providing for a complementary and coherent communication infrastructure of counter terrorism authorities across the EU.

Based on the technical and legal assessment of the Commission, Europol has started to work towards implementation of the Council Conclusions of 20 November 2015 "to enable Europol to **systematically cross-check the Europol databases against SIS II**" by introducing batch searches into SIS. Europol has reviewed its work plan for 2016 to improve access to large-scale databases including SIS II, VIS and Eurodac, and the need to address issues around interoperability of systems. Currently, Europol carries out manual checks in SIS II and use of the system is limited (only 741 searches in 2015, the first year of Europol's connectivity to the SIS II). In accordance with the SIS II legal instruments, Europol cannot enter alerts into SIS II and has no access to alerts with regard to missing persons or on refusal of entry to or stay in the territory of a Member State. Moreover, Europol cannot transfer the data contained in SIS II to any computer system for data collection and processing operated by or at Europol nor download or copy any part of SIS II.

SIS II should become an important source of information to complement existing criminal intelligence at Europol. For instance, data inserted in SIS II on a specific person or vehicle on the basis of Art. 36 of the SIS II Council Decision ("discrete checks") could give Europol information about the existence of another Member State currently investigating that particular target. The possibility for Europol to cross-check information obtained through its communication channels (especially from non-SIS Member States or Third Parties) against information available in the SIS II would help to support Europol's function as an EU information hub. In 2016, Europol plans to develop the capacity to perform regular batch searches in SIS II. This is especially important when it comes to cross-checking information received from non-Schengen countries.

Europol is not yet connected to the **Visa Information System (VIS)** nor to **Eurodac** (Europol plans to access this database via the Dutch National Access Point). Some time is needed to identify the optimal arrangements. In 2016, Europol will elaborate a business concept for cross-matching capabilities. Both VIS and Eurodac will be part of these considerations.

Member States' contributions to and use of Europol tools have strongly increased in 2015 compared to 2014. However, they still do not reflect the extent of the threat. For example, FP Travellers includes less than half of the estimated number of European Foreign Terrorist Fighters. Further improvements are necessary.

The **Europol Information System (EIS)** – as a reference system which is directly available to all Member States – now holds information concerning over 3,800 foreign fighters and related associates, including data contributed by third parties (mainly Interpol). In light of the Paris attacks in November 2015, the number of terrorism related subjects increased to in total over 7,700 meanwhile (i.e. the subjects more than doubled, considering that there were 3,732 subjects related to terrorism at the end of Q3 2015). There are now over 4,300 persons linked to terrorism in the EIS (including the above mentioned number of foreign fighters and associates). EIS queries by EU Member States increased by 63 % from 2014 (367,922) to 2015 (598,652). In 2014, only 18 FTF had been entered into the EIS by EU MS. At the end of January 2016, a total of 1,473 FTF had been entered into the EIS by EU MS. This is a strong increase, but it still does not reflect the full extent of the threat.

In **Focal Point (FP) ‘Travellers’**, there are now 18,572 person entities. Almost one year ago, there were only 3,600. From this overall number (which also includes associates etc.), there are now 4,714 verified travelling FTFs. From these 4,714 FTFs, EU Member States contributed 2,407 verified FTFs by the end of 2015 and have reported an additional 379 FTFs in 2016 (i.e. 2,786 FTFs in total). This represents an increase of 1,023 verified FTFs since the last CTC report in November 2015. The current status is based on a number of over 1,900 distinct contributions made by Member States and associated partners to date (one year ago, there were around 600 contributions). The figures for 2016 already suggest a strong increase compared to the same period last year. However, it should be noted that more than 90% of the contributions by EU Member States regarding verified FTFs in FP Travellers in 2015 originate from just 5 Member States..

Those Member States who do not yet contribute or who contribute to a much lesser extent to FP Travellers and other Europol FPs are encouraged to increase their contributions.

In the analysis **Focal Point (FP) ‘Hydra’** (Islamist terrorism), there are currently over 620,000 data entities, including 64,000 person entities (including suspects, associates etc. an increase over over 3,500 entities in 2015), and over 11,000 network related and organisation entities (over 300 more than at the beginning of 2015). This data is continuously updated in cooperation with Europol’s partners and is based on more than 12,800 contributions made to FP Hydra to date (12% increase on 2015). Member States have almost doubled their contributions to FP Hydra from 2014 to 2015 (increase from 543 to 1,031), the contribution of individuals to FP Hydra from Member States has almost tripled from 2014 to 2015 (1,589 to 4,398). . **It is advisable that Member States facilitate the association of Eurojust to FP Hydra to ensure that Eurojust can provide timely and efficient support to the investigations and prosecutions in the Member States.**

– *Prüm*

Through the Prüm (Council Decision 2008/615/JHA of 23 June 2008) data exchange mechanism, Member States allow each other mutual access to their forensic biometric databases (DNA, fingerprints) as well as to their vehicle registration data for law enforcement and counter-terrorism purposes. In January 2016, 22 Member States are operational with regard to DNA data (21 in late November 2015); 21 Member States are operational with regard to fingerprint data (up from 20); and 20 are operational concerning vehicle registration data (up from 18 in late November 2015). There has been a considerable increase in the number of Prüm connections among the 22 since the JHA Council meeting in December 2015 (seven new connections to exchange DNA data; 18 new connections to exchange fingerprint data). However, four Member States which are part of Prüm are not operational at all, and most Member States are still not taking full advantage of full inter-connectivity with regard to the three data types. This is mainly due to technical or organisational problems to be solved at national level.

– *Ensuring the interoperability of the relevant databases with regard to security checks*

A first discussion on interoperability of EU databases will take place in COSI on 2/3 March 2016. It will be important to define interoperability and the level of ambition, taking into account the increased threat and technological developments. In the context of the Smart Borders Package to be released in late March, the Commission plans to issue a communication on one aspect in particular - how the consultation of border and law enforcement IT systems can be made more effective. Interoperability will also be relevant in the update of the SIS II and Eurodac regulations.

– *Structured and multilateral approach for operational cooperation on CT threats*

COSI will have a first discussion on 2/3 March 2016 to examine the possibility to develop a methodology for a structured and multilateral approach for operational cooperation on countering terrorist threats.

– *Update of the Framework Decision on Combating Terrorism*

On 2 December 2015, the Commission tabled a proposal for a Directive on combating terrorism updating the existing Framework Decision 2002/475/JHA. The proposed Directive introduces an extended criminalisation framework covering criminal behaviour related to the foreign terrorist fighters phenomenon in line with the requirements of the UN Security Council Resolution 2178 (2014) and the Additional Protocol to the Council of Europe (CoE) Convention on the Prevention of Terrorism, signed on behalf of the EU on 22 October 2015. The transposition of the Protocol's provisions into EU law will pave the way to the final conclusion of the CoE Additional Protocol on behalf of the EU, subject to the consent of the European Parliament. Work on the proposed Directive is advancing steadily in the Working Party on Substantive Criminal Law with a view to reaching a General Approach of the Council in March 2016.

– *Update of the Council Framework Decision on ECRIS*

On 19 January 2016, the Commission adopted a proposal to amend and upgrade the European Criminal Records Information System (ECRIS) that has been established in 2012. The proposal aims to facilitate the exchange of criminal records of non-EU citizens in the EU. It will ensure that ECRIS, which is already widely used for exchange of criminal records of EU citizens, will be used to its full potential. A General Approach of the Council on the proposed Directive is expected in June 2016.

– *Eurojust*

While there has been a **significant increase** with regard to information exchange and operational cooperation in the context of Eurojust in 2015 compared to 2014, the **numbers still do not reflect the extent of the threat**.

The number of terrorism cases registered at Eurojust in 2015 (41 cases - of these 39 are operational cases, of which 18 on FTFs) has increased considerably compared to 2014 (14 cases of which 13 operational, of which 3 on FTFs). Eurojust organised in 2015 its first coordination centre (on FTFs) and 15 coordination meetings on operational terrorism cases (of which six on FTFs). The Agency continued to provide support to Joint Investigation Teams (JITs) in terrorism cases: two JITs in 2014 with four participating Member States and three JITs in 2015 with six participating Member States.

There was a significant increase in information submitted on prosecutions and convictions to Eurojust on the basis of Council Decision 2005/671/JHA. Information on ongoing prosecutions, for example, has increased more than three times (in 2014 there were 30 cases with such information, while in 2015 there were 104). Also, the number of concluded court proceedings on terrorist offences reported to Eurojust increased (from 180 in 2014 to 217 in 2015). The concluded court proceedings in 2015 concerned 513 individuals, 85 of which were female. **Member States are requested to continue increasing the exchange of information concerning terrorist offences with Eurojust and to transmit all such information on a regular basis and in a timely and systematic manner.**

As required by Council Decision 2005/671/JHA, the information exchanged with Eurojust needs to include information on all prosecutions and convictions for terrorist offences, as well as information on the specific circumstances surrounding those offences, links to other relevant cases, MLA requests and information on the execution of such requests. As a result, Member States would benefit more from Eurojust's capabilities to detect links between cases, as well as from Eurojust's continuing efforts to centralise and analyse challenges and best practice related to prosecutions for terrorist offences shared with the Member States, in particular via the Eurojust Terrorism Convictions Monitors (TCM) and Eurojust's contributions to the annual EU Terrorism Situation and Trend Report (TE-SAT). A new issue of the TCM will be issued in early March 2016. The Eurojust's contribution to the TE-SAT 2016 was submitted at the end of February 2016. Both the TCM and TE-SAT continued to also monitor developments in national legislation on terrorism.

Eurojust issued its **third classified report "Foreign Terrorist Fighters: Eurojust's Views on the Phenomenon and the Criminal Justice Response"** in November 2015. It analyses different national perspectives on the criminal justice response to foreign terrorist fighters as well as lessons learned from FTF investigations and prosecutions. A summary of the main findings of this report was approved by the College on 16 February and was issued as a Eurojust LIMITED document on 16 February.

The 10th meeting of the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States on 11 December 2015 reached conclusions (doc. 5930/14) on three main topics, including counter-terrorism. On 25 November 2015, Eurojust hosted a meeting devoted to the establishment of a Judicial Cybercrime Network at which the experts agreed on the need to set up such a specialised network supported by Eurojust.

The **ECTC** should cooperate closely with Eurojust to make full use of Eurojust's coordination tools and its long experience in casework, as well as its network of national correspondents for Eurojust for terrorism matters appointed in the Member States, Norway, Switzerland and USA.

3. External border controls

– *Targeted revision of the Schengen Borders Code*

In line with the mandates given by the JHA Council in November 2015 and by the European Council in December 2015, the relevant Council Working Party and JHA Counsellors have been examining as a matter of priority the Commission's proposal for a targeted **amendment of the Schengen Borders Code (tabled on 15 December 2015)**.

The main aspect of this proposal is to introduce **mandatory systematic checks at external land, sea and air borders** with regards to Union citizens and other persons enjoying the right of free movement, who would be checked systematically against relevant databases. The systematic checks of Union citizens in the databases are done on a "hit/no hit" basis, using the databases in such way that personal data rights are only impacted to a very limited extent justified by the security objectives. The general approach to the compromise text of the Presidency was reached at the JHA Council on 25 February 2016.

– *Solid legal basis for the contribution of Frontex to the fight against terrorism and organised crime and access to the relevant databases*

On 15 December 2015, the Commission presented the proposal for a regulation on the European Border and Coast Guard (which can be understood as significant reinforcement of the mandate of Frontex and renaming the Agency). The draft, which is currently being discussed by the Council, includes provisions enabling the Agency to cover aspects of cross-border crime and terrorism in its risk analysis, by enabling it to process personal data of persons suspected to be involved in acts of terrorism and by providing that the Agency cooperates with other Union Agencies and international organisations on the prevention of cross-border crime and terrorism. As regards access to national databases and European databases, the draft Regulation provides for an obligation for Member States to allow access to members of the European Border and Coast Guard Teams to such databases. In the explanatory memorandum, the Commission stated that it would explore the possibility of giving the Agency access to European databases, such as SIS and would consider presenting proposals to modify the legal acts, if necessary, on which these databases are based.

– *Feeding and use of the SIS II*

Effective use the Schengen Information System II (SIS II) includes **systematic sharing of all relevant data under article 36 (2) and (3)** as well as ensuring data quality standards. There has been a significant increase in the use of alerts and hits in the SIS under Art. 36 (2) and (3) during the past 12 months and more than half of the EU MS made use of the immediate reporting mechanism.

	31 December 2014	31 December 2015
Number of alerts on persons for discreet or specific checks (Art. 36 (2))	44,669 alerts	61,575 alerts
Number of alerts on persons for discreet or specific checks for national security purposes (Art. 36 (3))	1,859 alerts	7,945 alerts
Number of alerts on persons for discreet or specific checks under Art. 36 (2) and (3) with the requirement for immediate reporting	- This functionality was implemented in February 2015.	5,189 alerts (entered by 21 EU MS)

The frequency in using SIS II heavily varies among Member States and Member States apply different standards in the use of SIS II in the fight against terrorism (see doc. 5722/16 EU RESTRICTED). Moreover, **it is not possible to distinguish how many alerts concern FTF/terrorists**. FTF/terrorists may also appear under other alert categories such as alerts for arrest or refusal of entry. Difficulties include: the incompatibility of alerts under Art. 26 SIS II (in case a European Arrest Warrant has been issued for a FTF) and Art. 36 SIS II; lack of uniform use of the SIS II by Member States with regard to FTF; a lack of information related to an alert; difficulties in hold persons at the scene in case of a discreet check; a lack of procedures in case of a hit with regard to a person with invalid travel documents; and lack of systematic entry of all FTF into the SIS II by all Member States.

Not all previous recommendations by the SIS/SIRENE working party have been implemented by all Member States. Suggestions by Member States include the establishment of a specific form for foreign fighters/terrorism, more uniform rules for creating Art. 36 alerts with regard to FTFs, analysis of the SIS II information at Europol.

The Commission should be invited (a) to follow up on issues such as common data quality standards of the alerts based on the discussions held in the SIS/VIS Committee, the Working Party for "Schengen Matters" (SIS/SIRENE) as well as during the Terrorism Working Party (TWP) meeting that will be organized on 8 March 2016 with the participation of SIS/SIRENE experts, **and (b) to facilitate practical guidance for Member States.**

Solutions may include introducing a specific new article in the SIS II for terrorism offenses, or agreement on the use of one existing article for terrorist offenses in order to distinguish alerts for terrorism and other crime related offenses. Combined with common criteria and standards for entering FTF alerts, including possibly a new form, this would allow a more uniform use of the SIS II with regard to FTF and other terrorist suspects. Based on these standards, training (particularly for end users) will be important and should be organized by all Member States with the support of CEPOL. The Commission should be invited to develop these standards and present them together with its report/study on the implementation of SIS II that is envisaged for April 2016. Moreover, in view of the new legislative proposals for SIS II that are envisaged by the end of 2016, **a uniform common approach should be established regarding the creation of alerts and its contents.**

– *SIS II biometrics*

While there are 90 000 fingerprints in the SIS II system, there is **no search possibility yet**. Access to photographs and fingerprints is possible only to confirm an identity in case of doubts (Art. 22(b) of both pertinent SIS II legal instruments¹). The current legal instruments already allow the use of fingerprints, as biometric identifier, to identify a person (biometric search function for fingerprints), as soon as it becomes technically feasible. The Commission presented a report on the technology on 29 February 2016 and has to consult the EP (Art. 22(c)²).

¹ Regulation (EC) No 1987/2006 on the establishment, operation and use of the second generation Schengen Information system, OJ L 381, 28.12.2006, p. 4, and Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information system, OJ L 205, 7.8.2007, p. 63.

– *Use of Interpol databases*

The Council Conclusions of 20 November required electronic connection to the relevant Interpol databases at all external border crossing points and automatic screening of travel documents by March 2016. However, **at least two Member States have still not established electronic connection to Interpol tools on all their external border crossings** (air, land, sea). Several Member States are still manually updating the Stolen and Lost Travel Documents (SLTD) database which results in delays in the update and is human resource intensive, if conducted in a systematic way. A number of Member States still do not carry out automatic screening of the SLTD database.

The number of SLTD searches of all Member States increased from 280,749,717 in 2014 to 360,359,191 in 2015. Nevertheless, data quality is an increasing concern and should be further enhanced by Member States with support of the Interpol General Secretariat (e.g. revoking every lost or stolen travel document by the respective Member State who issued the passport). In addition, **public awareness raising** is necessary to demonstrate that a lost or stolen passport can be used by criminals or terrorists, including foreign terrorist fighters, to travel under false identity inside the EU. The Commission should be invited to support Member States efforts in ensuring data quality and promoting public awareness, in close cooperation with Interpol.

– *Implementation of the common risk indicators (CRI)*

The operational plans of respective joint operations (JO) coordinated by Frontex have been amended and contains instructions for the identification of foreign terrorist fighters through cross-checking with the relevant databases, using the Common Risk Indicators. It requires the referral of potential subjects of interest for detailed second line screening and if necessary foresees onward referral to the national intelligence services. Such cases should also be reported to Frontex along with information concerning how the suspect matched the CRIs, or displayed new indicators, which may prove worthy of further dissemination.

As requested by the Commission and the Council, Frontex supports the Member States with the implementation of the CRIs as part of all operations that are conducted at border crossing points (BCPs). Frontex has included this operational objective and related reporting as a distinct activity within all land and air operations taking place at BCPs.

The planning of Frontex-coordinated BCP operations at sea borders takes place later in 2016. Reporting on detections of suspicious travel by FTFs is centralized within Risk Analysis Unit and thus separated from regular operational reporting.

Frontex received the CRIs and is promoting it as well as the handbook “Operationalisation of Common Risk Indicators” among guest officers and seconded guest officers in advance of their deployment in JO. The handbook will be updated with information made available by Europol and those collected during Frontex-coordinated JO.

The entry into force of the targeted amendment of the Schengen Borders Code will influence the use of CRI. According to the proposal, the rule for all travelers crossing the external borders (Third country nationals and EU citizens) will be the systematic check against relevant databases, subject to derogations for land and sea borders and transitional period of 6 months since the entry into force of the regulation for air borders. CRI will remain relevant for the border crossing points subject to derogations/benefiting from this transitional period.

– *Implementation of the security aspects of the hotspots/Frontex*

On 10 February 2015, the Commission published a comprehensive Communication² on the hotspot implementation in Italy and Greece and expressed recommendations.

The objective is to have all arriving migrants fingerprinted and checked in the hotspots. Efforts are being carried out, in order to solve the main issues relating to the lacking infrastructure (e.g. high speed internet connections that are necessary to upload and check against all databases; infrastructures and services provided) as well as human resources (e.g. coordinators) from the host government in hotspots. The ratio of fingerprinting has increased, but fingerprints are still not systematically uploaded and checked against all databases.

Current CT-related situation in **Italy** as concerns the hotspot approach implementation:

- Frontex tailored support package to Italy in the field of identification, registration, document checks, debriefing and return (deployment of 25 Frontex officers).

² COM(2016) 85 final on 'a State of Play on the Implementation of the Priority Actions under the European Agenda on Migration', 10.02.2016

- Fingerprinting rates reported by the Italian authorities, the IOM and Frontex have almost reached 100% in recent disembarkations in operational hotspots (87% overall by January 2016)³.
- Fingerprints are checked against national AFIS and transmitted to the Eurodac Central System.
- Frontex supports document checks during the identification procedure and in case of doubt, Frontex officers refer the respective suspicious document to the Italian authorities that perform an in depth check.
- Debriefing activities are well implemented and integrated in Italy and serve risk analysis purposes and further processing for transmission to Europol.

Cooperation with Europol is done by the Italian authorities via the Europol National Unit since Frontex as a Third Operational Partner is not part of EIS user community. Direct cooperation with Interpol has not yet been established in the hotspots.

Challenges include the limited capacity of the hotspots which hampers the time available for the full identification, registration and security checks. The secondment of **additional experts from Member States should be considered to allow systematic cross-checks**. Planning for the establishment of a mobile Hotspot team, covering other disembarkation ports, is underway.

Current CT-related situation in **Greece** as concerns the hotspot approach implementation:

- Currently, only 2 out of 5 planned hotspots are fully operational (Lesvos and Chios).
- Still not all fingerprints are directly checked against Eurodac.
- The registration application that is installed on the fingerprint workstations was adapted in order for the end-users to be able to use the search option for the SIS II and Interpol SLTD databases in addition to the national database in one click, based on the name provided.
- **In several hotspots there are still no security screenings in place.**

Overall cooperation with Europol is done by the Greek authorities via the Europol National Unit.

³ Annex 3 to Commission Communication COM(2016) 85 final, on 10 February 2016.

– *Management of the migration crisis via the IPCR - Security and hotspots*

Since the full activation of the EU Integrated Political Crisis Response (IPCR) arrangements on 9 November 2015, the Presidency has chaired several IPCR roundtable meetings which have examined the main shortcomings and possible solutions to the current migration and refugee crisis. Proposals supporting Council decision making have been developed.

Meetings are organised around central topics, including hotspots. The setting-up and proper functioning of the hotspots, including security checks, has been a priority topic for the Presidency. A dedicated IPCR roundtable meeting took place on 18 November 2015, in the presence notably of Italy, Greece, Europol and Frontex. A common understanding was reached on the need to frontload the security at the hotspots, to address the gaps in available EURODAC stations to ensure proper registration and fingerprinting, to facilitate the deployment of National Liaison Officers at the hotspots to work with Frontex and Europol, and to ensure the systematic checks against several databases (SIS II, EIS, national police system, VIS and SLTD) complemented as necessary by other instruments such as PRÚM and FADO⁴. The Presidency suggested the quick development of a solution for allowing the exchange of fingerprints between Member States, and to accelerate the finalisation of the agreement between Frontex and Europol for the exchange of data (achieved in the meantime). The discussion was followed-up at a subsequent meeting in December to track progress in the setting-up of the hotspots.

Efforts are being made to address the issue of **forged documents**, notably through the development by Greece of new temporary identification document with enhanced security features, and the deployment of advanced document officers in Italy and Greece. The example of the Border Support Team deployed by the Netherlands integrated into Frontex-coordinated operations for a period of six months is noteworthy. It is composed of a fully equipped multi-disciplinary team of 45 persons (marine police, military police, coast guard, document experts, etc.) able to address all aspects of border security and has started implementing the basic security checks.

⁴ FADO (False and Authentic Documents Online) is a classified restricted system for the exchange of information between document experts on travel and identity documents, established pursuant to Council Joint Action 98/700/JHA. Part of the information on authentic documents contained in FADO is released to the public via the PRADO system. PRADO contains technical descriptions, including descriptions of the most important security features, of travel and identity documents. This information is made available on a website of the Council of the European Union.

– **Cooperation Frontex-Europol-Eurojust / security checks with regard to migrants**

There have been significant developments in regards to the operational cooperation between Frontex and Europol. A new **Operational Agreement** between the Agencies was signed on 4 December 2015 to increase cooperation in combatting cross-border criminal activities by exchanging information, including personal data of suspected criminals, and by jointly planning operational activities. On 17 December 2015 the Frontex Management Board adopted Implementing Measures for processing personal data, which outline the conditions under which Frontex may process personal data collected by Member States during or in the context of Frontex Joint Operations, Rapid Interventions and Pilot Projects. In 2016, Frontex has launched a Pilot Exercise for the processing of personal data and the further transmission to Europol. At present a pilot project is taking place within JO Triton to work out the detailed modalities of the PeDRA system, which will handle personal data. Thereafter the EDPS will have to give its final green light before the sharing of personal data between Europol and Frontex can be systematic.

It is important that information obtained by Frontex can be shared not only with Europol, but also with the relevant national authorities of Member States. However under the provisions of Art. 11c of the current regulation, this is not possible. Neither can Frontex receive nor use personal data from third countries related to crime and terrorism. Frontex does not yet have access to **SIS II**. Such **access would be important for risk analysis and detecting suspicious travel as well as entering information**, with particular reference to the operational activities in the hotspots and in the Western Balkan area. Frontex would also need access to the smart borders database in the future.

To support the EU's response to the migration crisis, **Europol** officers have been deployed on a rotating basis to the premises made available by Frontex in the EU Regional Task Force (EU RTF) offices established in Catania/Italy and Piraeus/Greece, allowing Frontex and Europol to coordinate the support to front-line Member States and to make the best possible use of relevant information collected in the hotspots.

National prosecutors in Italy and Greece have been appointed as **Eurojust** contact points to support the Hotspot locations and to channel relevant information and cases to Eurojust's National Desks for judicial follow-up and coordination at EU level.

4. Firearms and explosives

On 8 April 2016, the implementing regulation on common minimum standards for deactivation of firearms will enter into force. The Council and the Commission should be invited to follow-up this and ensure that the deadline will be met. Based on the proposal presented by the Commission on 18 November 2015 to update the firearms directive 91/477 of 18 June 1991, discussions are ongoing in the Council in view of agreeing a common approach.

On 2 December 2015, the Commission issued an **EU action plan against illicit trafficking in and use of firearms and explosives**. The Action Plan will support the legal package through a handbook for tracking and tracing illegal firearms, the possible prohibition of cash payments in the context of private sales or acquisition of firearms and ammunition and an evaluation of the modalities for a system to exchange information on the intra-EU movements of firearms. The Action Plan also called for the full implementation of the Regulation on explosives precursors, and a revision of it in 2016, as well as better using existing tools, and innovative detection methods to address explosives threats. The Commission is supporting initiatives under the Action Plan via the Internal Security Fund.

Operational cooperation in tackling firearms through Europol under the **EU Policy Cycle on serious and organised crime**, notably within the Operational Action Plan Firearms remains key. During 2015, the number of Member States participating in the firearms priority under the EU Policy Cycle increased from 13 to 20. The increased use of **Focal Point (FP) Firearms** is significant. Since the opening of FP Firearms in January 2014, it has, to date, received over 3.500 contributions, relating to around 663 investigative cases, involving over 42.000 firearms, over 29.560 individuals and around 3.340 (suspicious) companies. FP Firearms has received 2.072 contributions in 2015, accounting for 59% of the overall amount of contributions received (3.507), an increase of 51% over 2014 (from 1.370 in 2014 to 2.072 by the end of 2015, in total 3.442 by the end of 2015 - now 3.507 contributions).

Frontex has increased its engagement in six operational actions, with a special focus on the Western Balkans and is playing an important role against firearms trafficking at the EU's external borders. Eurosur Fusion Services have been made available to EMPACT action leaders with the aim of facilitating the fight against cross-border trafficking of firearms. The testing phase for the new firearms related crime indicators has been started with Western Balkan countries within the framework of the regional Western Balkans Risk Analysis Network (WB-RAN), managed by Frontex. It aims at data collection on detections of illegal firearms at the borders. After the pilot phase, an assessment will be made during the second half of 2016 for possible consolidation of the new data exchange model, which will contribute to tailor better the operational response. Frontex took part in the Joint Action Days (JADs) organized under Blue Amber Operation in 2015 aimed at tackling firearms trafficking and will continue its support for JADs in 2016 by means of multi-purpose Joint Operations, especially in the Western Balkan area.

COSI agreed to generate an overview of all actions with regard to illegal firearms.

5. Security Services

Under the leadership of the Dutch Presidency to further step up cooperation of the security services outside of the EU context, the Counter Terrorism Group (CTG) is working to strengthen real-time multilateral exchanges, and aims to launch a new platform to facilitate this by mid-2016. The President of the CTG briefed the informal JHA Council of 25 January 2016 on the planned measures.

In addition to the significant cooperation already undertaken by the Member States a meeting of European government authorities⁵ was held in Paris on February 1 2016, at the initiative of the French National Intelligence Coordinator, under the aegis of Minister of Interior, Bernard Cazeneuve, with the participation of the EU CTC.

⁵ Austria, Belgium, Denmark, Federal Republic of Germany, France, Italy, Ireland, Netherlands, Norway, Poland, Spain, Sweden, United-Kingdom.

6. Countering the financing of terrorism

On 2 February 2016, the Commission issued an **Action Plan** to strengthen the fight against the financing of terrorism, containing a total of 20 measures to be taken, including proposals for legislative acts and non-legislative action. On 12 February 2016, the **ECOFIN Council adopted conclusions** welcoming the action plan, in particular the amendments to the anti-money laundering directive and the accelerated implementation of United Nations' freezing measures. Member States were urged to accelerate the transposition of the anti-money laundering directive. The Council called for the establishment of an EU platform on persons and entities with regard to whom individual Member States have imposed terrorism-related asset freezes under their national legislation.

The 4th **Anti-Money Laundering Directive (AMLD)** adopted on 20 May 2015 needs to be legally implemented on national level by the end of 2016 at the latest. The Commission will present a legislative proposal to amend the 4th AMLD in respect of: harmonised enhanced due diligence measures and/or potentially countermeasures with regards to high-risk third countries, virtual currency exchange platforms, prepaid instruments, access by Financial Intelligence Units (FIU) and other competent authorities to centralised bank and payment account registers or electronic data retrieval systems, and improving the access to and exchange of information by FIUs. The Commission also announced to soon present an EU Action Plan to tackle illicit financial flows related to wildlife trafficking.

United Nations Security Council Resolution 2253 was adopted on 17 December 2015 to strengthen action against terrorist financing, particularly against DAESH. It encourages enhanced engagement with the private sector. Member States and Europol should further enhance their engagement with the private sector to effectively combat terrorist financing at the operational level.

– *EU-US TFTP*

To date, more than 16,700 intelligence leads have been provided by the TFTP since it came into force in 2010. Since January 2015 up to the end of January 2016, 50 contributions were submitted by the US authorities and 160 requests were sent by Member States and Europol, generating a total of over 9,400 intelligence leads in of relevance to 28 MS. This includes close to 100 exchanges within TFTP concerning travelling fighters (Syria/Iraq/IS), leading to over 2,900 leads specific to this phenomenon (of relevance to 27 MS). The TFTP also supported the investigations into the November 2015 terrorist attacks, generating close to 800 leads. From an overall perspective, the TFTP has proven to be a valuable tool in counter terrorism investigations: it enhances the ability to map out terrorist networks, often filling in missing links in an investigative chain.

Article 4 of the EU-US TFTP Agreement excludes financial transaction data related to the Single European Payments Area (SEPA) from the scope of the TFTP (financial transactions denominated in Euro of all EU Member States, plus Iceland, Norway, Liechtenstein, Switzerland, Monaco and San Marino). The 2013 impact assessment concluded that a tracking system within the SEPA was not proportional and of limited added value.

Since February 2014, all Euro countries had to replace all Euro credit transfers and direct debits by SEPA related transactions within the Euro area. Transitional exemptions in EU Member States ceased in February 2016. By the end of October 2016, all non-EU SEPA countries are planned to comply with the SEPA framework. Against this background, TFTP does not provide a tool to trace terrorist (financing) activities within and across SEPA countries for SEPA transactions which are excluded by the scope of Article 4 of the EU-US TFTP Agreement. This implies, in particular, an information gap to identify contextual information on foreign terrorist fighters and their associates within SEPA countries, thus decreasing opportunities to detect and disrupt terrorist (support) networks, including the related financing activities. The integration of the Financial Intelligence Unit (FIU) network into Europol in 2016 will not fill the information gap, given that the approach of the TFTP is not part of the working methods of the FIU network. The Commission's EU Action Plan to strengthen the fight against terrorist financing, released on 2 February 2016, mentions that the Commission will explore the need for a complementary system to the EU-US TFTP Agreement by Q4 2016.

– ***FIU.net***

FIU.net was embedded into Europol (ECTC) on 1 January 2016. Currently, Europol hosts the platform but there is no interconnection between FIU.net and Europol’s databases. FIU.net gives national FIUs the possibility to communicate and cross-check data “FIU to FIU” in real time. In 2016 the focus is on completing the integration of FIU.net into Europol in terms of governance and technology. In this context, it is important to preserve the characteristics and technology of the Match3 database.

7. Network and Information Security (NIS) Directive

On 7 December 2015, the Luxembourg Presidency reached an informal agreement with the European Parliament on common rules to strengthen network and information security across the EU. The new directive will set out cybersecurity obligations for operators of essential services and digital service providers. These operators will be required to take measures to manage cyber risks and report major security incidents, but the two categories will be subject to different regimes. In the coming months, the Dutch Presidency is planning to organise meetings linked to the establishment of the CSIRT Network (an operational cooperation network).

8. E-evidence

Internet communication channels and multiple social media, including encryption based technologies are widely used *modus operandi* for terrorist purposes. The Luxemburg Presidency launched a broad policy debate within the Council on the issues relating to the retrieval and use of electronic evidence in criminal proceedings, such as the efficiency of the existing MLA framework, the effect of the invalidation of the Directive 2006/24/ EC (Data Retention Directive) by the European Court of Justice, cloud computing and jurisdiction, cooperation with service providers and with US authorities, in particular, as well as the need to ensure respect for fundamental rights in this field. Based on operational and practical experiences, a joint Eurojust-Europol paper (doc. 14812/15) presented *Common Challenges in Combating Cybercrime* and possible approaches to address such challenges from the law enforcement and prosecution viewpoint.

Discussion on these issues is taken further by the Netherlands Presidency focusing in particular on how to ensure effective MLA processes, how to define a common approach concerning for example the applicable jurisdiction rules where the location of the data or the origin of a cyber attack is not known, and how to establish a common framework for cooperation with the private sector, in particular with the foreign internet service providers. Following the discussion at the Informal meeting of the Ministers of Justice and Home Affairs (25- 26 January 2016, Amsterdam), further expertise on these issues will be sought at the Presidency Conference on Jurisdiction in Cyberspace of 7-8 March 2016. The outcomes of this Conference will be on the agenda of the JHA Council in June 2016.

II. PREVENTING RADICALISATION AND SAFEGUARDING VALUES

1. Prevent - general

The Dutch Presidency organised the conference "Think globally, act locally: A comprehensive approach to countering radicalisation and violent extremism" on 1-2 February 2016 in Amsterdam to discuss the importance of local actors in the EU-wide CT effort and of personalised approaches to counter radicalisation, including a focus on gender aspects and attention for returnees. Enhancing local capacities to deal with radicalisation through multi-agency structures will be furthermore addressed by the new Radicalisation Awareness Network (RAN) Working Group LOCAL. This working group serves as a basis to interact with other relevant initiatives.

– Radicalization Awareness Network (RAN) Centre of Excellence

The Commission earmarked up to EUR 25 million between 2014-2017 for the Radicalization Awareness Network (RAN) Centre of Excellence established on 1 October 2015. The new centre has already started its operations including a study visit to prisons in Paris and Vught (NL) and on the German approach to combating right-wing violent extremism. Meetings have addressed how to identify and deal with lone actors or how to involve mental health practitioners in exit strategies. The working groups on "Education", "Prison and Probation", "Police and Law Enforcement", "Youth, Families and Communities", "Communication and Narratives", "Local Authorities", "Remembrance of Victims of Terrorism" as well as "Health and Social Care" have also met. Further meetings and working groups are scheduled for the upcoming weeks.

The RAN Centre of Excellence encourages academics and practitioners to be involved in its activities. To grow the constituency of the recently launched working group RAN Local, as well as RAN Health and Social Care, practitioners particularly from East and South Europe are invited to apply. National authorities can apply for tailor-made RAN support (trainings, workshops and advice) in their Member State, funded entirely by the Commission – a RAN CoE workshop on helplines in Vienna and a RAN Train-the-trainer workshop in Athens have already taken place. The Commission is exploring to involve RAN in activities with key Third States, focusing on the Middle East and North Africa (MENA) region, the Western Balkans and Turkey.

2. Internet

– *EU Internet Referral Unit (IRU)*

The EU has maintained its focus on combatting radicalisation online. The EU IRU at Europol, which is now part of the ECTC, has identified 3,351 items of potentially violent/extremist content, triggering 2,037 referrals and 1,793 removals. The referral success rate is 88%. Pro-active engagement with internet service providers continues. Since its establishment on 1 July 2015, 144 contributions from 26 Member States have been received. **In order for EU IRU to be successful, Member States need to work closely with the IRU so that it can increase the volume of referrals.** Four Member States have not yet appointed an IRU national contact point and should do so as soon as possible. The delivery of the EU IRU capabilities depends heavily on resources. The aim of the Unit is to reach the staffing capability that is agreed and projected in its Blueprint. In 2016, the IRU will develop a centralised concept for social media monitoring, develop the EU IRU capabilities to ‘decipher’ the functions of jihadist networks across social media, further develop the relationship with the private sector, including “Joint Action Days”, contribute actively to the EU Internet Forum, develop a dedicated Europol Platform of Experts (EPE) in order to structure and facilitate contacts with the academia and research centres.

– *EU Internet Forum*

On 3 December 2015, the Commission hosted the first Ministerial-level meeting of the EU Internet Forum between JHA Ministers and senior representatives from the world's leading social media companies. Participants agreed that DAESH and other extremist groups were exploiting the internet to spread propaganda, seek new recruits, and to encourage acts of violence. They also agreed on the importance of having effective mechanisms in place between Government and industry to remove terrorist content promptly, and to promote effective counter narratives. Ministers also confirmed on 3 December that actions should be taken to establish an EU-level Dialogue with the industry on hate speech online. This EU Dialogue, when appropriate, would use the umbrella of the EU IT Forum in full synergy with work done on tackling terrorism.

The Forum met again in Brussels on 22 January 2016 to discuss a roadmap for concrete action in 2016. The roadmap and its priorities are being developed based on input from all stakeholders, covering the objectives discussed at the launch event including measures addressing hate speech online and how to effectively improve the removal of harmful content.

– *Syria Strategic Communication Advisory Team (SSCAT)*

The SSCAT organized its first training session for experts from 20 Member States and representatives of the Commission and EEAS in December 2015. During the training, Facebook, Twitter and YouTube provided the network with practical advice to give the participants insight into the respective platforms' potential to maximise online campaigning. Moreover, Al Jazeera presented their web documentary, Life on Hold. The objective was to bring private sector expertise to the SSCAT network especially regarding latest technology, digital storytelling techniques and the editorial process.

Under the current project, SSCAT's collaboration with RICU, UK Home Office, will be continued until June 2016. For this period, the advisory team has been upgraded to include a senior creative director who can better respond to specific creative requests from Member State clients. To date, 13 Member States have engaged the SSCAT advisory service. The next SSCAT Network Meeting will be held in Brussels on 16th March 2016 and a conference will be organized in June 2016. The arrangements for the continuation of the project beyond mid-2016 are currently being finalized with the Commission.

3. Criminal Justice response to radicalisation

Following the high-level conference on criminal justice response to radicalisation on 19 October 2015, the Council adopted the Council Conclusions of 20 November 2015 on enhancing the criminal justice response to radicalization leading to terrorism and violent extremism. The Commission has taken the following first steps to implement the conclusions.

Upon the Commission's request, the European Judicial Training Network (EJTN) adjusted its budget for 2015 and 2016 and has organized between October 2015 and March 2016 four 1.5 day trainings on the judicial aspects of counter-terrorism and prevention of radicalization. The programme is carried out in cooperation with the judicial academies of France, Spain, Germany and Belgium and is open to judges and prosecutors from the 28 EU MS where participation of 240 judges/prosecutors/judicial trainers is expected. 54 specialized and non-specialized judges and prosecutors are participating in exchanges which last an average of 3 days and are being held in seven EU MS (IT, FR, UK, BE, SE, ES, DE). To conclude and wrap up the judicial training activities requested by the Commission, there will be a final conference on 20 May 2016 with the participation of Commissioner Jourova in Brussels and a particular focus on training for prison staff on de-radicalisation.

Project funding under the Justice Programme in 2015 and 2016 has also been earmarked: EUR 1.5 million has been earmarked for a 2015 judicial training call for proposals (JUST/2015/JTRA/AG/EJTR) under the priorities "Judicial aspects of the fight against terrorism and organised crime" and "Prevention of radicalisation in detention". Evaluation is still ongoing.

EUR 1 million has been earmarked for a 2015 judicial cooperation call for proposals (JUST/2015/JCOO/AG) under the priority "to fight terrorism by preventing radicalisation". The call was published in November 2015 and closed in January 2016. The priorities included: (1) Prevention of radicalisation in prisons, including rehabilitation programmes; (2) Promotion of alternatives to detention and exploration of the role of probation at EU level in the fight against radicalization, including rehabilitation programmes; (3) Development of risk assessment methodologies; and (4) The role of juvenile justice systems in the counter-terrorism context. The Commission has only received few applications, which are currently being evaluated.

The Annual Work Programme 2016 of the Justice programme (which has not yet been adopted) contains a call for proposals for action grants to support projects with the aim to prevent radicalisation leading to terrorism and violent extremism for an amount of EUR 4 million. The call will be published mid 2016, priorities will be to support implementation of the Council Conclusions on the criminal justice response of 20 November 2015.

The Commission is cooperating with Eurojust on the Terrorism Conviction Monitor (TCM) regarding the applicable legislative framework and relevant jurisprudence in the Member States on terrorism and violent radicalisation, including the use of alternatives to prosecution and to detention. The Commission works with the European Confederation for Probation (CEP) and EuroPris, both funded by operating grants under the Justice Programme, to involve them in specific training of prison and probation staff. EuroPris organised an Experts' Group on Radicalisation on 24-25 November 2015. On 26 April 2016 the Criminal Justice Platform (EuroPris, CEP and European Forum for Restorative Justice) will organise a conference on Radicalisation and Violent Extremism in Barcelona. The Commission is also liaising with Council of Europe: the Working Group for Penological Cooperation (PC-CP) is working on a Handbook on radicalisation for prison staff. In 2016, DG JUST will provide a direct grant to the Council of Europe for the development of the SPACE Statistics and for the setting up of a Network of prison monitoring bodies (EU NPM network) in the MS. This will allow gathering data on the extent of the issue of radicalisation in the MS.

The RAN Prison & Probation Group will also be involved in the implementation of the Conclusions of 20 November 2015.

4. Prevent radicalisation through education, promoting tolerance and combating discrimination, racism and xenophobia

– Education

The Commission is envisaging concrete **initiatives in the field of education, youth, culture and sport to prevent radicalization**. Flagship projects as well as dedicated calls within the Erasmus + (400 m Euro until 2020) are foreseen. The objectives of the Paris declaration of education ministers of 17 March 2015 have been given priority for the Erasmus+ funding as from 2016 already.

– *Combating racism and xenophobia*

The Commission, in its role as Guardian of the Treaties, has since December 2015 launched inquiries over the transposition and implementation of Framework Decision 2008/916/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law in a number of Member States, with a view to launching infringement proceedings where necessary.

At the same time, action is being stepped up in order to assist Member States in **developing proactive investigation and prosecution practices**, including the setting up in 2016 of a new EU high level working group on combating racism, xenophobia and other forms of intolerance as a platform to facilitate best practice exchange, develop guidance for Member States and step up cooperation with relevant actors, including civil society. Preventing and combating all forms of intolerance remain a funding priority under the Rights, Equality and Citizenship programme, and funding will be further prioritised in 2016 to support specific training of public officials and encourage monitoring, reporting and recording of incidents of hate crime and hate speech.

Furthermore, as a direct follow up to the **First Annual Colloquium on Fundamental Rights** held on 1-2 October 2015, the Commission has appointed Ms Katharina von Schnurbein, as coordinator on combating antisemitism and Mr David Friggieri, as coordinator on combating anti-Muslim hatred. The key tasks of the two coordinators will be to bring the concerns of the respective communities to the attention of the political level of the Commission, and help coordinate efforts across services in the context of the Commission's overarching policy on racism, xenophobia and other forms of intolerance. The coordinators will liaise with the Member States, the European Parliament, other institutions and relevant civil society organisations.

– *Addressing the spread of online hate speech inciting to violence and hatred*

An **EU Dialogue with IT companies, Member States and civil society actors on hate speech online** was initiated as a follow-up to the first Annual Colloquium on Fundamental Rights held on 1-2 October 2015. The purpose of this EU Dialogue is to examine avenues to enhance the development of counter-narratives, overcome the current challenges to improve the reporting systems in place and ensure prompt removal of illegal hate speech inciting to violence, discuss the role of "trusted reporters" and civil society in detecting and notifying online hate speech and well as increase of transparency in the application of notice and take down procedures.

The work on online hate speech ties in with the Digital Single Market Strategy launched in May 2015. In this context, in terms of Regulatory response, a public consultation on platforms and illegal content was closed on 30 December 2015 examining *inter alia*, the scope of the liability exemption in the e-commerce Directive, notice and action procedures and duty of care. The Audiovisual Media Service Directive which contains rules prohibiting broadcasts containing hate speech is also being revised, notably to examine the effectiveness of the Directive in the converged media landscape.

– *Communication toolbox on communicating respect, tolerance and non-discrimination in the EU*

In December 2015, the EU Agency for Fundamental Rights (FRA) and the Federal Ministry of the Interior of the Republic of Austria jointly organized a workshop in Vienna on the development of a toolbox of best practices on communicating respect, tolerance and non-discrimination in the EU. Participants included representatives from EU institutions, national and local authorities, and communication experts specialising in combating racism, de-radicalisation, and fostering tolerance, respect and non-discrimination. Main outcomes were that: communication must not be understood as a one-way, top down instrument; but as a dialogue; partners for that dialogue should be included in the design of such communication strategies; the role of actors at local level was underlined; the rights and values as enshrined in the Charter of Fundamental Rights need to be communicated; a shift needs to be made from reaction to prevention, going beyond "counter"-narratives into positive narratives. Outcomes will be presented at relevant Council Working Groups and to relevant actors at EU and national levels. Results will also feed into FRA's Fundamental Rights Forum in June 2016.

III. COOPERATING WITH OUR INTERNATIONAL PARTNERS

The Foreign Affairs Council (FAC) held a discussion on 14 December on the EU's external CT priorities and agreed, as flagged in a letter by the High Representative which circulated in advance, to the need for urgent implementation of the FAC Conclusions on CT of 9 February 2015. The High Representative's letter focused on a number of priority regions where the threat from terrorist groups to EU interests is most apparent (Middle East and North Africa; Turkey; and the Western Balkans) and flagged a number of thematic priorities, including countering violent extremism, terrorist financing, and aviation security.

– MENA region and Turkey

CT packages are under various stages of development with a number of priority countries in the **MENA** region and **Turkey**.

A letter by HRVP Mogherini to the Tunisian Prime Minister is under preparation, outlining the comprehensive CT package to be offered to **Tunisia** agreed in the PSC on 26 November 2015. In parallel, work towards implementation of actions contained in the package is progressing. Tunisia has appointed a coordinator for the 23 million SSR programme, so that implementation can begin. The Commission financial decision to deploy a number of experts with the Tunisian authorities to support development and implementation of a comprehensive approach to CT was adopted in December 2015. In January 2016, a project to support the CT judicial pole started (IcSP long term, 300 000 Euros). In December 2015, the Commission adopted the decision on a project to increase community engagement in border security and border management and to promote realistic livelihoods alternatives in marginalised border communities, implemented by Danish Refugee Council/Danish Demining Group and International Alert, in partnership with a number of local NGOs. Training activities have been carried out under the project PREV-UE (prevention of radicalization).

At the request of the Tunisian authorities, TAIEX visit took place in January 2016 to explore EU assistance to strengthen the capacities on prevention of radicalization of the CT/security pole. A visit by the Radicalization Awareness Network is under preparation. A Tunisian delegation has also been invited to Eurojust premises for a study visit in March to explore ways to enhance cooperation. Judicial cooperation in criminal matters is encouraged via the promotion of Council of Europe instruments.

Between 15-17 December, the EU CTC and the Deputy Secretary General of the EEAS visited **Jordan**. Meetings with the Jordanian authorities revealed a strong interest in deeper cooperation on terrorist finance, border and aviation security, and countering violent extremism. To develop a clear understanding of joint priorities, the Jordanian Government has agreed to host a CT workshop involving experts from Member States, to take place on 15 March.

The outcome should be a joint roadmap to highlight both the scale of existing cooperation, including a 10 million euro project to build the capacity of both the Jordanian Government and civil society to handle the challenge of violent extremism, as well as pointing to new areas for CT cooperation, including capacity building projects, the promotion of judicial cooperation in criminal matters with the Council of Europe instruments, and activity involving the EU Agencies, including Europol and CEPOL. A delegation from the EU's Radicalisation Awareness Network visited Jordan in early December to discuss radicalisation in prisons.

On 26-27 January 2016, a counter-terrorism dialogue took place in **Lebanon**. On the EU side, the EU CTC, the EEAS Deputy Secretary General and the Director for Security from DG HOME, as well as Europol, CEPOL and FRONTEX participated. The EU is now finalising a roadmap for CT cooperation with the Lebanese authorities. This will underpin reinforced cooperation in the following areas: countering violent extremism; justice and law enforcement; judicial cooperation in criminal matters; aviation security; and countering terrorist finance. Both sides agreed that the EU Agencies, particularly Europol and CEPOL, could play a substantive role in building stronger law enforcement links. Based on the roadmap, the EU will develop a comprehensive CT assistance package for Lebanon, based on the model of Tunisia.

On 16 and 17 February 2016, the EU CTC and the EEAS Deputy Secretary General visited **Algeria**. High level meetings with the Ministers of Maghreb and Sahel Affairs, Interior, Religious Affairs and senior officials of the Ministry of Justice paved the way for an agreement to hold a CT workshop before the summer 2016 to identify concrete areas for future counter-terrorism cooperation. Possible areas for future cooperation include a criminal justice approach to the fight against terrorism, assistance to specialized CT judicial poles, prevention of radicalisation/de-radicalisation, crisis management after a terrorist attack, the accession of Algeria to Council of Europe conventions, development of legal texts, closer cooperation with EU Agencies, and cooperation to provide capacity building to countries in the region. Algeria proposed a Strategic Dialogue on Security & Counter-terrorism. The EU will benefit from Algeria's expertise, in particular on de-radicalisation. A CT/security expert was deployed to the EU delegation in Algiers in December 2015. PSC/COSI will be debriefed on the visit on 3 March and will give further guidance as for the way forward.

Following the CT workshop with **Turkey** in June 2015 an upgraded and targeted CT dialogue is planned for spring 2016 to finalise an agreement which enshrines EU-Turkish cooperation on counter-terrorism in a number of key areas. Following a visit by a Europol team to Ankara in early February 2016, the Europol Management Board has endorsed the proposal to post a liaison officer from Turkey at Europol as soon as possible. The EU is also finalising an IcSP-funded project on "Improving effectiveness of the EU-Turkish joint action vis-à-vis foreign terrorist fighter threats." This will help raise the awareness of the Turkish border authorities on handling the immigration challenge posed by returning foreign terrorist fighters. A visit by the Radicalization Awareness Network to Ankara is under preparation.

Progress has been made on a number of CT projects launched in 2015: An IcSP-short term funded project on **CT EU/MENA training partnership** (with a focus on CT training for Tunisia, Lebanon, Jordan, Turkey and exchanges and study visits for partners from the MENA region) implemented by CEPOL started its operations in February 2016 (18 months, budget: 2.5 million Euro). A project on **strategic communication** focusing on Tunisia, Morocco and Lebanon and implemented by the British Council / RICU started in November 2015 (18 months, 3.5 million Euro).

The project team is already working to support the Tunisian authorities, and will pay fact-finding visits to Beirut and Rabat in the coming weeks. In November 2015, a project team has deployed to **Iraq** to support the Iraqi security agencies' information sharing and coordination mechanisms, as well as their HR compliance, in cooperation with the National Security Adviser (18 months, IcSP short term, 3,5 million Euros).

The **Arabic Strategic Communications Task Force** led by the EEAS has finalized its action plan and is developing pilot initiatives in selected countries in the MENA region and at Headquarters, and working together with other related projects, focusing particularly on targeting young people. An Initiative on Youth and Countering Radicalisation in Europe and MENA Countries under the leadership of HRVP Mogherini is under preparation. DG EAC is exploring to **expand virtual student exchanges** with the MENA region, building on the existing eTwinning network, which is already active in Tunisia with where nearly 300 teachers and 85 schools are currently registered on this online platform.

On the basis of a paper by the EU CTC, in November and December 2015 COSI had two discussions on the **greater use of JHA tools and Agencies in the MENA region**.

The EU continues to support the efforts of the UN Special Representative, Staffan de Mistura, to broker a political solution to the **Syrian conflict** involving the regional powers. The EU also supported the London Conference on Syria which took place on 4 February and which has resulted in new pledges worth some \$11bn to help the region cope with the trauma inflicted by the Syrian conflict. The support promised for those countries on Syria's borders which have had to shoulder an immense humanitarian burden should help to tackle concerns about increased radicalisation. Draft **EU Compacts in preparation for Jordan and Lebanon** will highlight the importance of effective cooperation on counter-terrorism, as well as the need for more progress on socio-economic issues and absorption of refugees.

A final evaluation of the Commission-funded CT **Sahel** project (IcSP long term) has showed that this project played an instrumental role in implementing the EU Strategy for the Sahel and the EU Counter-Terrorism Strategy. The EU has grown in credibility as a security actor in the Sahel region thanks to this project. Several IcSP-funded projects are currently implemented or being prepared on a regional and country level in **Africa**. Priorities are preventing violent extremism, criminal justice support to CT, pedagogic support to madrassas as well a general aspects of CT.

– ***Western Balkans***

Key challenges in the region remain prevention (incl. in prisons), suspicious travel (foreign terrorist fighters), firearms and terrorism financing. On 3 and 4 December 2015, the JHA Council adopted "The integrative and complementary approach to counter-terrorism and violent extremism in the Western Balkans" (doc. 11625/3/15) and agreed to implement the EU Western Balkan CT initiative (WBCTi) integrative plan of action 2015-2017 that has been prepared by core EU Member States led by Slovenia and Austria. This security governance approach aims at coordinating CT/CVE related activities and initiatives in the region, through the Regional Cooperation Council on political level (RCC platform), through the Police Cooperation Convention for South East Europe on strategic level (PCC SEE platform) and through the Counter-Terrorism Initiative on operational level (CTI platform).

The Commission financially supports the implementation of the WBCTi through the Instrument for Pre-Accession. It will be important to continue and increase this support in the coming years, including through rapid provision of RAN expertise. Engagement is already underway to determine the most appropriate form of RAN assistance.

– ***Aviation Security***

The terrorist attacks on the Metrojet flight in central Sinai on 31 October 2015, and on a flight from Mogadishu on 9 February are a stark reminder of the threat terrorists pose to civil aviation. After the Metrojet incident, the Commission has helped to coordinate information sharing among Member States, EU bodies and international partners. A number of Member States have also held discussions to examine the scope for a common approach.

On 1 November 2015, the four-year project on **Civil Aviation Security in Africa and the Arabian Peninsula (CASE) started**. This capacity building project is funded by the Commission (7.5 million Euro, IcSP long term) and implemented by the European Civil Aviation Conference (ECAC) supplemented by expertise from the Member States (short term experts). The first meeting of the CASE Project Steering Group took place on 3 February 2016.

The EU should consider the scope for urgent support to those airports in the MENA region and beyond which are used most heavily by European citizens, either in the context of the **CASE** project or with additional assistance measures.

– ***Countering Violent Extremism (CVE)***

CVE is a key feature of the EU's external engagement projects under preparation/being delivered in a number of priority countries and regions. The EU CT MORSE project (Monitoring Support Mechanism) produced an analysis on November 2015 which highlighted that the EU spent some 142 M Euro on CT/CVE related projects worldwide. The EU held an informal CVE meeting with the US on 13 January to discuss coordination of effort. Similar consultations are envisaged with other key partners.

