



Council of the
European Union

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LIMITE

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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations
Subject: Outcome of proceedings of the EU - US Justice and Home Affairs Senior Officials Meeting, Tallinn, 20 – 21 September 2017

1. Welcome by the EU Presidency

The Presidency underlined the importance of this Senior Officials' meeting as a demonstration of EU and US commitment to seek joint solutions for some of the most pressing challenges of citizens on both sides of the Atlantic: the fight against terrorism, protection of borders and the resilience of the cyber domain. The US delegation agreed with the Presidency's approach and recalled the already longstanding practice of dialogue and cooperation on Justice and Home Affairs and their interest in expanding that cooperation, as challenges to transatlantic security evolve.

2. Counterterrorism

a) Information sharing, including PNR

The two delegations agreed on their positive assessment of the implementation of the EU-US PNR agreement, as demonstrated by the joint review. They also discussed the recent opinion of the Court of Justice of the European Union on the EU-Canada PNR agreement and agreed to pursue consultations on the subject. The EU delegation provided an update on the implementation of the EU PNR Directive.

b) Developments on aviation security measures

The US delegation signalled the positive technical work with EU aviation authorities in order to meet the standards of aviation security discussed at the last Ministerial meeting. Both sides underlined the importance of a regular joint review of threats to aviation security and agreed to work together to raise standards at the global level.

c) Update on operational cooperation

The EU delegation highlighted the good results of operational cooperation with the US on counterterrorism matters and the EU's commitment to expand such cooperation, including through the exchange of liaison officers from law enforcement agencies. The US delegation concurred with the practical need for more interaction between agencies on the two sides, also on the use of battlefield information.

d) Countering radicalization and addressing terrorists' use of the internet

The EU delegation briefed on recent efforts to counter radicalisation, namely in the context of the High Level Commission Expert Group on Radicalisation and the EU Internet Forum. Both sides agreed on the need to continue working together, namely in pursuing a joint approach vis-à-vis Internet Service Providers (ISPs) and social media companies for detection and removal of terrorist propaganda.

3. Border management and migration

a) Update on developments

The EU delegation briefed on current efforts to manage migration flows, including the work undertaken with neighbouring countries to stem illegal migration flows. The two sides also discussed recent and upcoming developments regarding systematic checks at the EU external borders.

b) Visa reciprocity mechanism

The EU delegation expressed its position on the inclusion of all EU Member States in the US Visa Waiver Programme as a matter of reciprocity. The US delegation briefed about its engagement at technical level with the concerned Member States to ensure that progress is achieved in the near future.

c) Presentation on interoperability solutions of the EU JHA IT-systems by eu-Lisa

The eu-LISA representative provided a presentation on how interoperability of EU information systems will work in practice, following the recommendations of the High Level Expert Group on information systems and interoperability.

4. Security and justice cooperation in cyberspace and data protection

a) e-evidence, MLA and cooperation with ISPs

The US delegation reiterated its commitment to work with EU partners to ensure effective cross-border access to e-evidence and, in that context, provided an overview of current legal and political processes that will clarify the US stance on this issue. The EU delegation also briefed on the legislative and practical developments on the EU side and highlighted the importance of streamlining cooperation with US-based service providers. The EU delegation also expressed its satisfaction with the outcome of the Privacy Shield review.

b) Data protection legislation and Implementation of the Umbrella Agreement

The two sides discussed some of the implications of the entry into force of the General Data Protection Regulation and Law Enforcement Directive in May 2018. They also concurred on their positive assessment of the implementation of the Umbrella Agreement.

c) Cybersecurity strategy and cooperation in international fora

The EU delegation informed about a new set of measures that will be part of the renewed EU cybersecurity strategy, including in the context of the new Policy Cycle 2018-2021. They underlined the importance of continued US involvement in several of the policy cycle actions. The US delegation agreed on the need for the two sides to keep each other informed of developments in what is a fast-evolving field and called for more concerted transatlantic action towards third countries and in international fora.

d) Fight against trafficking and marketing of drugs (including on the Darknet)

The two sides exchanged information on recent trends of drug trafficking and consumption, with a focus on opioids and activities on the Darknet. They agreed to pursue such exchanges also at technical level (EU-US drug experts) and to consider possible joint initiatives to approach major drug-producing countries.

5. European Public Prosecutor's Office (EPPO): Information by the Commission

The EU delegation briefed on the state of play for the establishment of the EPPO by the end of 2020, including its impact on interaction with US authorities.

6. Preparation of the EU – US Ministerial Meeting in Washington, November 2017

The US delegation provided some practical and logistical information on the upcoming Ministerial meeting in Washington and confirmed that it should take place on 16 and 17 November 2017.

7. Presentation by incoming Bulgarian Presidency of work plan for the first semester of 2018

The incoming Bulgarian Presidency briefly presented the priorities it would be pursuing during the next semester in the JHA area, taking forward on-going files and putting a particular focus on terrorism, migration management, border controls, visa policy, the establishment of the EPPO, e-evidence, data protection and MLA. It also informed that the next EU-US Senior Officials Meeting is planned for the end of February 2018.
