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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 Ministerial Meeting (Bucharest, 19 June 2019)

Summary: A constructive exchange on the traditional topics of mutual interest, which underlined the engagement of the two sides to pursue and develop further their cooperation, both at political and operational level. While reviewing recent developments and joint work in areas such as counterterrorism, migration, visa and border policy, the meeting was also an opportunity for both sides to discuss ways to expand their cooperation and best practice exchanges in areas like cybersecurity, removal of terrorist use of the internet, cross-border access to electronic evidence (e-evidence) and resilience of electoral systems.

The US delegation was headed by the Attorney General William Barr and Acting Deputy Secretary for Homeland David Pekoske. The EU was represented by Ministers Ana Birchall and Carmen Dan (Presidency), Ministers Anna-Maja Henriksson and Maria Ohisalo (incoming Finnish Presidency) and by EU Commissioners Dimitris Avramopoulos, Vera Jourova and Julian King.

At the end of the meeting, a joint press statement was issued (**Annex**).

1. Counterterrorism

a) Information sharing, including use of battlefield information and PNR

Both sides committed to continue and expand their sharing of information for counterterrorism purposes. They acknowledged that returning Foreign Terrorist Fighters continue to represent a serious risk and hence the need to ensure that information available is fed into the relevant databases and then used for prosecution purposes. Delegations praised the strong level of cooperation between EU and US agencies in this area. Regarding the EU-US PNR Agreement, both sides agree that it is a crucial information tool and look forward to the joint evaluation to be undertaken still in 2019.

b) Current and emerging security threats

Both sides provided information on recent measures undertaken to increase their level of preparedness to deal with chemical, biological, radioactive and nuclear threats, as well as on security measures to address the risks of unmanned aircraft systems. Discussions showed a total convergence on the assessment of risks and on the importance of working together at technical level to exchange best practices.

c) Terrorist content online

The EU delegation provided an update on the negotiation of the draft Regulation on preventing the dissemination of terrorist content online. The US delegation briefed on the most recent initiatives towards service providers to promote better cooperation in removing online terrorist content.

2. Migration, borders and visa

a) Migration and borders policy

Both sides updated each other on developments of their migration and border policies. The EU delegation in particular explained in detail the changes introduced in the revised mandate of the European Border and Coast Guard Agency, as well as on the implementation of the European Travel Information and Authorisation System. The Diplomatic Security Service of the US State Department presented a recent operation (conducted with support from Europol) in the Western Balkans to dismantle a crime organisation involved in the smuggling of migrants to Europe and America.

b) Visa reciprocity

The EU delegation reiterated its position on the urgency of extending the US Visa Waiver Programme (VWP) to all EU Member States as a matter of reciprocity. The US acknowledged the efforts made by the EU Member States not yet covered by the VWP to meet the criteria. Both sides agreed to come back to the issue at their next meeting at Senior Officials level, based on the assessment of the replies by EU Member States to the "Request for Information" questionnaire.

3. Resilience of electoral systems

Both sides exchanged information on their recent major elections, namely the mid-term US Congress elections and the EP elections. Both sides agreed that even though their level of preparedness to handle disinformation campaigns and attacks to electoral infrastructure have improved, there is still much to be achieved. They agree to continue discussing the terms of reference for an expert level EU-US dialogue on the resilience of electoral systems.

4. Security and judicial cooperation in cyberspace

a) Cybersecurity - current challenges, including the mitigation of risks to the supply chain

Both sides discussed current threats to cybersecurity, with a particular focus on the security risks associated with the implementation of 5G networks. The US delegation provided information on its recent decisions to address the vulnerabilities of 5G, including its supply chain and called for the development of international benchmarks for the security of 5G networks, in line with the proposals of the Prague 5G Conference. The EU delegation briefed on the 5G risk assessments that Member States are currently conducting, on the basis of the Commission's Recommendation on 5G risk assessment and management.

b) Cross-border access to electronic evidence

The EU delegation provided details on mandate approved by the Council authorising the opening of negotiations in view of an EU-US agreement on cross-border access to electronic evidence for judicial cooperation in criminal matters. Both sides look forward to opening negotiations as soon as the United States approves its own mandate. Regarding the Second Additional Protocol to the Council of Europe Convention on Cybercrime, the EU delegation informed the United States of the Council authorisation for participation in negotiations and both sides underlined the importance of the Protocol for setting international standards for direct cooperation with service providers.

5. Priorities of the incoming Finnish Presidency

The incoming Finnish Presidency gave a brief presentation of its priorities in the Justice and Home Affairs area.

Joint EU-U.S. statement following the EU-U.S. Justice and Home Affairs Ministerial Meeting

Bucharest, 19 June 2019

On 19 June 2019 the Romanian Presidency of the Council of the European Union hosted the EU-U.S. Ministerial Meeting on Justice and Home Affairs in Bucharest, Romania. The meeting provided an opportunity for both sides to take stock of their long-standing cooperation in this area and to reaffirm their partnership in addressing common security threats.

The United States was represented by the U.S. Attorney General, William Barr, and Acting Deputy Secretary for Homeland Security, David Pekoske.

The European Union, hosting the meeting, was represented by the Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos, the Commissioner for Justice, Consumers and Gender Equality Věra Jourová, the Commissioner for the Security Union Julian King, as well as the Romanian Vice Prime Minister *ad interim* and Minister of Justice Ana Birchall and the Minister of Interior Carmen Daniela Dan, together with the Finnish Minister of the Interior Ms. Maria Ohisalo and the Minister of Justice Ms. Anna-Maja Henriksson, on behalf of the current and incoming Presidencies of the Council of the European Union.

The European Union and the United States reaffirmed that fighting terrorism is among their top priorities and committed to enhance their joint efforts, including by expanding the sharing of information gathered in zones of combat for use in investigations and prosecutions. Participants welcomed results already achieved in this domain, including in cooperation with Europol and Eurojust, and looked forward to the outcome of the meeting to be held on this subject that will bring together EU and US experts in Brussels on 10 July. With regard to other critical areas of EU-U.S. information sharing, Participants of the meeting reiterated the importance of the EU-U.S. Passenger Name Record agreement and committed to begin a joint evaluation to assess its implementation. The European Union and the United States also discussed current threats to aviation security, including unmanned aircraft systems; combatting the use of the internet for terrorist purposes; and chemical, biological, radiological and nuclear threats.

The European Union and the United States also discussed the priority area of security in cyberspace. Participants committed to further joint efforts to maintain a safe, open, and secure cyberspace, and exchanged views on how to best address growing cyber threats. Participants recognised that the deployment of 5G network infrastructure needs to be addressed as a matter of priority, as it might pose significant security risks and impact the ability of law enforcement agencies to take effective action against crime. The European Union and the United States committed to further pursue their exchanges on assessing and managing 5G and supply chain security risks through existing channels, including the Justice and Home Affairs meetings.

The European Union and the United States also recognised the importance of swift cross-border access to electronic evidence, and discussed the implications of recent legislation enacted in the United States and legislation under examination in the European Union. Participants acknowledged the recent approval by the Council of the European Union of a mandate authorising the Commission to negotiate on behalf of the EU an agreement with the United States facilitating access to e-evidence for the purpose of judicial cooperation in criminal matters, as well as the steps being taken by the United States towards opening negotiations of such an agreement, in a manner consistent with their respective legislations.

The European Union and the United States also reviewed the unprecedented challenges faced by electoral systems in democratic states, which call for exchanges of best practices to overcome those challenges. Participants confirmed their commitment to further discuss an expert level dialogue.

The United States and the European Union briefed each other on recent developments in their migration and border management policies; in particular, the European Union provided information on the reinforced mandate of the European Border and Coast Guard Agency (EBCGA) and on the implementation of the European Travel Information and Authorisation System (ETIAS), two instruments which will further strengthen the EU's border management. Both sides concurred on the vital importance of preventing and combatting migrant smuggling and trafficking of human beings and discussed further joint work in these areas.

Finally, the European Union and the United States agreed on the importance of advancing further towards reciprocal visa free travel under their respective legal frameworks and, following the May 2019 meeting on visa reciprocity between the United States, the European Union and the concerned Member States, welcomed the progress of the five concerned Member States towards meeting the requirements of the Visa Waiver Program, in order to be considered for designation in the programme.

Reaffirming their commitment to advance together towards common solutions in these areas, the European Union and the United States committed to meet again in the second half of 2019 in Washington, D.C.

The meeting was also attended by the EU Counter-Terrorism Coordinator Gilles de Kerchove, the Executive Director of Europol Catherine De Bolle, the Executive Director of Frontex Fabrice Leggeri and the Vice-President of Eurojust Klaus Meyer-Cabri.