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NOTE

From: Presidency
To: Standing Committee on operational cooperation on internal security (COSI)
Subject: Draft Report to the European Parliament and national Parliaments on the proceedings of the Standing Committee on operational cooperation on internal security for the period January 2010 - June 2011

Delegations will find in annex the above-mentioned draft report for their approval and subsequently transmission to the European Parliament and national Parliaments.

1. Introduction

The present report is the first COSI report to the European Parliament and national parliaments in accordance with Article 71 TFEU and Art. 6(2) of the Council Decision establishing the Standing Committee on operational cooperation on internal security (COSI)¹ which provides that the *Council shall keep the European Parliament and the national Parliaments informed of the proceedings of the Standing Committee.*

Following the adoption of the above-mentioned Council Decision on 25 February 2010, the first COSI meeting took place on 11 March 2010 under Spanish Presidency. Under the ES-BE-HU trio Presidency, the Committee met 9 times in total, with three COSI meetings per Presidency.

These meetings were attended by high level representatives from the Member States, the Commission and the General Secretariat of the Council. Representatives from Europol, Eurojust, Frontex and CEPOL were closely involved in the Committee's proceedings which they assisted on a regular basis.

In support of the COSI meetings, various meetings of the JHA Counsellors/COSI Support Group were organised. This COSI Support Group prepares the COSI meetings and ensures the necessary follow-up to the different projects and operations that were launched by COSI. In 2010, the COSI Support Group convened 11 times. Between January and June 2011, 8 meetings have taken place. Representatives from Europol, Eurojust, Frontex and CEPOL were closely involved in these meetings. An Interpol representative was also invited to attend the discussions on certain topics.

2. Tasks / work programme

The initial phase in the COSI proceedings was focused on elaborating the **role and tasks** of the Committee on the basis of its mandate as laid down in Articles 2, 3, 4 and 5 of the Council Decision on setting up COSI, the provisions of the Internal Security Strategy for the European Union² and of the Stockholm Programme³ which mentions that *developing, monitoring and implementing the internal security strategy should become one of the priority tasks of COSI.*

¹ OJ L 52, 3.3.2010, p. 50.

² doc. 7120/10 CO EUR-PREP 8 JAI 182

³ OJ C 115, 11.5.2010, p. 1.

During these first months Member States, the Commission and the JHA Agencies were invited to submit **project proposals** in which COSI could add value in ensuring operational cooperation. Based on these proposals COSI agreed on a **work programme** for the remaining period of the Trio Presidency at its meeting on 7 September 2010 (doc. 13084/10 COSI 56) which contained 14 themes: EU policy cycle (Harmony Project), Internal Security Strategy, Cooperation to address organised crime, COSPOL (results, organisation, subjects), European pact to combat international drug trafficking, Coordination mechanism for joint operations, Fight against arms trafficking, Action papers PKK, Financing of operational cooperation / Internal Security Fund, Coordination between agencies, Reinforcing the protection of external borders and combating illegal immigration, Solidarity clause, Interaction between external and internal security (COPS/COSI) and Conclusions of the 1st Heads of NCBs Conference.

These 14 themes reflected a realistic work programme which was based on the principle of subsidiarity. Whenever possible, certain projects were discussed in other competent Council preparatory bodies or JHA Agencies in order to avoid duplication of efforts with COSI. Projects were also only launched when they added value.

It should be noted that these issues differ greatly in nature, scope, timeline, impact and outcome. Consequently this leads to an unevenness of reporting on the work done on these themes. On the other hand, COSI discussed a number of documents and items not included in the work programme.⁴

In accordance with its mandate COSI was not involved in the preparation of legislative acts.

⁴ For a full report of every meeting, the documents containing the outcome of proceedings of the COSI meetings can be consulted on the Council's website.

3. Activities

3.1. Methodology / planning

COSI established and/or improved a number of mechanisms to improve the planning and coordination of on-going or new tasks in the field of internal security.

Initially, COSI discussed the "M.A.D.R.I.D. report"⁵, which contributed to facilitating a debate by the Council on internal security in June 2010. This report provided an assessment of the principal threats to internal security in the EU posed by organised crime and terrorism and of the challenges of border control and civil protection. It was based primarily on three strategic documents – Europol's Organised Crime Threat Assessment (OCTA) and Terrorism Situation Trend Report (TE-SAT), and Frontex's annual risk analysis (ARA).

On a general and overall level, COSI extensively discussed the Commission's **EU internal security strategy** in action⁶, which led to the adoption of Council conclusions on the Commission Communication on the European Union internal security strategy in action on 24 February 2011 (doc. 6699/11). These conclusions instruct COSI, within its mandate⁷, to coordinate, support and monitor the development and implementation of the Internal Security Strategy as one of its priority tasks.

The Standing Committee agreed on 5 October 2010 to establish an **EU Policy cycle for organised and serious international crime** which is a multi-annual policy cycle with a clear methodology for setting, implementing and evaluating priorities in the fight against organised and serious international crime (doc. 15358/10).

⁵ Main Assessment and Description Report for Internal Debate, doc. 10203/10 JAI 473 COSI 35.

⁶ Commission Communication to the European Parliament and Council of 22 November 2010 on the EU Internal Security Strategy in Action: Five steps towards a more secure Europe" (doc. 16797/10 JAI 990).

⁷ OJ L 52, 3.3.2010, p. 50.

Using the outcome of the COSPOL⁸ coordinators' meeting in September 2010 and April 2011, COSI agreed in its meeting of 1 June 2011 on the revised **terms of reference for COSPOL projects** (doc. 10043/2/11 REV 2) which bring the COSPOL projects in line with the EU policy cycle.

COSI also endorsed the Good Practices of a COSPOL project based on the example of Vietnamese Organised Immigration Crime (VOIC), as set out in doc. 10047/1/11 REV 1.

COSI also endorsed a revision of the **coordination mechanism regarding joint operations**, as prepared by the Customs Cooperation Working Party and the Law Enforcement Working Party at their joint meeting on 5 October 2010. The aim of the mechanism is to coordinate at an early stage Joint Police operations, Joint Customs Operations, COSPOL projects and FRONTEX activities in order to avoid overlaps or incompatibilities as regards subject or timing. Each Presidency orally informs COSI about the functioning of the mechanism.

Implementing the Stockholm Programme and as a follow-up to the informal JHA Ministerial Meeting of 1 October 2009, the Swedish Presidency asked CEPOL, Eurojust, Europol and Frontex to produce a report on how to further improve their cooperation, including “inter alia, guidelines for strategic and operative work, common standards, joint training initiatives, development of working methods and routines for practical cooperation”.

On the basis of reports and proposals jointly drafted by CEPOL, Eurojust, Europol and Frontex on the **cooperation between the JHA Agencies** (docs. 5816/10 JAI 87 and 8387/10 JAI 287 COSI 17 + COR 1) COSI agreed on 25 June 2010 on a working method with regard to the implementation of measures to improve inter-agency cooperation (doc. 9441/2/10 REV 2 JAI 395 COSI 33) and on the organisation of meetings of the Heads of JHA Agencies, as set out in doc. 8387/10 JAI 287 COSI 17 + COR 1.

⁸ The abbreviation COSPOL stood for "Comprehensive Operational Strategic Planning for the pOLice". It has been maintained because it is well-known but contrary to its name, the emphasis in the future is no longer the "planning" aspect but the conversion of the multi-annual strategic plans into concrete operational action plans per year.

COSI is and will be monitoring this implementation, through the scorecard drawn up by the agencies and reports on the meetings of the JHA Heads of Agencies.

In response to different calls for closer cooperation between the fields of the common foreign and security policy and the area of freedom, security and justice⁹, COSI discussed at various occasions in 2010 and 2011 the different possibilities for establishing a closer cooperation and coordination in the field of EU security. These discussions resulted in an agreement on a **working method for closer cooperation and coordination in the field of EU security** of which the Council took note on 9 June 2011. This working method includes i.a. the organisation of regular inter-institutional information meetings, at least once per quarter, to improve planning and information flow in the field of EU security and the organisation of joint meetings in the field of EU security.

Under the Hungarian Presidency a first informal meeting was organised between the Political and Security Committee (PSC) and COSI. At this meeting both preparatory bodies expressed their support for the PSC's plan to draw up a roadmap spelling out next steps in the cooperation between external and internal security actors concerning intelligence support, information exchange, decision-making, planning new civilian crisis management missions and enhancing the capabilities of missions.

⁹ The Stockholm Programme (OJ C 115, 4.5.2010, p. 1), A Secure Europe in a Better World – European Security Strategy, adopted by the European Council in Brussels on 12 December 2003, Report on the Implementation of the European Security Strategy – Providing Security in a Changing World, Brussels, 11 December 2008, S407/08, Internal Security Strategy for the European Union: “Towards a European Security Model,” adopted by the Council on 25 February 2010 and endorsed by the European Council on 25 and 26 March 2010 (doc. 7120/10 CO EUR-PREP 8 JAI 182), Communication from the Commission to the European Parliament and the Council - The EU Internal Security Strategy in Action: Five steps towards a more secure Europe (doc. 16797/10), Council conclusions on the Commission communication on the European Union internal security strategy in action, adopted by the Council on 24 and 25 February 2011 (doc. 6699/11), The European Union Counter-Terrorism Strategy, adopted by the European Council on 15-16 December 2005 (doc. 14469/4/05 REV 4).

3.2 Implementation

Following the adoption of the Council conclusions on the creation and implementation of an **EU policy cycle for organised and serious international crime** on 8 and 9 November 2010, COSI worked on the implementation of the different measures for the initial and reduced two-year policy cycle.

In particular, COSI and the Commission produced a policy advisory document on the basis of the 2011 EU Organised Crime Threat Assessment (OCTA 2011)¹⁰ to assist COSI in submitting to the Council draft conclusions setting the EU's new priorities for the fight against organised crime between 2011 and 2013. This Policy Advisory Document (PAD), which constitutes an important part of the policy cycle (doc. 9225/4/11 REV 4), was agreed by COSI on 1 June 2011. Based on this Policy Advisory Document, the Council adopted conclusions setting the EU's priorities for the fight against organised crime between 2011 and 2013 (doc. 11050/11).

COSI has already started preparing the implementation of these conclusions, notably by identifying the relevant experts that would define the strategic goals for each priority.

A project group led by the Hungarian Presidency collected **good practice** examples from EU Member States on **complementary approaches and actions to prevent and combat organised crime**, which are set out in doc. 10899/11 JAI 380 COSI 44 CRIMORG 77 ENFOPOL 179. This handbook of best practices was presented to the Council on 9 June 2011 and has been made available to relevant experts, notably in the framework of the implementation of the EU policy cycle.

The Spanish Presidency organised the so-called "**European Global operation**" which took place between 7 and 10 June 2010 (doc. 11410/10 COSI 43). The main aim of this operation was to analyse the capacities of Member States to mobilize at European level the resources of the law enforcement agencies focusing on a range of criminal threats, in order to obtain an accurate view of the present state of play of the operation of the police and borders and customs control from the operational results obtained overall. The results of this operation were reported to Council.

¹⁰ doc. 8709/11 JAI 217 COSI 19 CRIMORG 45 PESC 453 RELEX 355

COSI took over the management and follow-up of the **COSPOL projects**. Based on an evaluation by Europol on the current COSPOL projects and on the outcome of the meeting of the national COSPOL coordinators on 10 September 2010, COSI adopted a set of conclusions regarding the existing COSPOL projects, awaiting the conclusions regarding the 2011-2013 policy cycle for further decisions in this regard.

COSI established three project groups for implementation of the **European Pact to combat international drug trafficking**; a project group on cocaine, a project group on heroin and a project group on proceeds of crime. These project groups have regularly updated COSI on the state of their activities which are still ongoing.

On 24 November 2010, COSI discussed the streamlining of certain on-going activities or existing requirements concerning **cooperation in the fight against organised crime originating in West Africa** on the basis of doc. 16525/10 COSI 73 JAIEX 89 CORDROGUE 96 CRIMORG 201 COAFR 411, in particular the reporting, use of funding, liaison officers platforms and exchange of information. Following these discussions a report on the coordination of cooperation in combating organised crime, especially drug trafficking, originating in West Africa, was agreed by COSI and submitted to Council on 24 February 2011. The report presents the state of play in 2010 regarding the implementation of the recommendations and measures identified on the basis of the European Pact to combat international drug trafficking (8821/10), the Action oriented Paper (5069/3/10) and the Council conclusions on the strengthening of the fight against drug trafficking in West Africa (15248/1/09).

On 30 April 2010 COSI reached agreement on its involvement in the implementation of 5 out of the 29 measures set out in the **Council Conclusions on 29 measures for reinforcing the protection of the external borders and combating illegal immigration** (doc. 6975/10). COSI's involvement is limited to those measures that have implications in the field of internal security and does only take place with full respect to the provisions of the Council Decision setting up COSI and to the competences of other bodies, agencies and institutions.

COSI discussed a **report on the judicial dimension of the fight against terrorism** which was prepared by the EU Counter Terrorism coordinator.

Already in 2010 COSI together with the Terrorism Working Party was involved in discussions on an **information sharing mechanism on changes in the national threat level** which resulted in the adoption of Council conclusions on 2-3 December 2010 (doc. 17303/1/11).

4. Conclusion

In these first months of functioning, COSI focused on (its) working method and procedures. Nonetheless and increasingly so, the Standing Committee can direct its attention and resources to the implementation of operational cooperation in the field of internal security.

COSI is committed to ensuring consistency in the operational actions notably that actions in the area of serious and organised crime remain consistent with the EU policy cycle i.e. with the Multi-Annual Strategic Plans and annual operational Action Plans that COSI is due to adopt on the basis of the Council priorities. A close and efficient cooperation between COSI, the JHA Agencies and the actors involved in the field of the common foreign and security policy will be an important contributor to future progress.