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**NOTE**

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From:	General Secretariat of the Council
To:	Strategic Committee on Immigration, Frontiers and Asylum
No. prev. doc.:	7120/10, 16797/10, 11260/14
Subject:	State of play on the development of a renewed EU Internal Security Strategy (ISS)

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Delegations will find below for their information the state of play of the discussions on the development of a renewed Internal Security Strategy (ISS). These discussions will continue within the framework of the Standing Committee on operational cooperation on Internal Security (COSI) with a view to preparing draft Council Conclusions on the renewed ISS for the Justice and Home Affairs Council in December 2014. Delegations are kindly invited to contact their COSI counterparts to ensure appropriate national coordination.

On 22 July 2014 an informal COSI/CATS meeting was held in Rome to exchange ideas regarding the renewed Internal Security Strategy (ISS) for 2015-2020 both from a strategic and an operational point of view. It is the Presidency's intention to continue these discussions with a view to drafting Council conclusions on the renewal of the Internal Security Strategy. These draft Council conclusions will be based on the outcome of the above-mentioned discussions and will also take into account the High Level Conference which the Commission will organise on 29 September 2014 with representatives from Member States, the European Parliament, private sector, civil society and academia. The Presidency will also give due attention to the views expressed by the European Parliament in its resolution 2013/2636(RSP) (see annex 5).

The discussions at the joint informal meeting proved to be very fruitful. The Presidency started the debate by referring to the conclusions of the European Council on 26 and 27 June which defined the strategic guidelines for legislative and operational planning for the coming years within the area of freedom, security and justice and identified the need for a review and update of the internal security strategy by mid 2015 (see annex 3). The Presidency also recalled the outcome of the informal meeting of the Ministers of Justice and Home Affairs on 8 July 2014 (see annex 4). It underlined the role of the Council in the endeavour to update the EU ISS (see annex 1) and confirmed its intention to submit draft Council conclusions on the ISS to the Justice and Home Affairs Council in December 2014.

The Commission welcomed the Presidency's initiative and the foreseen role of COSI in the coordination and implementation of the ISS and acknowledged the tasking provided by the European Council guidelines. To this effect a public consultation on the ISS was launched by the Commission to respect the deadline provided by the European Council (mid 2015).

The Commission's presentation at the joint meeting focused on three elements: the findings of the Commission's Communication "Final Implementation Report of the EU Internal Security Strategy 2010-2014" (see doc. 11260/14 and annex 2), the challenges ahead and the process. According to the Commission, internal security should aim at preventing and combating crime and terrorism, as per EU Council's guidelines. This should be achieved by applying a citizen-centred approach, initiating action to protect our societies, and by fighting the impact of corruption on good administration and governance.

According to the Commission, the five objectives of the ISS were still valid and should be placed into a framework under four pillars ("P3I's"), namely:

- (1) prevention/protection,
- (2) information exchange and access to information,
- (3) international cooperation, and
- (4) innovation and research.

The crucial cross-cutting themes that need to run through the strategy should be the link between internal and external security where dialogue with third countries on security, capacity-building and fostering rule of law in and with third countries is crucial, including PNR issues. The role of liaison officers in the EU delegations and missions need to be better exploited for the information needs of the EU internal security community, in cooperation and coordination with liaison officers deployed within EU Member States' Embassies.

Further integration of fundamental rights in internal security was crucial and should inter alia be made operational by facilitating the legal sustainability of EU initiatives and involving the EU Fundamental Rights Agency (FRA) further.

Funding played a significant role in the success of the foreseen activities. Potential financial support through the ISF Police and Border parts has increased in important ways and those funds should be allocated for the right activities.

Research and innovation related programmes such as Horizon 2020 can also provide funding for Member States initiatives. An EU forensic science area allows for easier sharing of forensic evidence across the EU while at the same time developing an EU market of forensic research.

In addition to this, training plays an important role which according to the Commission will be stimulated by the new proposal for a Regulation establishing a European Union agency for law enforcement training (Cepol). One of the main reasons for this new proposal is to equip the Agency with the means to implement the proposed EU Law Enforcement Training Scheme (LETS) put forward in the Commission Communication of 2013.

As regards the foreseen process for renewing the ISS, the Commission informed delegates that it had launched the above mentioned public consultation and co-organised together with the Presidency the above mentioned High Level Conference on a Renewed EU Internal Security Strategy. The High Level Conference will act as the seed of a Consultative Forum that the Commission foresaw in its Communication of 20 June 2014. Through the Forum all stakeholders could regularly discuss internal security threats, including identification of new threats, and required approaches.

The ensuing discussion at the joint meeting was fruitful and constructive and involved almost all delegations, the EEAS, Frontex, Eurojust and Europol. Most delegations expressly agreed with both the Presidency paper on the ISS (see annex 6) as well as the Commission's oral presentation on the future ISS and found them a good way to approach the new ISS.

The themes that Member States most often expressed in their interventions were the following.

- Internal/external security with a special focus on the problem of foreign fighters and cooperation with third countries in various areas.
- Border security, more effective use of smart borders initiatives and integrated border management of the external borders were mentioned in many interventions, in relation to the problem of foreign fighters but also in a more general terms.
- The need to respect fundamental rights and to ensure proper safeguards for data retention and data protection was stressed, especially the importance of taking this into account when formulating a more balanced and sustainable approach to internal security.

- Several Member States highlighted the need for collecting Passenger Name Records (PNR).
- Delegations considered cybercrime and the need for cyber security as well as tackling criminal profits as urgent threats to be addressed.
- Furthermore access to, availability and exchange of information was emphasised while the multidisciplinary or administrative approach to fighting crime was explicitly addressed.
- In addition, the need for strengthened operational cooperation, whether between Member States or including EU agencies and/or third countries was underlined (allocating sufficient funding; using innovation and modern technology; strengthening further the cooperation between agencies; strengthening further the cooperation between law enforcement and justice ; and the effective use of existing tools and instruments).

The Presidency and the Commission welcomed Member States' contributions out of which many important themes emerged. It was concluded that the current five ISS objectives remained valid while new and emerging threats needed to be taken into consideration. It became also apparent that a detailed discussion on security versus privacy would need to take place between all stakeholders in order to move forward.

**Current EU Internal Security Strategy**

In 2010 the Justice and Home Affairs Council ,agreed on an Internal Security Strategy which was approved by the European Council (doc. 7120/10). The Internal Security Strategy sets out the common threats and challenges as well as the EU's common internal security policy, including the principles underpinning it, and defines a European Security Model.

The current ISS (7120/10) sets out

- *common threats and challenges*: terrorism, serious and organised crime, cyber-crime, cross-border crime, violence, natural and man-made disasters and other (e.g. road traffic accidents)
- *the EU's common internal security policy and underlying principles*: respecting fundamental rights, international protection and rule of law and privacy; protection of all citizens especially the most vulnerable; transparency and accountability; dialogue; integration, social inclusion and fight against discrimination; mutual trust
- *the definition of a European Security Model* through ten guidelines for action: a wide and comprehensive approach to internal security, ensuring effective democratic and judicial supervision of security activities, prevention and anticipation, comprehensive model for information exchange, operational cooperation, judicial cooperation in criminal matters, integrated border management, innovation and training, external dimension of internal security and cooperation with third countries, flexibility to adapt to future challenges

**Commission Communication on the Internal Security Strategy in Action and Final report**

As a follow-up to the Internal security Strategy, the Commission presented a Commission Communication on the Internal Security Strategy in Action (doc. 16797/10) with five strategic objectives: (1) the disruption of international criminal networks, (2) the prevention of terrorism and addressing radicalization and recruitment, (3) raising levels of security for citizens and businesses in the cyberspace, (4) strengthening security through border management, (5) increasing Europe's resilience to crisis and disasters. Specific actions were to be undertaken at EU level as well as at national and international level. The Commission reported in 2011 (COM(2011) 790) and 2013 (COM(2013) 179) on the implementation of the ISS and adapted the actions and recommendations to new developments. The reports focussed on efforts undertaken at EU level and informed on progress achieved and current and future challenges.

On 20 June 2014, the Commission adopted the Communication "The final implementation report of the EU Internal Security Strategy 2010-2014" (COM (2014) 365). The Report looks back at the achievements of the last four years but also provides basis for the development of a new Internal Security Strategy 2015-2020. The Report concludes that the five strategic objectives chosen in the ISS 2010-2014 remain still valid and should therefore be confirmed as basis for the renewed ISS. Building upon the positive assessment on the implementation of the first ISS, the EU should develop an updated version of the ISS in full cooperation among member States, the Commission and the European Parliament. Focus should be put on reviewing the actions under each objective for 2015-2020 and identifying new actions to address the emerging threats and evolving challenges. The renewed ISS should strengthen the integration of fundamental rights within internal security and make the link between internal and external security even more operational. It should also consolidate and encourage more synergies between Home Affairs and other policy areas related to internal security. To this end, a stronger action will be needed to consolidate interactions between policies and actions, involving the different actors, such as public authorities, citizens, civil society and the private sector.

**European Council guidelines 26 and 27 June 2014**

On 26/27 June 2014 the European Council defined strategic guidelines for legislative and operational planning within the area of freedom, security and justice under Article 68 TFEU. In these guidelines the European Council identifies inter alia the need to review and update the EU Internal Security Strategy and calls on the EU institutions and the Member States to ensure the appropriate legislative and operational follow-up to those guidelines. In addition the European Council stressed the importance of having “... *a genuine area of security for European citizens through operational police cooperation and by preventing and combating serious and organised crime, including human trafficking and smuggling, as well as corruption... At the same time, an effective EU counter terrorism policy is needed, whereby all relevant actors work closely together while integrating the internal and external aspects of the fight against terrorism...*”. This should be promoted and coordinated by the EU Counter Terrorism Coordinator whose role was reaffirmed. Furthermore the European Council underlined that in its fight against crime and terrorism, the Union should back national authorities by mobilising all instruments of judicial and police cooperation, with a reinforced coordination role for Europol and Eurojust. This should include, the improvement of cross-border information exchanges, including on criminal records; the further development of a comprehensive approach to cybersecurity and cybercrime; the prevention of radicalisation and extremism and action to address the phenomenon of foreign fighters, including through the effective use of existing instruments for EU-wide alerts; and the development of instruments such as the EU Passenger Name Record system.

On the protection of the EU external borders, the European Council stressed the need to modernise the Integrated Border Management of the external borders in a cost efficient way to ensure smart border management with an entry-exit system and registered travellers programme and supported by the new Agency for Large Scale IT Systems (eu-LISA). It also stressed that Frontex should reinforce its operational assistance in particular to support Member States facing strong pressure at the external borders, and increase its reactivity towards rapid evolutions in migration flows, making full use of the new European Border Surveillance System EUROSUR. To conclude the European Council highlighted the possibility - which should be studied - of setting up a European system of border guards to enhance the control and surveillance capabilities at our external borders and as one of the fundamental right of the EU citizens to move freely and reside and work in other MS needs to be protected, including from possible misuse or fraudulent claims



**The Informal meeting of Ministers of Justice and Home Affairs 8 July 2104**

The implementation of the European Council guidelines was discussed for a first time at the informal meeting of Ministers of Justice and Home Affairs on 8 July 2014. The Presidency stressed the need to pay particular attention to the guidelines when reviewing the ISS and anticipated its intention to draft and adopt Council conclusions during its Presidency. These Conclusions will provide further guidance and inputs to the European Commission which is undertaking in drafting its Communication on an updated EU Internal Security Strategy. The Presidency underscored, protecting the legal economy against corruption, violation of public procurement rules and in general terms infiltration by the organized crime the issue of foreign fighters and the balance between security and fundamental rights as important priorities. The European Commission noted the final implementation report of the current EU ISS (COM(2014) 365)<sup>1</sup>. The Commission underlined that one of the aims of the updated strategy should be to encourage synergies with other policy areas. The Commission also underscored the need to ensure - with the support from the EU Fundamental Rights Agency (FRA) - that fundamental rights are fully integrated in our security policies. As to the need to improve coordination between internal and external aspects, the Commission highlighted the steps taken to ensure coherence but highlighted the need for more action with full involvement of Member States, EEAS and all relevant services. It stated that there is a need to better manage displacements due to crises and that engagement with third countries needs to be strengthened. Finally, the Commission noted a number of consultations notably a High Level conference organised together with the Presidency on 29 of September to feed into the reflection on a renewed ISS.

Member States agreed that the ISS should be updated to take into account new challenges and changes in the threat environment; notably cyber-security, foreign fighters, new forms of organised crimes and *modi operandi* in smuggling and trafficking. Some specific threats were identified by MS such as “modern slavery”, infiltration of the legal economy by the criminality, financial crimes and corruption, environmental crime and energy frauds.

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<sup>1</sup> Doc. 11260/14 Commission Communication to the European Parliament and to the Council "The final implementation report of the EU internal security strategy 2010-2014" COM(2014) 365

While the link between internal and external dimension has been unanimously recognised as mandatory, some MS emphasised the importance on implementation and operational cooperation and considered the exchange of info as crucial, together with a PNR.

**European Parliament resolution 2013/2636(RSP)**

In its resolution 2013/2636(RSP) , the European Parliament called upon the Commission to start the development of a new EU Internal Security Strategy for the period 2015-2019 while taking into account its views expressed in the mentioned resolution.

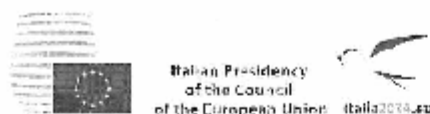
The future challenges the EP identified in 2013 were:

1. Achieving full respect of the EU Charter of Fundamental Rights;
2. The need for EU security measures to be carried out following a proved capacity for them to provide security and in accordance with the principles of necessity, proportionality and respect for fundamental rights.
3. Defending EU institutions, and EU Member States and their citizens from illegal foreign surveillance and undue influence and manipulation;
4. Promote common legal standards and operating tools, such as seizures, European Investigation Orders and joint investigation teams;
5. Combating violence against children and women;
6. Pursue the fight against illicit trafficking in firearms;
7. Prioritise without delay the fight against corruption and money laundering;
8. Give greater priority to prevention policies alongside repressive measures so that terrorist attacks can actually be prevented;
9. The Commission and the Member States evaluate properly the nature and extent of the threat posed by a resurgence of violent political radicalisation; and therefore develop mechanisms that permit the early detection of signs of such radicalisation;
10. Tackle the phenomenon of foreign fighters and better interlink existing counter-terrorism instruments;

11. Conduct a thorough investigation into violent extremist movements within the Union and to take practical measures to combat violent activities from such quarters;
12. Apply an integrated approach involving all stakeholders at national and EU level (in particular the financial sector);
13. Propose amendments to European Critical Infrastructure Protection Directive (2008/114/EC) to enhance its functioning;
14. The Commission to undertake a statistical study on natural risks, listing the most critical areas, and thereby providing the basis for developing an automatic rescue and response system that is effective in responding promptly to emergencies;
15. Combat environmental and economic crime decisively, whatever its origins;
16. Make sufficient funds available for the new European Cybercrime Centre and ratify the Council of Europe Convention on Cybercrime;
17. Pay particular attention to children in the digital environment, and the importance of combating child pornography; continue the expansion of the Global Alliance against Child Sexual Abuse Online;
18. Enhance EU police and judicial cooperation, including through Europol, the European Police College (Cepol) and Eurojust, along with the promotion of information exchange, the use of Joint Investigation Teams, the provision of appropriate training and focus on preventing crime and repeat offending;
19. Pursue the setting-up of a European Public Prosecutor's Office in particular to safeguard the Union budget;
20. Strengthen the judicial dimension of the internal security strategy;
21. Further develop EU integrated border management which should ensure uniform, secure and high-quality external border control while facilitating legitimate travel across external borders and promoting mobility within the Schengen area;

22. Carefully analyse future new IT systems in the area of migration and border management, such as the Smart Borders initiatives.
23. Ensure a high level of compliance with the Schengen acquis throughout the Schengen area while only applying the reintroduction of controls at internal borders as an exceptional measure that may be used only as a last resort;
24. Take more fully into account the existing interaction between the internal and external dimensions of security policy; and
25. Speed up the implementation of the 2011 roadmap aimed at strengthening ties between the EU Common Security and Defence Policy and the Freedom, Security and Justice policy and assess the impact of the ISS on the EU external security strategy.

The European Parliament has also expressed the intention to issue a Resolution following the Commission Communication on "The final implementation report of the EU internal security strategy 2010-2014" COM(2014) 365.



**COSI/CATS Home Affairs – informal meeting  
Rome, 22 July 2014**

**Internal Security Strategy (ISS)**

In 2010 the European Council adopted its Internal Security Strategy (doc. 7210/10) which sets out the common threats and challenges as well as the EU's common internal security policy, including the principles underpinning it, and defines a European Security Model. As a follow-up, the Commission presented the Internal Security Strategy in Action (doc. 16797/10) with five strategic objectives: (1) the disruption of international criminal networks, (2) the prevention of terrorism and addressing radicalization and recruitment, (3) raising levels of security for citizens and businesses in the cyberspace, (4) strengthening security through border management, (5) increasing Europe's resilience to crisis and disasters.

These challenges, principles and strategic objectives are certainly still relevant today. However, in accordance with the Strategic Guidelines defined by the European Council on 26/27 June, the EU Internal Security Strategy should be reviewed to take account of growing threats, such as the criminal infiltration of the legal economy, foreign fighters, and emerging threats, e.g. environmental crime and energy fraud. A renewed Strategy also needs to provide an EU response to changes in European society, for example caused by the economic crisis in Europe and the need for growth, as well as influences from outside the EU such as irregular immigration and regional conflicts destabilising Europe's neighbourhood. It also needs to help establishing a safer place for citizens, by preventing and combating crime in all its forms, so as to enable them to exercise fully their fundamental rights. Furthermore, particular attention needs to be paid to the rapidly evolving developments in cyberspace and the consequent need for security actions to keep pace with those developments.

On 20 June 2014, the Commission has provided the Council and the European Parliament with its assessment on the progress made during the period 2010-2014 and on challenges ahead, to be taken into account when renewing the Strategy<sup>1</sup>.

In this regard, to gather the views of all interested actors, the Commission will organize a High Level Conference on the 29<sup>th</sup> of September 2014 with representatives from Member States, the European Parliament, private sector, civil society and academia. The Commission has stated its intention to publish in early 2015 a Communication on a renewed Internal security strategy for 2015-2020.

Based on the Strategic Guidelines, the Presidency intends to develop the debate regarding a renewed Internal Security Strategy for 2015-2020, through an exchange of ideas, both from a

<sup>1</sup> Communication 'In the European Parliament and to the Council: "The final implementation report of the EU internal security strategy 2010-2014" COM(2014) 365



strategic and operational viewpoint, to be held within the Council and its preparatory bodies. The outcome will be summarized in Council Conclusions on the review of the Internal Security Strategy, to be submitted to the Council for approval in December. With these conclusions, the Council will outline its orientations on the renewed Strategy.

Taking account of the guidelines provided by the recent European Council as well as of the exchange of ideas between the Ministers during their informal meeting on 8-9 July 2014, delegations are invited to express their views as to the content that should be reflected in the Draft Council Conclusions on the review of the Internal Security Strategy.