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NOTE

From:	Presidency
To:	Standing Committee on Operational Cooperation on Internal Security
No. prev. doc.:	5298/1/16 REV 1, 15345/15, 14636/15, 14079/15, 10854/15
Subject:	Renewed European Union Internal Security Strategy Implementation Paper: first half of 2016

Executive Summary

The present report gives an overview of the progress achieved in the implementation of the Renewed EU Internal Security Strategy (2015 - 2020)¹, which is an overall priority for the Netherlands Presidency. The NL-SK-MT Trio Presidency decided to follow the same structure for the implementation paper ISS as the one developed under the Luxembourg Presidency², which was agreed at the joint COSI - CATS meeting on 22-23 July 2015. This implementation paper³, which was endorsed by COSI at its meeting on 3-4 March 2016, contained a list of forty different measures and served as a living, non exhaustive work programme for the different Council preparatory bodies under NL Presidency.

¹ 9798/15

² 10854/15

³ 5298/1/16 REV 1

For each of the forty different actions contained in the implementation paper, the current report makes a distinction between those that are being/were implemented and those that remain to be implemented.

The Presidency attached great importance to the implementation and consolidation of a wide range of operational, strategic and legislative measures and significant progress has been made. The Brussels attacks on 22 March 2016 underlined again, that while substantial progress was made, work had to be accelerated in various fields that were already identified in the Council conclusions on Counter-Terrorism⁴ of 20 November 2015, notably in relation to PNR, firearms, strengthening border controls, information sharing, financing of terrorism and the criminal response to terrorism and violent extremism.

Improving the information exchange and information management in the EU has been an absolute priority for the NL Presidency. The migration crisis and the Brussels attacks have underscored the importance of a solid EU information architecture in the Justice and Home Affairs area. The Presidency will submit a Roadmap⁵ to the Council on 10 June 2016 with specific, practical short and medium-term actions as well as long-term orientations to enhance information management and information exchange in the Justice and Home Affairs area.

Over recent months the Commission presented an important number of legislative proposals and Communications, notably the Smart Borders package with a proposal for an Entry/Exit System (EES), the amendment of the Schengen Borders Code, the European Border and Coast Guard, Information Systems for Borders and Security as well as the implementation of the European Agenda on Security. Discussions started in the respective Council Working Parties and Committees on these topics.

⁴ 14406/15 + COR 1

⁵ 8437/16

Results achieved

The main results in the implementation of the Renewed EU Internal Security Strategy can be summarised as follows.

1. Important actions completed during the last six months

Borders

- Adoption of a general approach regarding the amendment to the Schengen Borders Code in the JHA Council on 25 February 2016.
- On 6 April 2016, COREPER granted the Presidency a mandate to open interinstitutional negotiations on the proposal for a European Border and Coast Guard.
- Europol launched its new European Migrant Smuggling Centre (EMSC) on 22 February 2016.
- Council conclusions on migrant smuggling were agreed by the Council on 10 March 2016.

Fight against Terrorism

- The Council adopted the PNR Directive on 21 April 2016, which was signed on 27 April 2016.
- A Joint Statement of the Ministers for Justice and Home Affairs and representatives of EU institutions on the terrorist attacks in Brussels on 22 March 2016 was adopted on 24 March 2016.
- On 11 March 2016 the Council reached a general approach on the proposal for a Directive on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism.
- The European Counter Terrorism Centre (ECTC) was launched in Europol on 1 January 2016 and a joint liaison team of national counter-terrorism experts was set up at the ECTC.
- The "Centre of Excellence" of RAN was launched on 25 January 2016.

Serious and Organised Crime

- The Joint Action Days (JADs) were defined and the concept of the JADs 2016 was validated.
- The independent evaluation of the Policy Cycle was launched.

Customs

- The 8th Action Plan for 2016-2017 was adopted with a focus on seeking cooperation with the actions developed within the framework of the EU Policy Cycle.

2. Actions that the Presidency aims to complete before the end of June 2016

- To reach a first reading deal with the EP on the draft Regulation for amending Article 7(2) Schengen Borders Code.
- To reach a first reading deal with the EP on the draft Regulation on the European Border and Coast Guard.
- To reach a first reading deal with the EP on the proposal for a Directive on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism.
- To finalise the Roadmap on information exchange and information management.
- To reach agreement within Council on Articles 37-75 from the EPPO Regulation.
- To adopt draft Council conclusions on the administrative approach to prevent and fight serious and organised crime.
- To adopt draft Council conclusions on improving criminal justice in cyberspace and on the establishment of the European Judicial Cybercrime Network.
- To adopt Council conclusions and an Action Plan on Financial investigation.
- To reach a general approach on the revision of the Firearms Directive 91/477.

- To adopt the Council conclusions on addressing trafficking in human beings for labour exploitation.
- To adopt Council conclusions and Action Plan on the way forward towards European Forensic Science Area 2020.

3. Actions that should be taken into consideration by incoming presidencies

Fight against Terrorism

- COSI to monitor the implementation of the operational measures listed in the Council conclusions of 20 November 2015 on Counter-Terrorism and the Joint Statement of 24 March 2016.
- COSI to agree on a master document on terrorism and on improving the cooperation between INTCEN and Europol.
- To implement the Roadmap on information exchange and information management.

Firearms

- To follow-up on the implementation of the Action Plan on illicit trafficking in firearms between the EU and the South East European region for the period 2015-2019.
- To reach a first reading deal with the EP on the revision of the Firearms Directive 91/477.

Serious and organised crime

- To continue the implementation of the Policy Cycle and prepare the 2017/2021 Policy Cycle taking into account the results of the independent evaluation.
- To implement and monitor the Action Plan on the way forward towards European Forensic Science Area and the Action Plan on Financial Investigations.
- To follow up the Council conclusions on the administrative approach to prevent and fight serious and organised crime and Council conclusions on improving criminal justice in cyberspace.

COSI

COSI, as established by Article 71 TFEU and laid down in the Council Decision of 25 February 2010, has a central role in ensuring that operational cooperation on internal security is promoted and strengthened within the Union as well as in developing, implementing and monitoring the renewed EU Internal Security Strategy 2015-2020. The progress in the implementation of the renewed EU Internal Security Strategy will therefore be closely monitored by COSI, which will discuss a number of operational issues related to the priorities identified in the renewed ISS. For some of the items listed below, this will be done on the basis of work carried out by other Working Parties.

(1) Implementation of the EU Policy Cycle [*Measure 35*]

In this regard COSI will in particular examine the following items:

- extending the Policy Cycle to neighbouring countries and strengthening the involvement of third countries in the Operational Action Plans;
- increasing the involvement of Customs authorities in the Policy Cycle, notably to ensure coordination with the 8th Customs Action Plan;
- monitoring emerging threats, in particular environmental crime as well as hybrid threats by using an intelligence-led approach;
- following-up on the independent evaluation mechanism launched at the end of 2015 (outcome for the JHA Council in March 2017 – MT Presidency);
- preparing of the next Policy Cycle taking into account the outcome of the evaluation;
- monitoring the development of the 2016 Joint Action Days and strategic debate on the 2017 JAD's at the end of 2016;

- monitoring the funding of the OAPs: regular update by Europol on the different aspects of the funding process under the Delegation Agreement. COSI discussion of possible strategic matters related to the funding of EMPACT projects;
- monitoring progress reports and final reports OAPs 2016 and discussion – adoption of OAP's 2017 (end of 2016);
- discussing effectiveness of operational cooperation between the law enforcement agencies within the field of cybercrime on the basis of experiences with the operational action “Illicit trade markets via the darkweb” of the EMPACT project on cyberattacks.

Objectives which are being/were implemented:

- *COSI discussed the interactions between the 2016 OAPs and the 8th CCWP Action Plan and agreed on a number of coordination measures set out in 6015/1/16 REV 1. A joint COSI SG - CCWP was held on 24 February 2016;*
- *COSI was informed about the Commission Communication on an EU Action Plan against Wildlife Trafficking and draft Council Conclusions on Wildlife Trafficking;*
- *COSI discussed a joint French-German initiative on organised domestic burglary and the coordination with the actions developed under the OAP Organised Property Crime. The results of a Conference on organised Domestic Burglary will be presented to COSI on 17 May 2016;*
- *COSI was regularly informed about the state of play of the independent evaluation of the EU Policy Cycle. A leading expert for the monitoring group was appointed and the Commission has chosen the independent evaluator. A kick off meeting was organised on 12 April 2016;*
- *COSI discussed the funding for the OAPs at several meetings. At the June meeting, strategic guidance might be required from COSI in case a mini call would be launched to re-use the unspent money of the OAPs 2015;*

- *The effectiveness of operational cooperation between law enforcement agencies in the field of cyber crime will be discussed by COSI on 17 May 2016;*
- *COSI agreed on the definition of the Joint Action Days (JADs) (8127/16) and validated the concept of the JADs 2016 (8069/16 EU RESTRICTED).*
- *COSI discussed recommendations for the improvement of international operational cooperation in criminal investigations in cyberspace on 17 May 2016.*

Objectives still to be implemented:

- *Continue extending the work of the Policy Cycle to neighbouring countries;*
- *Progress reports and final reports OAPs 2016 to be discussed. New OAPs 2017 to be submitted to COSI in December 2016;*
- *Strategic guidance on funding;*
- *Strategic debate on JADs 2017. Final results of JADs 2016 to be presented to COSI in December 2016;*
- *Preparation of next Policy Cycle on the basis of the results of the independent evaluation.*

(2) European Agenda on Migration [*Measure 33*]

In line with the "Roadmap on the follow-up to the EC conclusions" (8497/15), COSI will ensure that the actions undertaken in the framework of the EU Policy Cycle are integrated with the European Agenda on Migration in particular with regard to THB and smuggling of migrants;

Objectives which are being/were implemented:

- A second joint COSI - SCIFA meeting was held on 18 April 2016;
- COSI - PSC discussed disrupting smuggling and trafficking of migrants at their joint meeting on 3 March 2016;
- COSI ensured coordination between the relevant OAPs and the European Agenda on Migration as well as with recent developments in the migratory field; in this regard, the Committee agreed on 3-4 March 2016 on draft Council conclusions on migrant smuggling which were adopted by the Council (6995/16) on 10 March 2016.

(3) Integrated Border Management [*Measures 13 and 14*]

In this regard COSI will in particular examine:

- the implementation of the operational measures taken to strengthen the controls at external borders as foreseen in the Conclusions on Counter-Terrorism (14406/15 + COR 1), notably:
 - the use of the different databases, in particular the SIS II and Interpol databases,
 - the connection of all external border crossing points to the relevant databases,
 - the implementation of the common risk indicators.
- COSI should be informed about the update of the Handbook for border guards and about the legislative negotiations regarding the EU Border Guard and the amendment of Art. 7(2) Schengen Borders Code.

Objectives which are being/were implemented:

- *COSI continued to monitor the implementation of the operational measures provided for in the Council Conclusions of 20 November 2015; in this regard, the Counter-Terrorism Coordinator (CTC) presented the state of play of this implementation (6450/16) in COSI on 3-4 March 2016;*
- *The architecture of information systems and their interoperability/interconnectivity was discussed at COSI on 3 March and on 18 April. The Presidency will present a draft Roadmap on information exchange and information management to COSI on 17 May 2016 (see also item 4);*
- *The Commission Communication "Stronger and Smarter Information Systems for Borders and Security" and the Proposal for a Regulation establishing an Entry/Exit System (EES) and the Proposal for a Regulation amending the Schengen Borders Code were presented to the COSI-SCIFA meeting on 18 April 2016.*

Objectives still to be implemented:

- *Draft Roadmap to be agreed by Council on 10 June + implementation to be monitored;*
- *COSI to be kept informed about border management issues.*

(4) **Terrorism** [*Measures 21, 22 and 25*]

In accordance with the Council conclusions of 20 November 2015, COSI will liaise with competent Working Parties of the Council and with the Commission and EU agencies to ensure effective implementation of operational measures on Counter-Terrorism.

- COSI in particular will monitor the implementation of the operational measures of the Council conclusions on Counter-Terrorism of 20 November 2015 (14406/15 + COR 1) and the EC Conclusions of 17-18 December 2015⁶ in particular the exchange of information and monitor the progress in the work of the European Counter-Terrorism Centre and the Internet Referral Unit within the ECTC at Europol.
- COSI will also monitor the implementation of the EC Declaration of 12 February 2015, the Riga Declaration, the 5 short-term priorities of JHA Council of 8 October 2015 as well as the EC Conclusions of 17-18 December 2015.

COSI will in particular deal with the following items:

- examine the possibility to develop a [methodology for a] structured and multilateral approach for operational cooperation on countering terrorist threats;
- presentation of the Europol TE-SAT report 2016;
- give guidance to Europol in developing the ECTC and the IRU;
- the implementation of the Council Conclusions on the Western Balkan Counter Terrorism Initiative, incl. Action plan covering 2016-2017;
- possible discussion on Railway security (based on COM study and other actions, such as detection trials);
- discuss the possibilities for an EU Human and Fundamental Rights Strategy.

⁶ EUCO 28/15

Objectives which are being/were implemented:

- *Europol will present at the COSI meeting on 17 May 2016 the progress made in the ECTC;*
- *COSI is monitoring the implementation of the operational measures provided for in the Conclusions on Counter-Terrorism adopted on 20 November 2015 and the Joint Statement of 24 March 2016;*
- *COSI discussed the possible development of a structured and multilateral approach for operational cooperation on countering terrorist threats on 18 April 2016. COSI agreed to the creation of a master document which would cover the most relevant Counter Terrorism (CT) actions that have been agreed by the Council. The Committee also discussed strengthening the cooperation between Europol and EU INTCEN on threat analysis;*
- *The architecture of information exchange systems and their interoperability/interconnectivity was discussed at several meetings of COSI and the COSI Support Group. The Presidency's draft Roadmap will be discussed at the COSI meeting on 17 May 2016 with a view to submitting it to the Council on 9 - 10 June 2016;*
- *COSI was informed about the outcome of a Workshop on the development and principles of an EU Communication Strategy to promote respect, non-discrimination, fundamental rights, freedoms and solidarity throughout the EU (Vienna, 14-15 December 2015).*

Objectives still to be implemented:

- *Continue to monitor implementation the operational measures foreseen in the Conclusions on Counter-Terrorism adopted on 20 November 2015 and the Joint Statement of 24 March 2016;*
- *Drafting of a master document;*
- *Explore possibilities for a strengthened cooperation between INTCEN - Europol in relation to threat assessments;*
- *TESAT 2016 to be presented to COSI in June;*
- *Railway security to be discussed;*
- *Fundamental Rights Strategy.*

(5) EU Internet Forum [Measure 23]

The Commission will be invited to update COSI on the activities of the EU Internet Forum, which was launched on 3 December 2015. COSI will be invited to provide guidance, as appropriate, whilst keeping the link with FoP on Cyber Issues and the Digital Single Market Agenda, *inter alia* in the field of cybercrime.

Objectives which are being/were implemented:

- *At the COSI meeting on 3 March 2016 the Commission briefly referred to the Internet Forum and suggested an ad hoc meeting to brief Member States on the progress with regard to the Internet Forum.*

Objectives still to be implemented:

- *Progress Internet Forum to be discussed.*

(6) Firearms [Measure 29]

The Commission's proposal to strengthen the firearms legislative framework was submitted on 18 November 2015 and COSI will closely monitor the progress in the discussions of the draft Directive and the implementation of common deactivation standards. COSI will in particular deal with the following items:

- the implementation of the measures contained in the Council conclusions of 8 October 2015 on strengthening the use of means of fighting trafficking of firearms, in particular the feeding of the relevant databases, MS' participation in OAP Firearms;
- the interoperability of iARMS/SIS as well as the development of a Manual for combating the sale of illegal commodities on the Internet. The coordination of measures contained in the EU Action Plan against illicit trafficking in and use of Firearms with OAP Firearms, the Customs 8th Action Plan as well as other initiatives;

- follow-up on the implementation of the Action Plan on illicit trafficking in firearms between the EU and the South East European region for the period 2015-2019⁷;
- information by FI on the evaluation of operational coordination with regard to trafficking in firearms (discover gaps).

Objectives which are being/were implemented:

- *COSI will monitor the implementation of the monitoring OAP Firearms at the COSI meeting on 21 June 2016;*
- *COSI is monitoring the implementation of the firearms part of the Action Plan on illegal trade of firearms and explosives, including the WB and MENA countries activities, adopted by the COM on 2 December 2015. COSI discussed on 3-4 March 2016 measures to improve coordination between the various actions in relation to firearms. A matrix would be created which would give an exhaustive and clear overview of all actions to fight against firearms trafficking. The establishment of this matrix will be discussed in COSI on 17 May 2016.*

Objectives still to be implemented

- *Implementing the Firearms matrix;*
- *Continue monitoring the implementation of the Council Conclusions of 8 October 2015;*
- *The new OAP 2017 Firearms will be submitted to COSI for approval in December 2016, together with the final report OAP 2016;*
- *Development of a Manual for combating the sale of illegal commodities on the Internet;*
- *Follow-up on the Implementation of the Action Plan on illicit trafficking in firearms between the EU and the South East European region for the period 2015-2019.*

⁷ 15516/14

(7) Administrative approach [Measure 32]

- Update on the implementation of the multi annual Work Programme (2015-2017) of the Informal Network of contact points on the Administrative Approach (16407/14);
- Presentation of outcome meeting Informal Network held on 26 January 2016 and the EU conference ‘Working Apart Together’ on 21 and 22 March 2016;
- Overview of possibilities of administrative authorities in Member States to deal with Outlaw Motorcycle Gangs (OMG’s) (12041/15).

Objectives which are being/were implemented:

- *Draft Council conclusions on the administrative approach to prevent and fight serious and organised crime (7686/16) will be submitted to COSI on 17 May 2016. COSI will also discuss the administrative approach Outlaw Motorcycle Gangs (8641/16) at that meeting.*

Objectives still to be implemented

- *Informal Network on the administrative approach will report to COSI in June 2016.*

(8) Links internal - external security [Measure 36]

COSI and PSC will discuss the way forward regarding the Road Map "Strengthening Ties between CSDP and FSJ". COSI should also discuss how to contribute to existing policy dialogues on security with key third countries and tackling hybrid threats.

In this regard COSI will in particular deal with the following items:

- examine the EEAS’ Progress reports: follow-up;
- contribute to policy dialogues with third countries;

- organise joint COSI – PSC meeting to discuss *inter alia*:
 - Enhancement of the security (including CT) part of policy dialogues with 3rd countries (fight against organised crime, terrorism, smuggling of migrants, trafficking in human beings, trafficking of firearms and explosives, drugs);
 - Maximise the added value of EU financial instruments with 3rd countries through targeted use and improved linkage to security dialogues;
 - Establish a coherent policy towards 3rd countries that have deficient anti-money laundering and counter-terrorist financing regimes;
 - Inventory of EEAS cooperation with Europol, Eurojust, Frontex, CEPOL and Interpol;
 - final report of the informal experts group led by PL.

Objectives which are being/were implemented:

- *A COSI-PSC meeting was held on 3 March 2016 which discussed disrupting of smuggling migrants and trafficking in human beings as well as the CT cooperation with Algeria, hybrid threats and aviation security.*

Objectives still to be implemented:

- *Final report expert group led by Poland;*
- *COSI contribution to the policy dialogues with third countries;*
- *Follow-up to the Roadmap Strengthening ties CSDP - FSJ.*

(9) Cooperation between JHA Agencies [Measure 15]

COSI will look at deepening the cooperation between JHA Agencies. Ways of improving information exchange between JHA agencies, including ways to improve Member States' contributions to the JHA Agencies, will be discussed. COSI will be informed of the outcome of the next meeting of the Heads of JHA Agencies, to be hosted by FRA in November 2016.

Objectives which are being/were implemented:

- *COSI will discuss on 17 May the draft Roadmap on information exchange and information management which aims also at strengthening the information exchange between Agencies as well as between Member States and Agencies.*

Objectives still to be implemented:

- *Debate ways of further improving cooperation between the Agencies, in particular Europol and Eurojust and assess remaining obstacles for Europol and Frontex, inter alia as regards direct access to SIS II;*
- *Report Heads of JHA Agencies meeting November 2016.*

(10) Information exchange [Measure 5]

COSI will follow up on the implementation of the recommendations of the 2012 Communication of the Commission on the European Information Exchange Mechanism on the basis of the discussions in DAPIX.

Objectives which are being/were implemented:

- *The architecture of information systems and their interoperability/interconnectivity was discussed at COSI on 3 March and on 18 April. The Presidency will present a draft Roadmap on information exchange and information management to COSI on 17 May 2016) (see in items 4 and 5 above);*
- *The Commission Communication "Stronger and Smarter Information Systems for Borders and Security" was discussed at COSI on 17 April 2016.*

Objectives still to be implemented:

- *Implementation of the draft Roadmap*

(11) Follow-up of the adoption PNR Directive [Measure 1]

COSI will be regularly updated on the setting up of Passenger Information Units in Member States and of requests for PNR data from third countries and COSI will be kept informed on the negotiations of agreements on PNR transfers with third countries.

Objectives still to be implemented:

- *Regular updates on the implementation of the PNR.*

CATS

CATS is a senior level committee of the Directors and Directors General at the Ministries of Justice and Home Affairs in the Member States. It assists Coreper in relation to legal, horizontal and strategic matters in the field of police and judicial cooperation in criminal matters. It works in collaboration with other relevant Council Committees, in particular COSI and SCIFA, and relevant working parties, providing the latter where appropriate with strategic guidance and support.

(1) (Additional protocol to) the Council of Europe Convention on the Prevention of terrorism [Measure 24]

The ongoing update of the FD 2002/475/JHA on combating terrorism takes into account the Additional Protocol to the Council of Europe Convention on the Prevention of terrorism. This will also pave the way for the conclusion of the CoE Additional Protocol on behalf of the EU. In order to do so, the Union will have to transpose its provisions into EU's law. The signing on behalf of the EU, of the CoE Additional Protocol to the Convention on the prevention of Terrorism was approved by Council Decision (EU) 2015/1914 of 18 September 2015.

Objective still to be implemented:

- *As soon as the Commission presents the respective proposals, work with a view to the adoption of the Council Decisions on the conclusion on behalf of the EU of the CoE Convention on the Prevention of Terrorism and its Additional Protocol will be carried further.*

(2) Data Retention Directive [Measure 9]

On the basis of Member States' contributions CATS will examine the various ways in which the ruling of the ECJ and of some national Courts invalidating the Data Retention Directive have been taken into account in national legislation.

During the meeting of the Ministers of Justice in December 2015, the Ministers of Justice agreed on creating a policy-group on data retention within the EU.

Objective which are being/were implemented:

- *The first meeting of the informal policy group took place in April 2016.*

Objectives to be implemented:

- *Provide follow up of the activities of the group.*

(3) E-evidence [Measures 17 and 38]

Objective which are being/were implemented:

- *In June 2016 the Council will adopt 2 sets of conclusions: (i) on improving criminal justice in cyberspace and (ii) on the European Judicial Cybercrime Network. The Council will also hold a policy debate on differentiation between types of data for the purpose of obtaining e-evidence and on possible grounds for enforcement jurisdiction in cyberspace that will guide future work of the Commission in this respect.*

Objectives to be implemented:

- *Monitor the follow up process to the implementation of the Council conclusions in order to streamline mutual legal assistance in cyber-related criminal proceedings and to improve cooperation with private parties in order to secure and obtain e-evidence more effectively, and to develop a common EU approach on enforcement jurisdiction in cyberspace for situations where existing frameworks are not sufficient.*
- *Facilitate ongoing policy discussions on the practical and legal obstacles to investigations in cyberspace in order to ensure effective criminal justice in the digital age.*

TERRORISM WORKING PARTY (TWP)

The TWP discusses the [internal] operational aspects of Counter Terrorism (CT) (as opposed to COSI, which discusses CT issues at strategic and policy shaping level). It should assess the terrorist threat; manage and improve cooperation instruments, define new cooperation instruments (e.g. the role and responsibilities of Europol in the field of terrorism) and continue cooperation with COTER (dealing with external aspects of CT) via a joint meeting during each Presidency. The joint half-yearly TWP/COTER session is a regular dialogue on cross-cutting issues, with a view to reinforcing links between external and internal aspects of CT (such as in aviation security, cyber security, data issues, radicalisation, terrorist financing, terrorist movement, diaspora engagement and tackling the terrorist threat at its source).

Apart from the regular information updates on incidents of significant interest (incl. Member States informing on Foreign Terrorist Fighters), INTCEN reports and presentations comprising an important element of TWP and COTER discussions and CTC, COM, EEAS and Europol informing on CT-activities, the following items may be discussed during the first half of 2016 in the context of the implementation of the ISS:

(1) EU Internet Forum [Measure 23]

The TWP will receive regular updates concerning the work of the EU Internet Forum and contribute to the guidance to be provided by COSI.

Objectives which are being / were implemented:

- *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. Apart from all the major internet providers, the platform counts 21 Member States and the EU CTC among its participants. They 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. The aim now also is to address/include smaller companies;*
- *The Forum met in Brussels on 22 January 2016 to discuss a roadmap for concrete action in 2016. In April, the EU hosted a workshop in the US (California).*

(2) Prevention of radicalisation *[Measures 21, 22, 25 and 28]*

The TWP will in particular deal with the following items:

- Regular updates on the work of the RAN and the RAN Centre of Excellence;
- Regular updates from SCAT (Strategic Communications Advisory Team);
- Raise awareness among CT officials regarding R&D dimension in this field – SAFIRE;
- Information from the Dutch General Intelligence and Security Service (under the MoI) on “Life with ISIS/the Caliphate”;
- Discussion on Countering Violent Extremism in light of the COM Report, and the conference on “Countering radicalisation and violent extremism” in Amsterdam on 1 and 2 February 2016.

Objectives which are being / were implemented:

- *The official launch of the "Centre of Excellence" of RAN (Radicalisation Awareness Network) took place on 25 January 2016 in Amsterdam. TWP is regularly updated on its activities by the Commission. On 27 April the chair of the subgroup "LOCAL", set up in October 2015, addressing the local dimension, improving interaction between policy-makers and (first line) practitioners, gave an update of its activities;*
- *Presentation in January by the Dutch General Intelligence and Security Service (AIVD) on "Life with ISIS: the Myth Unravelling", providing a counter-narrative to ISIS propaganda to draw in recruits;*
- *Europol has given regular updates on the EU IRU since its establishment on 1 July 2015. Most Member States have now appointed IRU national contact point;*
- *On 8 March, the outcome of the conference on "Countering Violent Extremism" of 1-2 February 2016 was presented. The importance of exchanging local experiences and practices among Member States to develop effective strategies to counter radicalisation and violent extremism as an integral part of national CT strategies was underscored;*

- *Local approach of municipality to countering radicalisation: presentation on 27 April by the mayor of the Belgian city Dendermonde;*
- *Presentation on 8 March of an EU-project TerRa "Terrorism and Radicalisation", financed by the Commission, gathering partners from NL, UK and ES and running since 2012 a toolkit available on the internet.*

Objective still to be implemented:

- *No presentation of SAFIRE so far;*
- *Update by (S)SCAT.*

(3) Foreign terrorist fighters [Measure 24]

The TWP will in particular look at the following actions:

- *Travel movements: information paper by the Presidency and follow-up on the Expert level conference Terrorist Travel on 29 February and 1 March 2016 in Amsterdam;*
- *Travel to Iraq/Syria: presentation by INTCEN and possible presentation Travel Tool AIVD.*

Objectives which were/are being implemented:

- *A conference on "Countering Terrorist Travel (CTT)" was held in Amsterdam on 29 February and 1 March 2016, aiming to identify obstacles to information exchange;*
- *A presentation on the Modus Operandi of Jihadists was made by INTCEN on 8 March 2016. On 6 April 2016, TWP received a presentation on 'European Foreign Fighters';*
- *The ICCT (International Centre for Counterterrorism, the Hague) presented on 6 April 2016 its report issued on 4 April 2016 "The Foreign Fighters Phenomenon in the EU - Profiles, Threats and Policies", mapping trends and developments from January 2011 till October 2015.*

(4) Information exchange [Measures 5 and 12]

Based on the JHA Council Conclusion of 20 November 2015 and the EC Conclusions of 17-18 December 2015, which underscore the need for (continuous) improvement in relation to information exchange concerning CT. The TWP will look at the following actions:

- Cooperation Intelligence and Security Services with Law Enforcement in conformity with the EC Conclusions of December 2015;
- Information by Counter Terrorism Group (CTG) on sharing intelligence by Security Services within the EU;
- Reinforced border security through systematic and coordinated checks against the relevant databases based on risk assessment as well as integrating the internal and external aspects of the fight against terrorism;
- The use of SIS in the fight against terrorism. Host a combined TWP/SIS-SIRENE committee with an update on SIS-activities by France.

Objectives which are being/were implemented:

- *The EU Counter Terrorism Centre (ECTC) was officially inaugurated on 25 January 2016 in Amsterdam. Europol regularly gives updates to the TWP;*
- *In January, TWP was informed by Europol about the Task Force "Fraternité", set up as support right after the terrorist attack in Paris in November together with FR and BE;*
- *At the joint TWP/SIS-SIRENE meeting on 8 March 2016, first of its kind since April 2014, the lessons learnt and use of SIS in the fight against the foreign terrorist fighters (FTF) were discussed in the context of the preparation of the Roadmap on information exchange and management to be presented to the Council at its June meeting.*

Objective still to be implemented:

- *Information by the Counter Terrorism Group (CTG).*

(5) CBRN-E Progress report on the implementation of Action Plans [Measure 26]

The TWP will discuss the Commission Progress Report on the implementation of the 2009 EU CBRN Action Plan as well as the Action Plan on the 2008 EU Action Plan on Enhancing the Security of Explosives. This will provide input for the Commission Communication on the way forward in the CBRN-E area, planned for the second semester of 2016.

Objectives which are being / were implemented:

- *The Commission hosted a meeting on CBRN-E on 21-22 April 2016 on which TWP received an update on 27 April 2016.*

(6) Protection of critical infrastructure [Measure 16]

The TWP will discuss recent activities on the issue of insider threats to critical infrastructure at EU level. Consultations with Member States and industry have revealed a need for additional measures to mitigate the threat of potentially malicious insiders, particularly in relation to returning foreign terrorist fighters or radicalised individuals.

Objectives which are being / were implemented:

- *Findings and potential measures to address the insider challenges were discussed in particular at the April meeting after the Brussels attacks. Updates by the Commission on transport security, on its work on detection activities both on the preventive side on how to detect threats to land and aviation security and how to mitigate such threats.*

(7) Explosives – revision of the Precursors Regulation [Measure 26]

The TWP will deal with the follow up of the implementation of the explosives part of the Action Plan on illicit trafficking in and use of firearms and explosives, which was adopted on 2 December 2015. The specific actions related to explosives include activities to better use existing tools, to develop better training and innovative detection tools, as well as to ensure the full implementation by Member States of the Precursors Regulation 98/2013, which aim to restrict access to dangerous substances that can be used for making explosives. The Action Plan also foresees to bring forward the revision of the Regulation to 2016 in order to propose further controls around precursors as threats evolve.

Objective still to be implemented:

- *Follow up on the implementation of firearms and explosives Action Plan.*

(8) Western Balkan counter-terrorism initiative (WBCTI) [Measure 27]

Objectives which are being / were implemented:

- *The Council Conclusions on "The integrative and complementary approach to counter-terrorism and violent extremism in the Western Balkans"⁸ have been adopted on 3 December 2015. The conclusions and the linked Action Plan for 2015–2017 had been endorsed by the Western Balkan countries on 7-8 December 2015 in Sarajevo. A number of projects are well underway and an implementation report will be presented to relevant Council bodies (incl. TWP) by the end of 2016.*

⁸ 14986/15 + COR 1.

LAW ENFORCEMENT WORKING PARTY (LEWP)

The main goal of LEWP is to contribute to ensuring security in the Union by enabling police and other law enforcement agencies to better combat cross-border crime. In line with the principles set out in the renewed ISS, this is done, inter alia, by increasing cross-border cooperation, including operational cooperation, and mutual trust, as well as ensuring a cross-sectorial approach.

Where relevant, better steering of the networks and a top-down approach will be encouraged, in the LEWP relationship by better guiding their action, which would help contributing to the implementation of the renewed ISS. The following actions could be undertaken in the first half of 2016 in the context of the implementation of the ISS:

(1) Assessing strategic training needs [Measure 19]

CEPOL will be invited to present their ‘change management plan’, which includes a planning for the implementation of the new Regulation. Regarding the Strategic Training Needs Assessment: if progress is made in the first half of 2016, in line with the change management plan, LEWP will invite CEPOL to discuss the methodology that will be developed for assessing strategic training needs as set out in the new CEPOL Regulation (Art. 4.1)

Objectives which are being/were implemented:

- *The Change Management Plan for the implementation of the new Regulation has been discussed during the LEWP meeting on 24 February 2016.*

Objectives still to be implemented:

- *During the LEWP meeting on 24 February 2016 the Commission gave a brief update on the approach to be followed for the identification of a new methodology for the strategic training needs assessment - a process to be largely sub-contracted following a call for tender. For the time being however, the procedure has not been launched yet so no discussion can take place and therefore no advice can be supplied to CEPOL on this matter. The Commission indicated that Member States will be fully involved in the setting up of the methodology by the external contractor and that the methodology should be finalised in December 2016.*

(2) Financial investigation [Measure 36]

Following the outcome of the JHA Council on 20 November 2015 and the European Agenda on Security, which calls for strengthening the EU's capacity for the detection of illicit trade in goods or cash (in line with the EU Strategy and Action Plan for customs risk management), financial investigation has been added to the list of measures.

Financial investigation is a powerful tool in the fight against organised crime and terrorism and should be developed and used to its full potential. Therefore, the main goal is to implement recommendations of the Council's Final report of the Vth cycle of mutual evaluations on financial crime and financial investigation' endorsed by the Council on 26 October 2012 and the FATF recommendations on combatting money laundering and the financing of terrorism & proliferation of February 2012.

Objectives which are being/were implemented:

- *Council Conclusions and an Action Plan on Financial Investigation have been finalised with a view to adoption by the Council at its meeting on 9-10 June 2016.*

(3) Development of the European Forensic Science Area [Measure 10]

A questionnaire on this topic was presented to the LEWP on 24 June 2015. The outcome of the analysis was presented to LEWP on 21 December 2015.

Objectives which are being/were implemented:

- *During the informal Ministerial JHA meeting that took place in Amsterdam on 25 and 26 January 2016, ministers agreed that the creation of a European Forensic Science Area continues to be an important goal to be reached by 2020.*
- *Council Conclusions and the Action Plan on the way forward towards EFSA 2020 have been finalised with a view to adoption by the Council at its meeting on 9-10 June 2016.*

(4) Cooperation between customs and law enforcement agencies [Measure 15]

Better ways of coordinating the work of customs and police were discussed in the LEWP on 21 December 2015, based on the strategic review on customs and police by Europol and the presidency discussion document (14097/15).

The LEWP will follow up on the discussion of 21 December 2015, aiming to improve cooperation between customs and law enforcement agencies. This has also been stated in the European Agenda on Security which calls for the cooperation between and support of networks of national specialised units (e.g. FIUs, ARO, customs, coast guards; existing networks to tackle environmental crime) in other areas.

Objectives which are being/were implemented:

- *A JPCO on firearms was proposed by The Netherlands in the framework of the CCWP - JPCO ARES (6492/1/16 REV1, 8048/2/16 REV 2 (RESTREINT UE)). A joint CCWP Experts/LEWP meeting took place on 22 April to discuss the operational plan. The JPCO will be concluded in the second half of 2016 and should be coordinated with the relevant OAPs activities.*

(5) Relations between the LEWP and its related expert groups and networks [Measure 15]

At the LEWP meeting of 21 December 2015, the revised guidelines for the networks and expert groups related to the LEWP were adopted. The LEWP should continue the work that already has been undertaken in the past half year.

Objectives which are being/were implemented:

- *The networks and expert groups were informed about the new guidelines (12915/2/15 REV 2) and they were requested to send input regarding their strategic objectives.*

- *11 networks/expert groups sent input regarding their own strategic objectives. Their contributions have been included in one overview document - 6883/2/16 REV 2. Delegates endorsed the strategic objectives in question and on that basis the work programs of the networks/expert groups should be drafted and approved. A few remaining networks did not provide any kind of input. A discussion might follow on whether they still exist/function as well as on their participation in the LEWP system.*
- *During the NL Presidency, RAILPOL informed the LEWP that it considers itself not to be a LEWP related network, but an independent operational network which will remain open to cooperation with other agencies/organisations or bodies such as the LEWP. At its meeting of 26 April 2016, the LEWP agreed on the withdrawal of RAILPOL from the LEWP system (7914/16).*

CUSTOMS COOPERATION WORKING PARTY (CCWP)

The CCWP deals with the cooperation between customs authorities from Members States and between customs authorities and other law enforcement authorities, at experts and plenary level. Customs is the lead authority for control of and the fight against illegal trade in goods crossing the external borders of the EU and contributes within its competencies to the fight against the illegal trade in goods within the EU customs territory. In this sense, the outcomes and conclusions of debates, actions, Joint Customs Operations etc. organised under the auspices of this Working Party feeds into the work related to the renewed ISS, bringing on board the customs perspective on aspects like firearms, drug trafficking and NPS, cash movements, counterfeit goods, the use of Internet for criminal activities etc. The following actions will be undertaken in the first half of 2016 in the context of the implementation of the renewed ISS.

(1) Finalise the Action Plan 2014-2015 [Measure 34]

During the Plenary meeting on 14 January, the CCWP finalised the 7th Action Plan (2014 - 2015), the overview of relevant documents being set out in 5001/16 + COR 1. Actions 7.3 and 7.8 will be extended under the new Action Plan whereas topics related to Action 7.4 might be discussed at the high level DG meeting on 23 March 2016.

Objectives which are being/were implemented:

- *The possible solutions for tackling fraud related to customs procedure 4200 were discussed in the framework of the DG meeting on 20 April 2016. Under the auspices of the incoming Presidencies, a Working Group could be set up to reflect on such solution on the basis of all initiatives undertaken so far in this area (including CCWP's Action 7.4);*
- *Actions 7.3 and 7.8 will continue in the framework of the 8th Action Plan as Action 8.2 (Customs against internet crime) and Action 8.7 (Central Coordination Units).*

(2) Adopt the 8th Action Plan (2016 – 2017) and reinforce the link between it and the Operational Action Plans from the EU Policy Cycle for serious and organised crime [Measures 29, 30 and 37]

During the Plenary meeting on 14 January 2016, the CCWP adopted its 8th Action Plan (2016-2017) as set out in 13749/2/15 REV 2 + COR 1. The following actions will be part of CCWP activity for the next two years: illegal trade via Internet/small consignments, customs against internet crime (extension of Action 7.3), cash movements, illicit trafficking in firearms, export of strategic goods, regional occurrence of excise fraud (cigarettes and mineral oils) and Central Coordination Units (extension of Action 7.8). The action leaders will have to seek coordination with the relevant EMPACT/OAPs in order to avoid duplication.

Objectives which are being/were implemented:

- *A joint CCWP Plenary/COSI SG took place on 24 February 2016. A document was drafted detailing the measures envisaged for a better coordination between the CCWP's 8th Action Plan and the EU Policy Cycle (6015/1/16);*
- *The Presidency and the Council Secretariat did the necessary to implement the measures provided for in 6015/1/16 to this effect and put OAPs drivers and CCWP action leaders in contact. Europol is always present at the CCWP meetings. A meeting of the Coordination Mechanism for joint operations (CCWP, LEWP, FRONTEX, OLAF, TAXUD, Europol) to discuss the necessary coordination between JADs and JCOs is to be organised by the end of the Dutch Presidency;*
- *A JPCO aimed at disrupting illicit trafficking of firearms was proposed by The Netherlands in the framework of the CCWP - JPCO ARES (6492/1/16 REV1, 8048/2/16 REV 2 RESTREINT UE). Primary objective of the JPCO is to enhance customs controls on fire arms by using intelligence from other Law Enforcement Agencies. A joint CCWP Experts/LEWP meeting took place on 22 April 2016 to discuss the operational plan, which was supported by OAP Firearms, Europol FP Firearms, LEWP EFE network and the Commission (DG TAXUD). The JPCO should be concluded in the second half of 2016 and should be coordinated with the relevant OAPs activities;*

- *The 8th Action Plan of the CCWP was agreed during the CCWP meeting of 14 January 2016. Subsequently the mandates for the actions have been put forward for approval by the CCWP;*
 - *On the Europol European Platform of Experts a dedicated network was established for customs authorities enabling the sharing of relevant information from Europol and the Member States.*
- (3) Related to terrorism financing: measures related to illicit trade in cultural goods and measures related to illicit cash movements and to the strengthening of cash controls Regulation [Measure 36bis]**

The Presidency will assess the most appropriate way of bringing this topic for debate and further action in the CCWP.

Objectives which are being/were implemented:

- *An action related to illicit cash movements is included in the CCWP 8th Action Plan (Action 8.3, FR and ES are leaders). During the CCWP Plenary on 14 April 2016 the mandate has been adopted as set out in 6095/2/16 REV 2+ COR 1. Its implementation will take place during incoming Presidencies;*
- *The Commission presented the Action Plan against terrorism financing at the CCWP meeting of 24 February 2016 and clarified the legislative procedures. The CCWP agreed in the 8th Action Plan to pay particular attention to (illegal) movements of cash. The importance of tackling terrorism financing was also discussed at the High Level DG Customs meeting on 20 April 2016 in a more strategic exchange of views on the role of Customs in the fight against terrorism. On request of the Directors General the CCWP will revitalise the working group on counter terrorism.*

Objective still to be implemented:

- *During the Slovak Presidency, the High Level DG Customs meeting will discuss the involvement of customs in the fight against terrorism, including terrorism financing;*
- *No activity could be undertaken with respect to illicit trade in cultural goods as it seems there is not much knowledge and expertise in this area. The Commission is expected to put forward a proposal for a legislative act on this topic.*

(4) Wildlife trafficking (COM communication possibly in March 2016) [Measure 34]

The EU Action Plan against Wildlife Trafficking, currently under preparation (due in 3/2016⁹), aims to provide a framework and strategic guidance to a range of actions, which need to be developed at EU and MS level to address the key challenges. It aims at answering Member States commitment to respond, and at creating a better coherence of measures by bringing together the main players from different areas affected by this global and multi-dimensional problem (environment, development, external action, customs, interior, justice, trade).

Objectives which are being/were implemented:

- *The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - EU Action Plan against Wildlife Trafficking as set out in document 6570/16 was discussed during the CCWP Plenary meeting on 14 April 2016.*

Objectives still to be implemented

- *Joint involvement of CWWP and the EnviCrimeNet (network of LEWP) in the Action Plan is being considered.*

⁹ http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_env_087_action_plan_wild_trafficking_en.pdf

(5) Strengthen the EU's' capacity for the detection of illicit trade in goods at the external border, in line with the EU Strategy and Action Plan for customs risk management.
[measure 15, 29, 34, 35]

The EU Strategy and Action Plan for customs risk management¹⁰ aims for a multi-layered approach to strengthen the capacity of the customs authorities in the fight against illicit trade. An important objective is to strengthen the cooperation between Customs and other law enforcement agencies at the border for this purpose.

Objectives which are being/were implemented:

- *During the joint CCWP Experts/LEWP meeting on 22 April 2016 DG TAXUD presented its Common Risk Management Framework. Coordination, and synergies between the JPCO aimed at disrupting illicit trafficking of firearms and the PCA Firearms were also discussed, as well as measures targeted at enhancing the cooperation and exchange of information between customs and other law enforcement agencies (recurrent topic on the agendas of CCWP meetings).*

Objectives still to be implemented

- *If possible, the outcome of the JPCO aimed at disrupting illicit trafficking of firearms is to be used in the PCA Firearms which is part of the Action Plan on illegal trade of firearms and explosives, depending on the scope of the PCA which is still to be decided.*

¹⁰ 12644/14 + ADD 1, 15403/14

WORKING PARTY ON INFORMATION EXCHANGE AND DATA PROTECTION (DAPIX)

With regard to information exchange, the Working Party on Information Exchange and Data Protection (DAPIX) is mandated to improve cross-border law enforcement exchange while taking due account of the protection of personal data, in particular by examining the implementation of Council Framework Decision 2006/960/JHA ("Swedish Framework Decision" (SFD)) and the "Prüm Council Decisions" 2008/615/JHA and 2008/616/JHA. To that end, DAPIX is furthermore implementing the Council's Information Management Strategy (IMS) aiming at solutions to current information exchange issues.

In the first half of 2016, the Working Party will continue to deal with:

(1) Prüm Decisions [Measure 6]

- Monitoring and furthering the implementation of the Prüm Decisions, in particular with regard to the decision of the UK Parliament to re-join Prüm and the negotiation with CH and LI to join Prüm;
- Finalising the Council Decision for LV launch of VRD exchange after EP voted positively on 20 January 2016;
- Bringing on board MS lagging behind, and NO, which still not have implemented Prüm.

Objectives which are being/were implemented:

- *A detailed discussion on the operational benefits of Prüm and bottlenecks in view of the implementation and use of the instrument has been undertaken (5295/16; 6854/16);*
- *Council implementing Decision for LV - VRD was adopted (EU 2016/254 OJ L 323/17);*
- *Regular participation of NO in the work of DAPIX on Prüm implementation.*

Objectives still to be implemented:

- *Strive for full interconnectivity of operational MS;*
- *Prepare Council implementing Decisions for:*

DNA: DK EL, HR, IE, IT, (UK), NO;
FP: DK, EL, HR, IE, IT, PT, (UK), NO;
VRD: CZ, DK, EL, HR, IE, IT, PT (UK), NO
- *Approval by COM: Notification of the UK participation in the Prüm Decisions;*
- *Notification of the UK concerning the recommendation for A Council Decisions to start negotiations on the participation of CH and LI in the Prüm Decisions.*

(2) Swedish Framework Decision (SFD) on "simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the EU"
[Measure 6]

Since the legal implementation has been nearly completed, awareness rising at both political and practical level should be envisaged. The biggest challenge seems to be a lack of training at operational, SPOC (Single Point of Contact) level.

Objectives which are being/were implemented:

- *Proposal for future A.T.H.E.N.A. - SPOC training schemes within the IMS (6770/16).*

Objectives still to be implemented:

- *Implementation of SFD by LU.*

(3) IMS (Information Management Strategy) [Measure 5] concerning the improvement the data provision and use of national and international systems (both on an organisational and technical level) by steering, in particular:

- the further deployment of the UMF project (Universal Message Format, on-going project under DE lead);
- In relation to IMS point 6: the ADEP project (Automation of Data Exchange Procedures, on-going project under FR/FI lead), by organising expert meetings on technical details;
- Monitoring the implementation of the current Information Management Strategy and following reflection within DAPIX possibly proposing a revised Information Management Strategy action list.

Objectives which are being/were implemented:

- *Monitoring the UMF project (6882/16) and kick-off meeting of UMF3 in The Hague;*
- *Update of PCCC: European dimension - project (5131/16);*
- *Monitoring the PNRDEP (Passenger Name Record Data Exchange Pilot) (6857/16);*
- *IMS action list for the period after 30 June 2016 discussed together with the drivers of the current actions, Member States, the European Commission and other stakeholders.*

Objectives still to be implemented:

- *Exchange expertise with a view to enhancing the data provision and use of national and international systems;*
- *Monitoring and possibly improving/harmonising national Prüm post-hit procedures.*

(4) Information exchange developments, strengthening implementation and use of different systems [Measures 12 and 13]

Information exchange has been highlighted as a pivotal pillar of European security. The renewed Internal Security Strategy stressed the need of full implementation of rules already in place – such as the Prüm framework.

The European approach to strengthen law enforcement information exchange should be primarily based on the strategic guidelines of the European Council in 2014. With the European Information Management Strategy and the accompanying action lists, Council Conclusions and follow-up discussion on the European Information Exchange Model, the Law Enforcement Information Exchange Manual and continuous efforts to support the implementation of Prüm and the Swedish Framework Decision, DAPIX will continue to fulfill its role.

Objectives which are being/were implemented:

- *Discussion on the basis of the contributions of Member States, the European Commission, relevant EU agencies and, where appropriate, other stakeholders to a topical and future-oriented generic approach on strengthened law enforcement information exchange as well as an effective fulfilment of the role of DAPIX in that framework (5180/16).*

(5) ADEP initiative & European Police Register Information System (EPRIS) [Measure 7]

DAPIX will contribute to the reflection regarding the possibilities of setting up a European Police Register Information System. In view of the ADEP project, provision of input for legislative proposals the European Commission may submit, has been delayed.

Objectives which are being/were implemented:

- *Monitor the development of the ongoing ADEP initiative.*

FRIENDS OF THE PRESIDENCY GROUP (FoP) ON CYBER ISSUES

The FoP on Cyber issues has been created with the main objective of ensuring a horizontal coordination of cyber policy issues within the Council by providing a platform for information exchange and priorities setting through strategic political discussions covering a broad range of issues related to security and resilience of networks and information systems, cyber defence, fight against cybercrime and EU international cyber policy. FoP is contributing to the implementation of the EU Cyber Security Strategy through a specifically dedicated Roadmap.

The following actions could be undertaken in the first half of 2016 in the context of the implementation of the ISS:

(1) Monitor the implementation of the EU Cybersecurity strategy [Measures 37 and 38]

Objectives which are being / were implemented:

- *The monitoring of the EU Cybersecurity strategy implementation is a recurring topic on the FOP agenda;*
- *During the February cyber attaches meeting time was devoted to discuss the state-of-play of the activities included in the road map. Following that discussions a new reshaped roadmap has been presented at the FOP meeting in March in order to reflect current and emerging trends by suggesting new topics to be examined by the group, but also to streamline its appearance by separating the activities that have been completed and the activities ongoing within other Council working groups;*
- *There were also focused discussions on specific cybersecurity topics, such as what role the European Information Sharing and Analyses Centres can play, and the EU diplomatic response against coercive cyber operations.*

Objective still to be implemented:

- *Continue monitoring the implementation by Member States.*

(2) Ratification of the Budapest Convention [Measure 37]

The FoP will continue to support the efforts of the three remaining Member States to ratify the Budapest Convention and to encourage promotion thereof as a model for cybercrime legislation when engaging internationally, including in the capacity building activities.

Objective still to be implemented:

- *Ratification of the Budapest Convention by the 3 remaining Member States.*

(3) EU positions in international fora [Measure 39]

The FoP will, through thematically focussed meetings, seek to form/consolidate EU position or to provide political guidance in respect to the ongoing external discussions on international security issues, including the norms for responsible state behaviour.

Objectives which are being / were implemented:

- *The consolidation of EU position to different cyber-related international processes or developments is a recurring topic on FOP agenda. More specifically the level of representation at the high level cyber conference organised by China, reaction to the movement towards a new global cybercrime instrument under the auspices of UN were discussed in the scope of FOP meetings;*
- *FOP was also debriefed on the results of the consultation meeting on the Tallinn Manual 2.0 on application of international law in cyberspace.*

Objective still to be implemented:

- *To discuss and prepare respective response/ EU position in international fora on upcoming cyber-related issues.*

(4) Discuss (legal) gaps in the fight against cybercrime and practical responses [Measure 37]

The FoP will continue to discuss security issues related to encryption IP addresses, cloud computing, jurisdiction and crypto-currencies, international recognition of e-evidence, public private partnership and access to information in order to seek global approaches aiming at overcoming obstacles to cybercrime investigations. The FoP will be informed on the discussion on e-evidence that take place in CATS.

The FoP will continue to provide attention to the further development of the responsible disclosure policy issue as an example of a good practice that can serve as fast track solution to some cyber security concerns.

Objective which is being/was implemented:

- *FOP was briefed on the discussions on the obstacles to cybercrime investigations held during the informal JHA Ministerial Meeting in January and also of the findings of the Presidency Conference on Jurisdiction in cyberspace held in March 2016.*

Objective still to be implemented:

- *Provide input to new policy or legislative instruments as well as raise awareness and share good practices.*

(5) Presentation of R&D contribution against cybercrime [Measure 38]

In order to raise awareness on R&D projects in this field, the Commission could present the **SECCRIT** (SEcure Cloud computing for CRitical infrastructure IT) project. It is a multidisciplinary research project with the mission to analyse and evaluate cloud computing technologies with respect to security risks in sensitive environments, and to develop methodologies, technologies, and best practices for creating a secure, trustworthy, and high assurance cloud computing environment for critical infrastructure IT.

Objective which is being/was implemented:

- *No further discussion of this issue following Commission presentation of their R& D projects and of the possibilities for funding during the LU Presidency.*

(6) Regular updates of the work of the EU Internet Forum [Measure 23]

The FoP will receive regular updates concerning the work of the EU Internet Forum and contribute to the guidance to be provided by COSI.

Objective which is being/was implemented:

- *FOP was kept informed about the state-of-play of the EU IT Forum. This issue was a standard agenda point so far.*

Objective still to be implemented:

- *FOP should continue to closely follow the developments in this area and to associate them with other ongoing processes.*

(7) Public-Private Partnership (PPP) in particular, the launch of a contractual PPP on cybersecurity by COM (DG Connect) as provided in the Digital Single Market Strategy [Measure 39]

The EU has funded the creation of a number of public-private partnerships – Centres of Excellence in Cybercrime Research, Education and Training – in different EU Member States in the past years. These Centres are currently working on developing a European network and on further defining their individual and common missions in the service of EU and national policy.

Objective which is being/was implemented:

- *Regular updates on the progress of the soon to be created contractual PPP on cybersecurity was provided by the Commissions and respective discussions in particular on Member States involvement were held in this regard. Also at the April cyber attaches meeting certain elements of the vulnerability disclosure in view of the ENISA report were discussed.*

Objective still to be implemented:

- *Continue following the implementation of this measure by Member States.*

(8) Global Forum on Cyber Expertise (GFCE). Relevant for international capacity building
[Measure 39]

The Global Forum on Cyber Expertise (GFCE) was launched in April 2015 as a pragmatic, action-oriented and flexible forum. It provides a global platform for countries, international organisations and private companies to exchange best practices, lessons learned and expertise on cyber capacity building. Together with partners from NGOs, the tech community and academia, GFCE members develop practical initiatives to build cyber capacities in four thematic areas: cybersecurity, cybercrime, online data protection and e-governance.

The FoP received updates concerning the work of the GFCE, in which Member States are active, also within the broader framework of international cyber capacity building. The FoP will continue to provide attention to the further development of the GFCE initiatives as an example of good practices, complementarity of efforts and avoidance of duplication and overlap.

Objective which is being/was implemented:

- *The state-of-play and future developments of the GFCE were discussed by FOP during its March meeting.*

Objective still to be implemented:

- *Continue following closely the activities of GFCE.*

(9) Implementation of the NIS Directive, in particular CSIRT cooperation *[Measure 40]*

Political agreement on the NIS Directive has been reached in December 2015. Adoption is expected by (late) spring.

The FoP will ask the Commission to give (regular) updates concerning the status and way forward regarding the implementation of the NIS.

Objective which is being/was implemented:

- *FOP was briefly informed about the ongoing work in relation to the NIS implementation, including the CSIRT Cooperation.*

Objective still to be implemented:

- *Continue following closely the implementation of the NIS Directive.*

WORKING PARTY ON SCHENGEN MATTERS ("SIS/SIRENE" configuration)

This Working Party, which meets in different configurations (Evaluation, Acquis, SIS/SIRENE) deals with all aspects regarding the correct implementation of the Schengen acquis by Member States. The SIS/SIRENE configuration examines in particular issues related to the Schengen Information System and the SIRENE cooperation. The following actions could be undertaken in the first half of 2016 in the context of the implementation of the ISS:

(1) SIS/SIRENE cooperation in the Fight against Foreign Terrorist Fighters [Measures 13 and 14]

Building on the measures set out in the Internal Security Strategy and agreed upon in the second half of 2015, the Working Party will contribute to the exercise to determine ways forward to remove remaining obstacles for information exchange on foreign terrorist fighters.

Objectives which are being/were implemented

- *The Presidency submitted a questionnaire in order to create a comprehensive overall picture of the national context in each Member State of the measures being taken in the fight against FTF, lessons learnt and ideas of ensuring more efficiency. With this, the Presidency – building on the initiative at the end of 2015 - wanted to comply with the request from the EU Counter-Terrorism Coordinator to carry out an exercise on lessons learnt and to define a common approach in the use of the SIS (14438/15);*
- *A joint Terrorism Working Party/Working Party on Schengen Matters (SIS/SIRENE) took place on 8 April 2016. On the basis of the MS answers to the above indicated questionnaire, a discussion paper was drawn up (6453/16) with the aim of guiding the discussion in the Working Party around several points identified in the paper;*
- *On the basis of the ongoing discussion a Roadmap on strengthening EU information exchange and information management including interoperability has been drafted indicating short-, medium- and long-term measures which include specific SIS and SIRENE related actions to tackle the FTF phenomenon. The Roadmap was discussed in the context of the SIS/SIRENE Working Party and will be presented at the JHA Council in June 2016;*

Objectives still to be implemented:

- *The Working Party will continue to contribute to the exercise to determine ways forward to remove remaining obstacles for information exchange on foreign terrorist fighters and in conjunction with COSI, the Terrorism Working Party and the SIS/VIS committee ensure strengthened use of the SIS, and efficiency in SIRENE cooperation in the fight against Foreign Terrorist Fighters.*

(2) Coordination mechanism to improve the implementation of certain categories of entry ban alerts [Measure 11]

Discussions will be continued at political level on the setup of a coordination mechanism to improve the implementation of certain categories of entry ban alerts, pursuant to the Council Conclusions as set out in 17112/13.

Objectives which are being/were implemented:

- *The Presidency organised a RELEX/JHA Counsellors informal meeting to discuss the matter on the basis of 10093/15. The general position of the MS following the exchange of views is that the tasks of the Coordination Mechanism could be assigned to GSC; The SIS/SIRENE Working Party was informed of these steps and was invited to liaise with the Foreign Relations Counsellors Working Party (RELEX) in view of submitting SIS/SIRENE related (implementation) matters;*
- *In this context, document 6825/16 was prepared by the Presidency and GSC and presented and adopted by COREPER in its meeting of 9 March 2016;*
- *The Foreign Relations Counsellors Working Party (RELEX) is currently working, in close cooperation with the GSC, on the Terms of Reference of the Coordination Mechanism. These Terms of Reference will be presented to COREPER and COUNCIL by the end of the NL Presidency.*

Objectives still to be implemented

- *The SIS/SIRENE Working Party will support the RELEX Working Party in further preparing political discussions on this issue in COREPER and Council with a view to the implementation of an effective coordination mechanism to introduce alerts on EU and UN sanctions in the SIS.*

(3) SIS II [Measure 12]

Discuss the proposals that COM will submit to the Council, likely in 2016, regarding the revision of the legislation on SIS II. The future instrument(s) would lisbonise the current legislation still based on ex-I and III pillars. On the issue of implementing the SIS fingerprint recognition system (AFIS), the Commission will present a report on the readiness and availability of the fingerprint functionality for identification purpose.

Objectives which are being/were implemented:

- *The report of the Commission to the EP and the Council on the introduction of the AFIS function in the SIS has been discussed in the SIS/SIRENE Working Party.*

Objectives still to be implemented

- *Commence discussions of the Commission proposals, when submitted. The Commission proposal for future instrument(s) which is expected only in early 2017 would lisbonise the current legislation still based on ex-I and III pillars and would allow to improve the system by implementing new functionalities, e.g., fingerprint functionality for identification purpose.*

(4) Missing persons

In conjunction with the DAPIX Working Party and other relevant forums (if applicable), the Working Party will seek to strengthen and improve the exchange of information and experiences between Member States and encourage improved performance and use of existing tools for finding missing persons (adults and children subject to various non-criminal and criminal causes for being missing, including human trafficking, smuggling, foreign terrorist fighters).

Objectives which is being/was implemented

- *A discussion was held on this issue within the Working Party on the basis of document 5723/16. The Member States were invited to give their position regarding the questions set out in the document with a view to drafting a position paper aiming at continuing discussions on this matter;*
- *The SIS/SIRENE Working Party was informed on the results and recommendations following two questionnaires (on the use of citizens' assistance in gathering information and INTERPOL instrument to find missing persons), which were presented in the DAPIX Working Party.*

Objectives still to be implemented

- *Develop a European platform of national (central) police contact points on missing persons;*
- *Strengthen the use of SIS (including an analysis on the use of so-called preventive alerts).*

– **WORKING PARTY ON FRONTIERS**

The Working Party on Frontiers is the Council body primarily responsible to examine the EU Borders Policy related issues (be it of legal, or practical nature).

On 15 December 2015 the Commission presented the European Border Package. This package includes a set of measures aimed at securing the EU's external borders, managing migration more effectively and improving the internal security of the European Union, while safeguarding the principles of free movement of persons. In this regard the Working Party has already started the examination of the:

(1) Proposal for an amendment to Article 7(2) of the Schengen Borders Code [Measure 13]

The objective of the proposal is to amend the Schengen Borders Code to provide for systematic controls of persons enjoying the right of free movement under Union law at the external borders against relevant databases, making full use of technical solutions while not hampering the fluidity of cross border movement. The Working Party on Frontiers has already discussed the proposal twice (the second on 19 January on the basis of a Presidency compromise proposal), SCIFA addressed it on 15 January 2016 and it has also been taken up at the informal JHA Council on 25 January 2016, with a view to providing some steering for the continuation of the discussions at the Working Party level.

Objective which is being/was implemented:

- *A general approach has been reached on this proposal at the Council on 25 February 2016. The Presidency has had its first informal contacts with the Rapporteur (Ms Macovei (ECR-RO) and plans to start negotiations with her once the relevant Report is voted at the LIBE Committee (anticipated for late May 2016), with a view to reaching a political agreement on the future Regulation by the end of June 2016.*

Objective still to be implemented:

- *Reach a political agreement by end of June 2016.*

(2) Proposal for a Regulation on the European Border and Coast Guard including new definition Integrated Border Management and stronger mandate Agency on terrorism and cross border crimes [Measure 15 bis]

The objective of the proposal is to create an European Border and Coast Guard that will bring together a European Border and Coast Guard Agency built from Frontex and the Member States' authorities responsible for border management including coastguards to the extent that they carry out border control tasks. The proposal consolidates Integrated Border Management through its components and establishes its EU level layer. The Working Party on Frontiers has already discussed the proposal twice, SCIFA addressed it on 15 January 2016 and it has also been taken up at the informal JHA Council on 25 January 2016, with a view to providing some steering for the continuation of the discussions at the Working Party level.

Objective which is being/was implemented:

- *The Presidency received a mandate from Coreper on 6 April 2016 to open negotiations with the European Parliament, once the LIBE Committee votes its Report (expected for late May 2016) The Presidency has had its first informal contacts with the Rapporteur. The European Council on 18-19 February 2016 has called for a political agreement by the end of June 2016 on this proposal. The Council on 21 April has suggested to the Frontex and the Commission issues on which work should be started before the entry into force of the future Regulation.*

Objective still to be implemented:

- *Reach a political agreement by end of June 2016.*

WORKING PARTY ON GENERAL MATTERS INCLUDING EVALUATIONS (GENVAL)

The GENVAL Working Party is a horizontal and cross-cutting justice and home affairs Working Party, covering both criminal law and related security aspects. It deals with issues in these areas that are not dealt with by COSI or any other Working Party, in particular relating to organised crime, crime prevention (excluding terrorism), and coordinates the process of mutual evaluations of Member States' practices in the area of law-enforcement (except Schengen evaluations).

The following five topics could be discussed in the first half of 2016 in the context of the implementation of the ISS:

(1) Support to local authorities on the administrative approach to prevent and disrupt organised crime [Measure 32]

The Presidency has tabled draft Council conclusions regarding the future lines of action (framework) on administrative approach to crime, including the future development informal network and possible integration of its activities into EUCPN Secretariat. These draft Council conclusions also seek to enhance effective cooperation and sharing information between law enforcement and administrative authorities.

Objectives which are being/were implemented:

- *Council conclusions on the administrative approach to prevent and fight serious and organised crime have been finalised with a view to adoption by the Council at its meeting on 9-10 June 2016.*

Objectives still to be implemented:

- *Based on the results from the EUCPN conference from 13 April 2016, and the EUCPN Executive Committee and Board meeting from 12 April 2016, a toolbox to prevent and tackle illegal firearms trafficking will be developed;*

(2) Post-2016 Strategy on trafficking in human beings [Measure 33bis]

Provide input to COM for establishing the post-2016 Strategy on trafficking in human beings. In the European Agenda on Security it has been stated that a post-2016 strategy on human trafficking will be adopted. Therefore GENVAL will try to reach the following objective.

Provide input to COM for establishing the post-2016 Strategy on trafficking in human beings. In the European Agenda on Security it has been stated that a post-2016 strategy on human trafficking will be adopted

Objectives which were/are being implemented:

- *Council conclusions on addressing trafficking in human beings for labour exploitation have been finalised with a view to adoption by the Council at its meeting on 9-10 June 2016. Member States are invited to strengthen multidisciplinary national and cross-border cooperation and information exchange against trafficking in human beings for labour exploitation, including within the EU Policy Cycle for organised and serious crime, by involving a wide range of stakeholders in the activities.*

(3) Proposal for amending the Firearms Directive 91/477 [Measure 29]

GENVAL is the responsible Working Party for the negotiations of the revision of the Firearms Directive 91/477.

Objectives which are being / were implemented:

- *GENVAL discussed the revision of the Firearms Directive 91/477 on controls on firearms purchases and possession with a view to reach a general approach by the Council at its meeting on 9-10 June 2016. Five GENVAL meetings dedicated to the Firearms Directive were held (25 January, 8 February, 11 April, 25 April and 19 May 2016), as well as several JHA Counsellors meetings. The JHA Council in March 2016 also gave political guidance on specific elements of the Directive.*

(4) Discussion of plans for the 3rd Action Plan on Security Statistics (2016-2020) [Measure 5 bis]

This 3rd Action Plan of the Commission will build on two previous action plans in the field of crime statistics, expanding the scope to cover all statistics relevant for the Internal Security Strategy.

Objectives which are being / were implemented:

- *Provide input to the Commission for the preparations for the 3rd Action Plan on Security Statistics. The Commission presented a discussion paper in the GENVAL of 27 April 2016. Follow-up discussions will also take place in the expert group on policy needs for data on crime.*

(5) Seventh Round of Mutual Evaluation on Cybercrime [Measures 37 and 38]

Continue the discussions on and the adoption of the experts country reports on cybercrime, following the adoption of the Joint Action 97/827/JHA of 5 December 1997 on establishing a mechanism for evaluating the application and implementation at national level of international undertaking in the fight against organised crime.

Objectives which are being / were implemented:

- *Discuss and adopt experts country reports on cybercrime. Member States' reports were discussed and adopted at the GENVAL meetings of 3 February, 16 March, 27 April and [foreseen on 24 June].*

Objectives still to be implemented:

- *Continue the discussion and adoption of the experts' country reports on cybercrime, working towards a final report.*

HORIZONTAL WORKING PARTY ON DRUGS (HDG)

The Horizontal Working Party on Drugs is tasked with leading and managing the Council's work on drugs. It performs both legislative and general policy work and takes a strategic approach, in particular via the EU Drugs Strategy 2013-2020, which is implemented through the EU Action Plan on Drugs 2013-2016. This Action Plan named the fight against drug trafficking as one of the key pillars of the Strategy. It also is in charge of new legislation on drugs.

In practice its work is more focused on horizontal issues, demand reduction side and international cooperation on drugs rather than on operational aspects related to fighting drug trafficking.

The following topics will be discussed in the first half of 2016 in the context of the implementation of the ISS:

(1) International cooperation in the field of drugs [*Measure 31*]

This is major pillar of the EU Drugs Strategy. In 2014 the EU-Central Asia Action Plan on Drugs 2014-2020 was endorsed and the EU-Western Balkans Action Plan on Drugs was prolonged, which will be further implemented.

In April 2016, the UN General Assembly Special Session on drugs (UNGASS) will take place. The EU has already adopted a common position for this event; in the run-up to UNGASS, the Union is defining its negotiation red lines and reaches out to third countries to build consensus on the main outcomes expected in April 2016.

Objectives which are being/were implemented:

- *In April 2016, the UN General Assembly Special Session on drugs (UNGASS) took place. The EU adopted a common position for this event outlining the EU priorities, including an urge to all the UN Member States to abolish the death penalty, and actively contributed to the drafting of the UNGASS outcome document. The EU also reached out a number of countries in the Americas, Asia and Africa to build consensus on the main outcomes expected in April 2016. The UNGASS outcome document adopted reflects a number of EU priorities, including a call for strengthened international cooperation in order to identify, disrupt and dismantle transnational organised criminal groups involved in any illicit activities such as drugs trafficking and money laundering, and a global response to the challenge of New Psychoactive Substances and other new challenges like the role of the internet. However, the outcome document failed to make any reference to the abolition of the death penalty for drug-related offences;*
- *The Netherlands Presidency also scheduled a dialogue on drugs with the US in June 2016 and is preparing for the EU-CELAC High Level meeting on drugs to be held on 16-17 June 2016 in the Netherlands, where part of the agenda will be devoted to drug supply reduction issues.*

(2) Legislative package (Regulation and Directive) on new psychoactive substances (NPS)
[Measure 4]

The HDG will continue discussions on NPS with a view to obtaining a general approach (NB: opinion from DROIPEN on the legislative proposal on NPS was discussed on 18 November 2015).

Objectives which are being/were implemented:

- *Following the COREPER decision of 27 May 2015 the Horizontal Working Party on Drugs continued to examine the legislation on new psychoactive substances on the criminal law legal basis (Article 83(1) TFEU);*

- *Discussions during these meetings were inconclusive, therefore, to clarify the views of all HDG delegations the Netherlands Presidency organised bilateral meetings with all the HDG delegations at the end of January and beginning of February 2016 on the key elements of the proposed legislation. The results of these meetings were endorsed by COREPER on 6 April 2016 including the change of the legal basis to Article 83(1) TFEU and the Commission was invited to present a proposal on amending the EMCDDA Regulation.*

Objectives still to be implemented:

- *Continue discussions with the aim to finish negotiations before the end of 2016.*

(3) Commission proposal to subject the new psychoactive substance "alpha PVP" to control measures [Measure 4]

The HDG will discuss the Commission proposal to subject the new psychoactive substance known as "alpha PVP" to control measures (presented by the Commission on 18 December 2015).

Objectives which are being/were implemented:

- *The Horizontal Working Party on Drugs endorsed the Commission proposal to subject the new psychoactive substance known as "alpha PVP" to control measures, therefore starting the process leading towards the possible scheduling of this substance;*

(4) Preparation for the mid-term evaluation of the EU Drugs Strategy and Action Plan [Measure 30]

The Commission will present the results of the mid-term evaluation of the EU Drugs Strategy and Action Plan at the end of 2016. The evaluation results will be followed by a Communication from the Commission highlighting the main results of the evaluation and the way forward proposed by the Commission. This is expected end of 2016/beginning of 2017.

Objective still to be implemented:

- *Provide input to follow-up proposals.*

WORKING PARTY ON COOPERATION IN CRIMINAL MATTERS (COPEN)

COPEN is tasked with preparing legislative activities regarding the cooperation between the Member States in criminal matters, where a core principle is the mutual recognition of judicial decisions. The working party examines initiatives relating to mutual legal assistance in criminal proceedings, the surrender and transfer of sentenced persons, the enforcement of judicial decisions. Eurojust and the European Judicial Network are invited to contribute to the discussions at the COPEN meetings. COPEN is also tasked with providing follow up to the implementation of the EU legislative acts in the field, in particular in relation to the mutual recognition instruments.

(1) Implementation of mutual recognition instruments (e.g. EAW, EIO) [Measure 17]

COPEN will continue evaluating the current state of play and the challenges faced in the implementation and practical application of the mutual recognition instruments by the Member States.

Objective still to be implemented:

- *Continuing the ongoing evaluation of Member State implementation and discuss possible solutions to difficulties encountered.*

(2) EPPO [Measure 18]

COPEN will continue working on the Commission proposal for a European Public Prosecutor's Office (EPPO) to fight crimes affecting the financial interests of the Union.

Objective which is being/was implemented:

- *COPEN has continued to work on the Commission proposal for a European Public Prosecutor's Office. The NL Presidency aims at reaching an agreement in principle on the text of Articles 37-75 at the Council of 9-10 June 2016.*

Objective still to be implemented:

- *Find agreement in Council on the full text of the Regulation by the end of 2016.*

(3) Improve ECRIS to cover non-EU nationals (COM proposal expected in January 2016)
[Measure 7bis]

COPEN will start early February 2016 the discussions on the expected proposal of the Commission on the improvement of ECRIS to cover non-EU nationals. This has been mentioned in the European Agenda for Security and in the European Council Conclusions of 17 December 2015.

Objective still to be implemented:

- *Advance the negotiations in the Council as far as possible.*

WORKING PARTY ON FUNDAMENTAL RIGHTS, CITIZENS' RIGHTS AND FREE MOVEMENT OF PERSONS (FREMP)

The Working Party on Fundamental Rights, Citizens' Rights and Free Movement of Persons (FREMP) deals with all matters pertaining to the respect and promotion of fundamental rights in the European Union, citizens' rights and free movement of persons, as enshrined by the Treaties and the Charter of Fundamental Rights. FREMP is tasked with the preparatory work of the negotiations for the accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). It is also responsible for elaborating the legal basis and the multiannual work programme of the Fundamental Rights Agency and works closely with the Agency on different topics related to fundamental rights. Regarding security and respect for fundamental rights, the Council conclusions of 23 June 2015 (prepared by FREMP) on the application of the Charter of Fundamental Rights in 2014 underline so.

In addition to this overarching human rights angle, FREMP will:

- discuss coherence between the initiatives in the internal and external dimension on fundamental rights;
- examine the outcome of the workshop on ‘Developing a Toolbox for Communication Strategies’ held in Vienna on 14-15 December 2015;
- examine the 2015 annual report on the implementation of the Charter of Fundamental Rights, including the fundamental rights' dimension of security.

Objectives which are being/were implemented:

- *On 8 March 2016 FREMP discussed coherence between the initiatives in the internal and external dimension on fundamental rights on the basis of a Presidency paper set out in 6256/16. The conclusions of the meeting are set out in the Commission document SEC204/16. Discussion took place with the Working Party on Human Rights (COHOM);*

- *Examine the 2015 annual report on the implementation of the Charter of Fundamental Rights, including the fundamental rights' dimension of security. This report will be presented on 19 May 2016 and the June Council will adopt conclusions on the application of the Charter of Fundamental Rights in 2015;*
- *The outcome of the workshop on 'Developing a Toolbox for Communication Strategies' held in Vienna on 14-15 December 2015 was presented in COSI on 4 March 2016. A second conference on this topic will be held in Vienna in June 2016.*

Objectives still to be implemented:

- *Continuation of the discussions on coherence in autumn 2016, possibly with a focus on interlinkages between different policy cycles based on the one hand on the Council conclusions on the application of the Charter in 2015, and, on the other hand, on the upcoming implementation report of the Action Plan on Human Rights and Democracy.*

WORKING PARTY ON SUBSTANTIVE CRIMINAL LAW (DROIPEN)

The Working Party on Substantive Criminal Law examines legislative proposals and initiatives which aim at approximating national provisions of substantive criminal law. It also considers new legislation relating to criminal procedure.

Among others the Working Party works on:

- definition of criminal offences and sanctions;
- the rights of suspects and accused persons in criminal proceedings;
- the rights of victims.

This Council Working Party examines the legislative proposals by the European Commission in its field of expertise that are sent to the Council.

(1) Review 2002 Framework Decision on terrorism [Measure 24]

This Framework Decision (2002/475/JHA) and amending Decision (2008/919/JHA) require Member States to align their legislation and introduce minimum penalties regarding terrorist offences. The decision defines terrorist offences, as well as offences related to terrorist groups or offences linked to terrorist activities, and set down the rules for transposition in the Member States.

Objectives that are being/were implemented:

- *On 11 March 2016 the Council reached a general approach on the proposal for a Directive [of the European Parliament and of the Council] on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism.*

Objective still to be implemented:

- *Reach a timely political agreement with the EP on the draft Directive.*

		COSI	CATS	TWP	LEWP	CCWP	DAPIX	Cyber FoP	SCHENGEN
	MEASURES								
	<i>Improving information exchange</i>								
1	Adoption PNR Directive								
2	Adoption Europol Regulation								
3	Adoption Data Protection Package								
4	Adoption proposals on new psychoactive substance								
5	Develop/implement information management strategy								
5bis	Third Action Plan on Security statistics								
6	Monitor implementation of Prüm Decisions/"Swedish Framework decision"								
7	Development of an EPRIS								
7bis	Extension of ECRIS to third country nationals								
8	Development of a global approach to International PNR								
9	Data Retention Directive								
10	Creation of European Forensic Area								
	<i>Monitor effectiveness of the SIS and Schengen Border Code</i>								
11	a) Look into possibilities to help MS to implement travel bans set at national level;								
12	b) Evaluate SIS in 2015-2016 to assess whether new operational needs require legislative changes, such as introducing additional categories to trigger alerts;								
13	c) Help MS to use automated border controls with checks of SIS and SLTD, monitor compliance by MS to their obligation to provide data to SLTD								
14	Monitor application of common risk indicators (foreign terrorist fighters)								
	<i>Improving operational cooperation</i>								
15	Maximise operational cooperation, inter alia by contribution from EU Agencies								
15bis	Adoption of the European Border and Coast Guard Regulation								
16	Develop the risk assessments methodology in areas such as critical infrastructures, money laundering, virtual currencies, terrorist financings								
17	Monitor implementation of mutual recognition instruments								
18	Adoption EPPO Regulation								

		COSI	CATS	TWP	LEWP	CCWP	DAPIX	Cyber FoP	SCHENGEN
	<i>Supporting actions</i>								
19	Develop trainings, methodologies for assessing strategic training needs								
20	Examine further possible action re EU security industry								
	<i>Tackling terrorism and preventing radicalisation</i>								
21	Creation of the European Counter-Terrorism Centre at Europol								
22	Roll-out of the Internet Referral Unit (EU IRU) at Europol								
23	Establishment of EU Internet Forum								
24	Updating terrorism legislation (Foreign Terrorist Fighters)								
25	Prevention radicalisation in prisons, effective disengagement/de-radicalisation programmes, including via RAN centre of excellence								
26	Enhance protection against explosives								
27	Foster anti-radicalisation programs/actions with relevant third countries								
28	Strengthen the EU's own strategic communication								
	<i>Disrupting organised crime</i>								
29	Fighting illicit firearms								
30	Fighting illicit drugs								
31	Implement and further expand the EU external policy in the field of drugs								
32	Administrative approach								
33	Implementation of the European Agenda on Migration (in particular the fight against smuggling of migrants)								
33bis	Post 2016 Strategy on THB								
34	Fighting Environmental crime								
35	Implementation of the EU Policy Cycle, including to neighbouring countries								
36	Monitoring links between organised crime and other crime phenomena								
36bis	Monitoring Illicit Trade Cultural Goods/ Illicit cash movements								
	<i>Fighting cybercrime</i>								
37	Monitor implementation of Cybersecurity instruments, incl Budapest Convention								
38	Analysing legal gaps and remedies in the fight against cybercrime								
39	Foster international cooperation in the fight against cybercrime								
40	Adoption of Directive on network and information security								