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NOTE

From: Presidency
To: JHA Counsellors / COSI Support Group
Standing Committee on Operational Cooperation on Internal Security

No. prev. doc.: 7796/16, 6215/16, DS 1130/16

Subject: Strengthening cooperation on counter-terrorism threat analysis

1. BACKGROUND

1. Following the Paris attacks on 13 November 2015, the Council on 20 November 2015 in its conclusions on counter-terrorism¹ (CT) called for the Standing Committee on Operational Cooperation on Internal Security (COSI) to liaise with competent Working Parties of the Council and with the Commission and EU agencies to ensure effective implementation of the operational measures agreed. The Council asked COSI to examine the possibility of developing a methodology for a structured and multilateral approach for operational cooperation on countering terrorist threats.
2. On 17-18 December 2015, the European Council stipulated in its conclusions² that "*The commitment made by the Heads of State or Government last February for deeper cooperation between security services should be further pursued, in full respect of Member States' sole responsibility for national security, notably by structuring further their information exchange so that interested Member States can engage in enhanced joint operational threat analysis*".

¹ 14406/15 + COR 1

² 28/15

3. At its meeting of 3 March 2016 and at the informal dinner the evening before, COSI delegations discussed the possible development of a structured and multilateral approach for operational cooperation on countering terrorist threats. A joint contribution by BE, FI, FR, DE, ES, SE, RO and the UK to the Presidency was presented³ outlining some principles to guide COSI's and the Council's work on counter-terrorism. One key principle was that EU activities should where necessary take into account strategic assessments of the threat from terrorism as produced by EEAS/EU Intelligence Analysis Centre (EU INTCEN) with input from the Member States' services as well as other reporting such as the Europol TE-SAT report.

It emerged from the discussions that further discussions were needed on improving the terrorism threat assessment.

4. At the meeting of COSI on 18 April 2016, delegations discussed the possibility of developing a structured approach for operational cooperation on countering terrorist threats, on the basis of a Presidency paper⁴. Delegations were invited to indicate whether they could agree to request Europol and EU INTCEN to provide a joint threat assessment, as well as allow interested Member States and Eurojust and Frontex to contribute to such a threat assessment, in full respect of Member States' sole responsibility for national security. Additional requirements for these possible joint threat assessments were mentioned in the paper.

The discussion showed divergences between Member States as to which role to give the EU in view of national positions and Article 4(2) TEU, in particular in relation to the sharing of intelligence information. Many delegations were positive towards the idea, whereas a number of delegations requested additional information and more details on a number of issues, such as the legal basis for such a joint threat assessment, methodology and which personal data would be exchanged. Others underlined the importance of avoiding duplication. The EU Counter-Terrorism Coordinator (CTC) supported the idea of a joint threat assessment.

In its conclusions, the Presidency announced that it would draft a paper for the COSI meeting on 17 May 2016, developing further ideas and possible approaches for the development of a more comprehensive threat assessment.

³ 6215/16

⁴ 7796/16

2. CURRENT REPORTING AND ANALYTICAL DELIVERABLES

5. Europol produces the EU Terrorism Situation and Trend Report (TE-SAT)⁵ annually. The report provides an overview of the terrorism phenomenon in the EU from a law enforcement perspective. It seeks to record basic facts and figures regarding terrorist attacks and arrests in the EU. The reports also aims to present trends and new developments identified from the information available to Europol.

The latest edition of the TE-SAT⁶ was produced by Europol in consultation with the 2015 TE-SAT advisory board, composed of representatives of the Trio Presidencies (IT, LV and LU), along with permanent members, representatives from FR and ES, EU INTCEN, Eurojust, the office of the EU CTC and Europol staff. EU INTCEN is thus already involved in the production of Europol's TE-SAT.

6. EU INTCEN is the exclusive civilian intelligence analysis function of the European Union⁷. Its mission is to provide intelligence analyses, early warnings and situational awareness to the High Representative of the European Union for Foreign Affairs and Security Policy and to the EEAS. The Centre does this by monitoring and assessing international events, focusing particularly on sensitive geographical areas, terrorism, the proliferation of weapons of mass destruction and other global threats.

EU INTCEN also offers its services to the various EU decision-making bodies in the fields of the Common Foreign and Security Policy (CFSP), the Common Security and Defence Policy (CSDP) and Justice and Home Affairs (JHA), as well as to the Member States.

EU INTCEN is not an operational agency and does not have any collection capability. The operational level of intelligence is the Member States' responsibility. EU INTCEN deals only with strategic analysis. Its analytical products are mostly based on information provided by Member States' security and intelligence services, but can also be complemented by open sources (media, websites, blogs etc.), diplomatic reporting, consular warden networks, international organisations, NGOs, CSDP missions and operations, the EU Satellite Centre, visits and field trips.

⁵ The proposal for the current TE-SAT (8196/2/06 REV 2) was endorsed by the Council on 1 and 2 June 2006.

⁶ 12168/15

⁷ [EU INTCEN Factsheet-PUBLIC-UE-05022015](http://eeas.europa.eu) (<http://eeas.europa.eu>)

7. EU INTCEN regularly attends the Terrorism Working Party (TWP) and COTER meetings and provides classified ad-hoc briefings/assessments/presentations on a number of terrorism related themes decided in cooperation with the Presidency (e.g. European foreign fighters; Jihadists' modus operandi; Islamist radicalisation and terrorist recruitment in European prisons; the link between organised crime and terrorism; the terrorist threat in the North Africa region; reporting on narratives and counter-narratives, terrorist travel hubs and routes, etc.). It also presents a six-monthly threat analysis (classified as EU CONFIDENTIAL), most recently at the TWP meeting in January 2016.

3. PROPOSAL FOR THE WAY FORWARD

To achieve a fuller, more coherent, comprehensive and future-oriented picture of the terrorist threat, the Presidency suggests considering the following two options for strengthening cooperation on counter-terrorism threat analysis, especially after terrorist incidents:

- I: Maintain separate reports/assessments by Europol and EU INTCEN (i.e. not producing a new document), but increasing the mutual exchange of views during the drafting phase. The respective analyses from Europol (TE-SAT) and EU INTCEN (six-monthly Threat Analysis) would benefit from the mutually/complementary dimension provided: the law enforcement community input on one side and the intelligence and security services contribution on the other side.
- II: Produce a threat assessment, consisting of three parts: the main threat assessment reports produced currently by Europol and EU INTCEN and a third part which would be a set of common conclusions and recommendations. This third part will be prepared by COSI in close cooperation with Europol and EU INTCEN. If necessary COSI will consult with relevant Council working parties.

Interested Member States, EU agencies, in particular Eurojust and Frontex could contribute to such a threat assessment.

Producing the threat assessment will be done in full compliance with the EU regulations and rules on the handling of classified information.

Member States are invited to indicate their preferences among the options listed.

The selected option could be presented as a concrete deliverable to the Council in June, as set out in paragraph 5 of the Joint statement of EU Ministers for Justice and Home Affairs and representatives of EU institutions on the terrorist attacks in Brussels on 22 March 2016, adopted on 24 March 2016 in Brussels⁸.

COSI, in close cooperation with the two main entities involved (Europol and EU INTCEN), would subsequently work out the details of the selected option with a view to its future production. If necessary, this work could include the revision of the TE-SAT⁹.

⁸ 7371/16

⁹ 8196/2/06 REV 2