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NOTE

From:	Presidency
To:	Terrorism Working Party / Law Enforcement Working Party
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Subject:	Draft Council Conclusions on the strengthening of the ATLAS Network

Based on the discussions in the joint meeting of the Terrorism Working Party (TWP) and the Law Enforcement Working Party (LEWP) on 12 September 2017 and the general support for strengthening the ATLAS network expressed by delegations, the Commission, Europol and the EU Counter-Terrorism Coordinator, delegations discussed a revised draft Council Conclusions on the strengthening of the ATLAS Network at the TWP meeting on 5 October 2017, with the participation of LEWP delegates.

A final reading of the draft Council Conclusions has taken place at the TWP meeting on 7 November 2017, leading to some minor adjustments set out in the fourth revised version of the document, submitted to the Member States' approval in an informal silence procedure.

As further minor adjustments have been requested, a new informal silence procedure is launched for this fifth revised version. If no objections are raised on Friday 17 November 2017 COB, the Council Conclusions will be considered as endorsed by the TWP. The Conclusions will thereafter be forwarded to COSI on 21 November 2017.

**DRAFT COUNCIL CONCLUSIONS
ON THE STRENGTHENING OF THE ATLAS NETWORK**

RECOGNISING that terrorist attacks in Europe demonstrate that terrorism is a threat to our citizens' lives, and an attack on our shared European values and associated fundamental rights,

REFERRING to the Council Conclusions on the renewed European Union Internal Security Strategy 2015-2020¹, as well as its mid-term review², which make reference to the necessity for the European Union to contribute to the protection of European citizens with regard to ongoing increase of threats in particular posed by terrorism and serious and organised crime,

NOTING that one of the four immediate priority areas for fight against terrorism identified by the Justice and Home Affairs Council of 12th March 2015³ is to step up operational cooperation, while also RECOGNISING that the Special Intervention Units (SIUs) of the Member States may be called to intervene in a variety of situations not necessarily linked to terrorism,

NOTING that, following the attacks of 11th September 2001, the SIUs of all law enforcement authorities of the Member States have initiated cooperation activities under the aegis of "ATLAS"⁴, conducting various seminars, studies, development of specific materials, and carrying out joint exercises, and that this network offers an important capacity as first responders in case of terrorist attacks, rescue of hostages or other crisis situations,

HAVING REGARD to Council Decision 2008/615/JHA of 23rd June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime⁵,

¹ 9798/15

² 13319/17

³ 6891/15

⁴ Network consisting of 38 SIUs from 28 Member States and Norway, Iceland and Switzerland. Norway, Iceland and Switzerland participate but have no voting right.

⁵ OJ L 210, 6.8.2008, p. 1-11

NOTING that the Council on 14th September 2017 reached consensus on a number of topics to be treated as priority for immediate action in the coming months⁶, amongst them the strengthening of the ATLAS Network,

REFERRING to the Solidarity Clause in Article 222 of the TFEU according to which the Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack, including by assisting a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster,

REMINDING in that context that in their Declaration on Solidarity against Terrorism of 25th March 2004², the Heads of State and Government of the Member States of the European Union declared their firm intention that the Member States mobilise all the instruments at their disposal to assist a Member State or an acceding State in its territory at the request of its political authorities in the event of a terrorist attack,

RECALLING at the same time that the Council Decision 2008/617/JHA⁷ also stipulates that besides operational assistance, the SIUs shall also hold meetings and organise joint training and exercises, whenever necessary, with a view to exchanging experience, expertise and general, practical and technical information to strengthen the ability to react rapidly during situations of crisis,

CONSIDERING that the fulfilment of the above goals requires continuity, long-term planning and dedicated resources,

HIGHLIGHTING the results of the Comprehensive Assessment⁸ of the EU Security Policy, undertaken by the Commission, notably the role of ATLAS as a knowledge hub and platform for the exchange between special intervention units,

⁶ 12172/17

⁷ OJ L 210, 6.8.2008, p. 73-75

⁸ 11550/17 INIT, ADD1 and ADD2

NOTING the need for more structured EU support, including cooperation with EU Agencies (in particular Europol and CEPOL) and specialised law enforcement networks and the need to address the obstacles to cross-border cooperation stemming from various national legislative frameworks,

NOTING in that context that under current administrative arrangements, the management of the Network's activities relies mainly on the capacity of the ATLAS Executive Bureau (AEB), provided by the country holding the ATLAS Presidency, which puts a significant strain to the core activities of its SIU,

CONSIDERING that the Network would thus greatly benefit from the creation of a permanent ATLAS Support Office (ASO), and

NOTING that on the 5th April 2017, the ATLAS commanders considered closer cooperation with Europol, while remaining independent as a Network and that on 11th October 2017, the ATLAS commanders expressed their support to the initiative regarding the establishment of a permanent support office for the Network at Europol and, in this case, to maintain the possibility for the ATLAS units to apply for EU funding (including the programmes of the Commission),

EMPHASISING that Europol is well-positioned to provide logistic and administrative support as well as communication channels for the ATLAS Network,

HIGHLIGHTING that locating the ASO at Europol would also allow for an efficient use of existing structures and tools, as well as provide synergies through linking up with other expert networks,

RECALLING the need to ensure sufficient funding for the creation and operation of the ASO and other possible support services provided to the ATLAS Network, to ensure that such an arrangement does not affect Europol's core activities,

EMPHASISING that financial resources available for the operational activities of the ATLAS Network should by no means be reduced as a result of any new administrative arrangements, and

POINTING OUT that, besides the creation of a permanent ASO, the operational capacity of the Network could also benefit from improvements in other areas, such as:

- mapping of the specific capabilities of the participating SIUs (taking into account that this would require a high level of protection of sensitive information and that the SIUs should agree on the extent of the information to be shared);
- enhancement of the response-time mechanism for providing cross-border assistance between SIUs;
- allowing for a faster and more efficient cross-border movement of SIUs;
- pooling of specialized equipment where appropriate and technically possible;
- standardizing the communication protocols within the Network;
- setting-up common training facilities, acting as a centres of excellence, so as to foster a common level of high operational capabilities of the participating SIUs;
- ensuring closer cooperation, linkage and possible synergies between the work of ATLAS, EU Agencies (Europol and CEPOL) and specialised law enforcement networks (e.g. EEODN);

NOTING that the possibility to use ATLAS SIUs in training and capability development in EU CSDP Missions abroad should be explored.

THE COUNCIL,

CALLS ON the Commission, Europol, the ATLAS Network, and the Presidency of the Council of the EU to;

- find an agreement on the general terms of cooperation by the end of March 2018,
- have agreements in place to enable ASO to start its functions by the 1st of January 2019.

INVITES the Commission to include in its budgetary proposal the allocation of sufficient financial and human resources for the activities of the ASO and other possible support services provided to the ATLAS Network, while maintaining or increasing the funding necessary for ATLAS' operational activities and ensuring its independence.

INVITES the Commission and the Member States to explore any further initiatives that could enhance the cooperation within the ATLAS Network, including, where necessary, amendments to Council Decision 2008/617/JHA on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations.

INVITES the Member States to review where necessary their legislative framework to improve the cross-border cooperation capacity of the Special Intervention Units.
