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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 21 November 2017
To: Delegations

Subject: Standing Committee on Operational Cooperation on Internal Security
(COSI)

1. Adoption of the agenda

The agenda set out in 14260/1/17 REV 1 was adopted.

2. Updated Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area¹

The Committee endorsed the updated Roadmap to enhance information exchange and information management as set out in 12223/3/17 REV 3, which will be submitted to Coreper and the Council as an I/A-item.

¹ Exceptionally in the presence of the Schengen Associated States.

3. Information from the Presidency:

The Committee took note of

- the outcome of the JHA Senior Officials meeting EU - OIPC Interpol, which was held on 20 November 2017: discussions focused on the Interpol Red Notices, the collection of battlefield data and cooperation with the CSDP missions, migrant smuggling and cybercrime,
- the meeting of the Joint Parliamentary Scrutiny Group on Europol on 9 and 10 October 2017: this meeting was the constituent meeting and aimed at the adoption of its rules and procedures,
- the outcome of the EU-US Justice and Home Affairs Ministerial Meeting on 16-17 November 2017, as set out in 14673/17,
- the state of play of the discussions on data retention as presented by the CATS Chair. At its meeting on 13 November, CATS supported the Presidency approach in framing the Council debate on 7-8 December 2017 on the state of play and next steps on data retention, as set out in 14068/17.

4. Draft Council conclusions on strengthening the European Union - Ukraine internal security cooperation

The Committee agreed on the draft Council conclusions as set out in 13272/3/17 REV 3, which would be submitted as an I/A item to COREPER on 29 November 2017 and to the Council on 7 December 2017 for adoption.

5. Cooperation between CSDP missions/operations and JHA agencies: update and exchange of views

The Presidency welcomed the results of the discussions drafted jointly by the participants of a workshop on 'CSDP-JHA Next steps - Pilot Project Operation Sophia', which was held on 9-10 November 2017. It was a first exchange of views on the potential added value of a crime information cell for EUNAVFORMED Operation Sophia as well as the challenges to be further addressed, including budgetary resources, duration and legal framework as set out in 14265/17.

Various delegations welcomed this initiative, which would be further discussed in the COSI Support Group meeting on 1 December and in the PSC. The Council Legal Service announced that it would make some further comments, notably on the mandate, data protection and the chain of command.

The Presidency stated that it would report on the state of play to the Home Affairs Ministers at the December JHA Council.

6. EU law enforcement response to cybercrime: policy proposals

The Committee discussed the Presidency's proposals to strengthen the EU law enforcement response to cybercrime on four priority issues as set out in 13461/17: i) to improve the fight against criminality on the Dark Web, ii) to increase a joint EU law enforcement response to major cyber-attacks, iii) to define law enforcement interests in the IP address WHOIS reform database; iv) and to improve the capability to investigate and attribute online crime.

A large number of delegations contributed and welcomed the Presidency's proposals on each of the four issues. Some delegations emphasised the importance of ensuring swift access to WHOIS information and stated that the planned measures should be coordinated with other relevant work strands such as E-evidence, data retention, the EU Policy Cycle or with the discussions in the Council of Europe.

The Presidency concluded that COSI agreed:

- to put in place a Roadmap for tackling criminality in the Dark Web, and Europol/EC3 was tasked with preparing this work and integrating the roadmap into the EU Policy Cycle;
- to develop an Emergency Response Protocol for a coordinated EU law enforcement response in case of major cyber-attacks, taking into account Member States' sole responsibility on matters of national security. Europol/EC3 was tasked with preparing the draft Protocol with the Member States' experts, and a first draft of the Protocol would be examined by COSI early 2018;

- to task Europol/EC3 to work together with Member States' experts to define law enforcement interests in the IP domains WHOIS reform and to come back to COSI with draft joint messages on law enforcement needs in the context of internet governance discussions.
- that voluntary codes of conduct with Internet Access Providers to limit the number of subscribers behind each IPv4 should be proposed. COSI also recommended that the issue of logging source port numbers be raised within the EU Internet Forum with Internet Content Providers.

A Presidency report on the EU's law enforcement response to cybercrime would be presented to the JHA Council on 7 December 2017.

7. Counter-terrorism:

- **Draft Council conclusions on the strengthening of the ATLAS Network**

The Committee agreed on the draft Council conclusions on the strengthening of the ATLAS Network as set out 12583/5/17 REV 5, which would be submitted for adoption to the JHA Council on 7-8 December 2017.

- **EU threat assessment in the field of counter-terrorism: way forward on the EU threat assessment in the field of counter-terrorism**

The suggested way forward on the EU threat assessment as set out in 13414/1/17 REV 1 was endorsed.

- **Cooperation with the European Parliament's Special Committee on Terrorism (TERR)**

The Committee welcomed the debrief on the cooperation and meetings so far.

- **CT information exchange and cooperation between law enforcement and intelligence agencies**

Member States took note of the briefing by CTG and the intervention by Europol, welcoming and supporting the ongoing cooperation, while stressing that security was a national responsibility.

- **High Level meeting on assessing the need for additional measures to facilitate access to financial information, held on 20 November 2017: information from the Commission**

The Committee took note of the information provided by the Commission regarding the High Level meeting, held on 20 November 2017, on assessing the need for additional measures to facilitate access to financial information.

- **Draft Council Conclusions on strengthening the European Union response to CBRN -related risks, reducing access to explosive precursors and protecting public space**

The Committee took note of the progress on the draft Council Conclusions on strengthening the European Union response to CBRN-related risks, reducing access to explosive precursors and protecting public space, which would be discussed on 22 November 2017 at a JHA counsellors meeting with a view to adoption by the JHA Council.

8. EU Policy Cycle for organised and serious international crime:

The Committee was informed about the state of play of the Multi-Annual Strategic Plans (MASPs) and Operational Action Plans (OAPs). Fourteen MASPs were discussed by the COSI Support Group and most of them were adopted. Some MASPs would still be subject to minor changes as requested by delegations and would be submitted for adoption under silence procedure. Following the discussions at the NEC meeting on 16-17 November 2017, all draft OAPs were issued with a view to adopting them at the COSI Support Group meeting on 1 December 2017.

The Committee agreed to the revised Terms of Reference of the Policy Cycle as set out in 10544/1/17 REV 1. The Presidency also announced that the 2014-2017 EU Policy Cycle Drivers would be invited to COSI and to the lunch for heads of delegation on 14 December 2017.

Europol informed delegations that a significant amount of money budgeted for supporting Member States activities under the EU Policy Cycle in 2017 had remained unspent. Since it was legally impossible to carry over the unspent funds to the following year, Europol had taken measures to use the non-used available funds before the end of the year in a manner which could still benefit Member States. Europol suggested giving an update at a future meeting.

9. The role of criminal “Hawala” and other similar service providers (HOSSPs) in illegal immigration, money laundering and terrorism financing – recommendations for changes and other initiatives: presentation by the Austrian delegation

The Committee took note of a presentation by the Austrian delegation on the role of criminal “Hawala” and other similar service providers in illegal immigration, money laundering and terrorism financing as set out in 12005/17. The Presidency encouraged Austria, as a participant in the Operational Action Plan on Criminal Finances / Money Laundering and Asset Recovery, to ensure that all the valuable information and the expertise reflected in the document were shared so as to benefit all priorities of the new EU Policy Cycle. The Presidency concluded that the discussion of the next steps would take place in the COSI Support Group.

10. Draft report to the European Parliament and national Parliaments on the proceedings of the Standing Committee on operational cooperation on internal security for the period January 2016 - June 2017

COSI reached agreement on the draft report to the European Parliament and the national Parliaments on COSI's proceedings between January 2015 - June 2016, as set out in 14108/1/17 REV 1.

11. Any other business:

No items were raised.
