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COMIX 15

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
On: 14 December 2017
To: Delegations

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

1. Adoption of the agenda

The agenda set out in 15683/17 was adopted with the addition of one item at the request of the French delegation.

2. Information from the Presidency

– State of play on PNR, interoperability and cooperation between CSDP missions and JHA Agencies

The Committee took note of the state of play of PNR implementation as well as the adoption by Council on 7 December 2017 of the Decision on opening negotiations on the EU - Canada PNR Agreement and the negotiation directives. The Presidency also informed delegations about the work of the Friends of the Presidency group on interoperability of EU information systems under the EE Presidency. In this respect, the Commission briefly referred to its proposal on establishing a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration) which was issued on 12 December 2017.

The Presidency presented the state of play of the discussions on the cooperation between CSDP missions and JHA Agencies. This item was presented to the Council on 7 December 2017 and discussed at the PSC meeting on 13 November 2017. As a next step, a paper would be drafted on how to address the issues raised by the Council Legal Service.

As a last information point, the Presidency referred to the outcome of the discussions in DAPIX on the use of SIENA in PCCCs and welcomed the adoption of the Council conclusions on Ukraine, ATLAS and on strengthening the EU response to CBRN-related risks, reducing access to explosive precursors and protecting public spaces.

3. EU Policy Cycle for organised and serious international crime

– Concept 'Operational Task Forces': presentation by Europol and discussion

The Committee discussed the concept of the 'Operational Task Forces' (OTF) on the basis of a presentation by Europol and a paper prepared by the French delegation (15616/17). Europol explained that an OTF is defined as a specific multi-national/disciplinary project consisting of intelligence and investigative activities focusing on a selected High-Value Target (HVT). It is a temporary group of representatives of the Member States and Europol with the objective of developing a better and voluntary alignment to enable coordinated, expanded and EU-wide investigations against HVTs.

The French delegation recognised the added value of some previous similar initiatives. However, it voiced its concerns about the concept and called for a discussion on the possibility of adding the OTF concept in the EU Policy Cycle Terms of Reference.

Delegations which took the floor welcomed adding a compromise paragraph in the umbrella paper on the Operational Action Plans (OAP) 2018 (15077/1/17). This paragraph would clarify the setting up of an OTF in the relevant OAP.

Both the Spanish and French delegations felt that the concept should have been presented to COSI before the draft OAPs were developed.

Five OAPs, namely 'Synthetic Drugs', 'Cocaine/heroin/cannabis', 'Illegal Immigration', 'Firearms' and 'Organised Property Crime', were adopted. Work regarding the development of the OTF will continue at the HENU meeting on 11 January 2018 and Europol was invited to keep COSI regularly informed.

– **Joint Action Days 2017: presentation of results by Europol and Frontex**

COSI took note of the results of the JADs in 2017 on the basis of a note (149996/1/17 REV 1) prepared by Europol and presented jointly with Frontex. The main results included 604 cases and investigations initiated, 1 133 suspects arrested, 136 firearms seized, and 1 191 human trafficking victims identified.

Several delegations welcomed these results. The Spanish delegation also welcomed the fact that the operational preparatory meeting was already taking place in January and noted that the communication media strategy should highlight the links between the JADs and the EU Policy Cycle activities.

– **Joint Action Days 2018: discussion of strategic guidance by COSI**

The Committee discussed the strategic guidance for the planning of the 2018 JADs based on the Presidency proposal set out in 14996/1/17 REV 1. Some delegations favoured a regional approach on the Western Balkan route for migrant smuggling, illicit trafficking of firearms and organised property crime.

The Presidency would update the paper which sets out the strategic guidance as agreed by COSI, namely that the current approach (one large scale JAD and several smaller scale ones) should be implemented, emphasising the need to plan operations in advance and take prevention into consideration. Facilitation of illegal immigration, including Hawala banking, trafficking in human beings with a possible focus on sexual exploitation, drugs, organised property crime, trafficking in illicit firearms and cybercrime should be addressed during the JADs 2018. When possible, cross-cutting priorities should also be encompassed.

– **Reporting mechanism: approval of the new reporting mechanism**

The Committee approved the reporting mechanism for the EU Policy Cycle 2018-2021 as set out in 13460/3/17 REV 3. The Presidency highlighted that COSI had been instructed by the Council to amend the relevant EU Policy Cycle documents, including the reporting mechanism, to simplify and streamline the process. In this context, the Presidency also underlined that the new reporting mechanism contains a number of elements that aim to facilitate the work of the Drivers, Co-Drivers and Action Leaders while allowing to better summarise and highlight the results and achievements of the EU Policy Cycle. Work on a possible IT reporting online will be further explored with a view to try to implement it in the course of the four-year period of the Cycle.

4. EU Internet Ministerial Forum on 6 December 2017: information by the Commission

The Committee took note of the information provided by the Commission on the EU Internet Forum Ministerial meeting which took place on 6 December 2017. The Commission praised the progress made so far, but also pointed to areas still requiring improvement and underlined the importance of accelerating the work. It hoped to have a table of indicators ready before the end of 2017.

5. EU law enforcement response to cybercrime: presentation by Europol of the state of play following the discussions in COSI on 21 November 2017

Europol presented the measures that the Agency had taken at expert level on a number of cyber topics following the tasking by COSI at its last meeting. Work was taken forward on the following topics: 1) a roadmap to tackle criminality on the Dark Web, 2) a draft index for an Emergency Response Protocol to coordinate EU law enforcement action in case of major cyberattacks, 3) the issue of Carrier-Grade NAT and online crime attribution and 4) the WHOIS database reform.

The Commission referred to the ongoing discussions on WHOIS within the Public Safety Working Group in ICANN's GAC.

The UK recalled that it did not consider the voluntary codes helpful for the UK at this point in time.

The Presidency invited delegations to send their written comments to the General Secretariat of the Council preferably before the end of 2017 so that a line to take could be developed and ideally agreed in January 2018 before the ICANN meeting to ensure that EU law enforcement needs are taken into account in the WHOIS reform discussion.

6. Heads of JHA Agencies' meeting on 28 November 2017:

– **Report by EMCDDA on the activities and achievements of the JHA Agencies Network in 2017**

The Committee took note of the report on the JHA Agencies' activities and key findings concerning their work in 2017 as presented by a representative of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

– **Presentation by EIGE of the key priorities of the JHA Agencies Network in 2018**

The Director of the European Institute for Gender Equality, which will take over the Chair of the JHA Agencies Network in 2018, presented the JHA Agencies network key priorities for 2018 with a special focus on gender equality.

7. Action Plan on the way forward with regard to financial investigations: presentation of the mid-term report by the Presidency

The Committee took note of the mid-term review of the implementation of the Action Plan on the way forward with regard to financial investigations as set out in 13382/1/17 REV 1.

8. Presentation of the work programme of the incoming BG Presidency

The Bulgarian delegation presented its priorities for the incoming Presidency. In addition to the implementation of the ongoing priorities (EU Policy Cycle, combating terrorism, interoperability of information systems and cybercrime and cybersecurity) COSI would also address four other topics: the optimisation of the 'post-hit' in the exchange of information when detecting and monitoring the movement of foreign terrorist fighters (FTF), countering organised crime in the context of modern technologies, combating illegal immigration and smuggling of migrants and the cooperation with the Western Balkans.

The provisional meeting dates were: 21 February, 15 and 16 March (informal COSI), 13 April, 15 May and 26 June (tbc.) 2018.

9. Any other business

– **Unspent funding of the EU Policy Cycle**

The French delegation raised the issue of the unspent funding of the EU Policy Cycle in 2017. An official request will be sent to the General Secretariat of the Council in order to ask the Council Legal Service opinion on Article 14 of the Europol Financial Regulation.

– **Letter of appreciation to the drivers of the EU Policy Cycle 2014-2017**

At the end of the meeting, the drivers of the EU Policy Cycle 2014-2017 were given a letter of appreciation to highlight their work and their key contribution to the success of the EU Policy Cycle.
