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NOTE

from:	Presidency
to:	Standing Committee on operational cooperation on internal security (COSI)
Subject:	Tightening links between the external and internal aspects of EU security

The aim of the Hungarian Presidency is to raise the main issues from the COSI perspective to integrate certain elements of the external and internal aspects of EU security. It is the Presidency's goal to present a possible link for a viable interaction between the CSDP and FSJ with regard to their respective competencies.

1. Information exchange, threat and risk assessments, training:

In the course of discussions in COSI in its first year of existence, several delegations expressed a desire to enhance cooperation between the former second and third pillars (CFSP, including CSDP, and FSJ). The establishment of the European External Action Service (EEAS) and the permanent chairing of the relevant structures, especially the Political and Security Committee (PSC), highlights the importance of addressing this issue. There is certainly room for improvement in this area, particularly as concerns the following issues:

- Enhancing the exchange of **personal and strategic information and criminal intelligence** between EU civilian crisis management missions and relevant EU agencies, namely Europol, Eurojust and Frontex. How can data-sharing be enhanced in a context where civilian CSDP missions have no legal personality, information is often classified, Frontex is not allowed to exchange personal data, and only some of Europol's formal agreements with third countries extend to the sharing of personal data?
- Involving JHA actors, including COSI and the relevant agencies in the early phase of the planning process, during the **conduct** and the **review process** of EU civilian crisis management missions including **lessons learned**. What are the main political and legal barriers that prevent FSJ actors from contributing to the planning and monitoring of CSDP civilian missions in third countries? How can FSJ actors be involved in the drafting of Crisis Management Concepts (CMC) and Concepts of Operations (CONOPS)?
- Integrating **threat and risk assessments** supplied by a variety of actors. The EU has an excellent opportunity to utilise its current resources; crisis management missions, both civilian and military, have been developing their analysis capabilities, and it is suggested developing a toolkit to support the implementation of an ILP process in host countries where civilian CSDP missions are deployed. How can the various intelligence products supplied by specialised actors and agencies, such as SITCEN's country and thematic reports, EUROPOL's (S)OCTAs and TE-SAT reports, FRONTEX's risk assessments and the Mission Analytical Capabilities' (MAC) assessments, be streamlined so that actors dealing with the internal and external aspects of European security have access to the relevant information? How does the confidentiality of reporting affect actors' access to such products?
- Advocating the interests of CSDP and FSJ actors in the EU's **changing data protection landscape**. Article 16 of the TFEU on data protection applies fully to the former first and third pillars, i.e. the internal market and police and judicial cooperation in criminal matters, but it only partially covers the CFSP area, including the CSDP. Europol, Eurojust and Frontex have their own data protection supervisory mechanisms. In view of the Commission's intention to issue in 2011 a proposal on a comprehensive new legal framework on the protection of personal data in the EU, how will the EU's changing legal landscape affect the exchange of personal data between CSDP and JHA actors?

- Immediate and tangible improvement could be achieved also in the operational level cooperation in non-controversial areas, mainly in the **training domain**. This can be facilitated among national and EU-level training institutions, including FSJ and CSDP actors resulting in achievements both at strategic and operational level. Regarding this issue the role of CEPOL could be further developed.

2. A plethora of security strategies:

In recent years, the Union has adopted a number of strategic documents on EU security. The European Council endorsed the European Security Strategy¹ in 2003, which, in its 2008 implementing report,² identified the following threats and challenges to EU security: the proliferation of weapons of mass destruction; terrorism and organised crime, including cybercrime; energy security, climate change. All of these internal security challenges have external dimensions as well.

In the Stockholm Programme,³ the European Council called on the Council and the Commission to adopt a comprehensive EU internal security strategy. It emphasised that “[the] internal security strategy should also take into account the external security strategy developed by the EU as well as other EU policies, in particular those concerning the internal market. Account should also be taken of the impact it may have on relations with the EU’s neighbourhood and particularly with the candidate and potential candidate countries, since internal security is interlinked with the external dimension of the threats.”

¹ A Secure Europe in a Better World – European Security Strategy, adopted by the European Council in Brussels on 12 December 2003

² Report on the Implementation of the European Security Strategy – Providing Security in a Changing World, Brussels, 11 December 2008, S407/08

³ The Stockholm Programme – An open and secure Europe serving and protecting citizens, OJ C 115, 4.5.2010, p. 1

The European Council adopted an Internal Security Strategy⁴ in March 2010, which identified the following threats to the internal security of the EU: terrorism, serious and organised crime, cybercrime, cross-border crime, violence at mass events and natural and man-made disasters. In November 2010, the Commission adopted its own communication on the EU Internal Security Strategy in Action,⁵ which identified a slightly different set of challenges for EU internal security, namely terrorism, serious and organised crime, cybercrime, border security and natural and man-made disasters.

As a contribution to the European Security Model as defined by the Internal Security Strategy, on the basis of Europol's upcoming 2011 organised crime threat assessment (OCTA) and taking account of the recently adopted EU policy cycle for organised and serious international crime,⁶ it is now time for the PSC and COSI to reflect on the core security challenges that European societies face and for the Council to define before the end of the Hungarian Presidency clear priorities in the fight against serious and organised crime, implementing this policy cycle.

The Hungarian Presidency is committed to promoting closer CSDP-FSJ cooperation, in particular as concerns the establishment of closer links between the PSC and COSI. Our primary goal is to elaborate an appropriate working method that ensures transparency and facilitates a joint approach. This work must be done in close cooperation with the CSDP actors. The Presidency will seek contact at the earliest opportunity with the PSC's permanent EEAS Chairman. If there is sufficient interest, a joint PSC-COSI meeting could also be convened towards the end of the Hungarian Presidency. It is the Presidency's intention to invite the High Representative of the Union for Foreign Affairs and Security Policy to a meeting of the JHA Council on 9-10 June 2011 in Luxembourg, provided that preparatory work will have yielded tangible results on the issues mentioned above.

Delegations are invited to comment on the above-mentioned issues.

⁴ Internal Security Strategy for the European Union: "Towards a European Security Model," adopted by the Council on 25 February 2010 (doc. 7120/10 CO EUR-PREP 8 JAI 182)

⁵ doc. 16797/10 JAI 990

⁶ Council conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime, adopted by the Council on 8-9 November 2010 (doc. 15358/10)