



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 February 2013

6318/13

**JAI 90
COSI 13**

OUTCOME OF PROCEEDINGS

of: Standing Committee on Operational Cooperation on Internal Security (COSI)
on: 11 February 2013
Subject : Summary of discussions

1. Adoption of the agenda

The agenda was adopted with the addition of the following points under AOB:

- presentation of the joint Commission-EEAS Communication on the Cybersecurity Strategy for the EU
- handling of the proposal on the arrangements for the implementation of Article 222 TFEU.

2. The security situation in the Sahel / Maghreb (crisis in Mali, In Amenas) - implications for EU internal security: information on handling

The Counter-terrorism Coordinator explained the 3 challenges that would be addressed in his discussion paper: Mali/Sahel, North Africa, Arab Spring countries. The two objectives for the debate of the Justice and Home Affairs Ministers were to raise awareness on EU actions already taken and for which these Ministers would be asked for resources as well as to assess the impact of these challenges on the EU's internal security.

The Chair explained that a special COSI meeting, possibly together with PSC, would be held on 28 February to prepare the Council debate.

Several delegations welcomed this course of action and highlighted a number of issues they found important in this context. They were invited to put these forward to be taken into account in the CTC's discussion paper.

3. Draft Council Conclusions on Security-related research and industrial policy

Delegations welcomed and supported the main ideas set out in the draft Council conclusions (doc. 5920/1/13 REV 1 COSI 7 ENFOPOL 20) and in particular the fact that no new body or committee would be created. It was generally agreed that ENLETS should be reinforced and that the link to the scientific community should be strengthened. It was pointed out that there is a need to broaden the field of security-related research and development beyond law enforcement authorities, even if this might only be done in the mid-term. However, several delegations indicated that resources and funding for the core group and for ENLETS in general required more clarification, as well as the involvement of the Commission.

Delegations were invited to send in written comments by 22 February 2013 at the latest, with a view to further discussions at COSI SG and possibly COSI.

4. EU Policy Cycle:

- Evaluation of the EU policy cycle 2011 - 2013

An extensive debate was held on the basis of the Commission staff working paper (doc. 5820/13 JAI 58 COSI 5 ENFOPOL 19 CRIMORG 9 ENFOCUSTOM 14 CORDROGUE 9 PESC 106 RELEX 84 COAFR 37 COWEB 9 TRANS 29 UD 23 FRONT 4 GENVAL 5), during which the following salient points were made:

- the role and commitment of the National EMPACT coordinators is crucial for the efficient implementation of the policy cycle; these persons are the main link between the political-strategic level and the operational level

- there is no need to define the profile of the NEC, drivers and participants as these are set out in the EMPACT Terms of Reference and no change is currently felt necessary
- the funding of the policy cycle actions and meetings remains an important success factor and the system of indirect central management at Europol would bring very practical and immediate benefits for the implementation of the policy cycle
- the wider Council policy work, notably on drugs, THB and cyber, must be taken into account for the implementation of the policy cycle
- while it was recognised that some flexibility is needed to deal with phenomena outside the policy cycle, it was pointed out that this should not undermine the process and purpose of priority-setting, especially in times of budget austerity
- cooperation with other bilateral and multilateral organisms should be maximised as well as the existing cooperation tools within agencies.

Several delegations announced that they would send in written comments. The Chair explained that the COSI SG would be invited to discuss the follow-up to this evaluation and that the file would be submitted again to COSI when appropriate.

- **National implementation of the EU policy cycle: Presentations by BE, FI and NL**

The FI, BE and NL delegation gave brief presentations about the mechanisms they have put in place nationally to ensure an effective and multidisciplinary implementation of the policy cycle.

- **Presentation timeline for the EU policy cycle activities in 2013**

The Presidency encouraged Member States and agencies to use the timeline set out in document 5071/13 JAI 5 COSI 1 in planning the national work for the policy cycle in 2013.

5. Co-operation between the Agencies

- **Report of the Heads of JHA Agencies meeting, Warsaw, 3 December 2012: presentation by Frontex**

The Frontex Executive Director briefly presented the outcome of the above-mentioned meeting (doc. 5968/13 JAI 68 COSI 9) as well as the scorecard resulting from the work done by and between the agencies in 2012 (doc. 5969/13 JAI 69 COSI 10).

The CEPOL Director set out the subjects that would be taken forward under its presidency of the JHA Agencies group in 2013, in particular the cooperation on the agencies' external relations as well as the human resources issues.

- **Co-operation between Europol and MAOC-N**

The Europol Director explained that at the 3 December meeting with the MAOC-N Director and Executive Board, it was agreed that synergies should be maximised between the two bodies on the basis that Europol is the EU's information centre and MAOC-N is a facilitator for interdiction operations. A Joint Audit Committee was set up and tasked with preparing recommendations by March for concrete actions, in particular in improving the information sharing. A bid for MAOC-N funding is being prepared, to which Europol will be associated.

The meeting welcomed the improved dialogue and the UK delegation called upon the concerned Member States to increase their information input into Europol's Target Group which is supporting MAOC-N operations.

The Chair concluded that COSI would return to this matter if and when appropriate.

- **Discussion on possibilities for future co-operation**

The meeting briefly discussed the issues set out in document 6127/13 JAI 80 COSI 12 regarding cooperation between JHA agencies and in particular how Member States' positions in the governing bodies of the different agencies impact the cooperation. It was pointed out that while there is a mechanism for inter-agency cooperation, there is currently no institutional capability to maximise the synergies between the agencies and address the possible fragmentation, overlaps and competition.

The FR delegation supported both Presidency suggestions set out in the document while the FI delegation requested more time to study the document.

COM and the DE delegation thought that there were currently no concrete problems that required such general discussion.

The Chair concluded that the matter could be further studied by the COSI SG with a view to determining whether it had to be submitted to a further COSI meeting.

6. 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 July 2011 - December 2012

The meeting approved the above-mentioned report as set out in document 5839/13 COSI 6 JAI 59 JAIEX 8 CORDROGUE 10 PESC 107. It would be forwarded to the European and national Parliaments according to the normal procedures.

**7. Communication from the Commission to the European Parliament and the Council on strengthening law enforcement cooperation in the EU: the European Information Exchange Model (EIXM)
doc. 17680/12 JAI 913 DAPIX 163 ENFOPOL 418 JURINFO 64**

Following a presentation by COM on the above-mentioned Communication, several Member States agreed on the COM's finding that no new information exchange mechanisms should be created but that the existing ones should be implemented and used to the full extent.

A number of delegations recalled, however, that there was still an operational need to know whether police records existed in another Member State on specific persons.

As a lot of delegations insisted that the choice of communication channel should be left to the Member States, the COM clarified that SIENA was proposed to be the default channel but that for operational reasons other channels could be chosen. It was also explained that SIENA could be used for information exchange on matters outside the Europol mandate.

Delegations were requested to liaise with their DAPIX delegates who were invited to send contributions on this Communication.

8. **Final Report and Action Plan of the strategic project on “Eurojust’s action against trafficking in human beings” - Presentation by Eurojust**
doc. 16947/12 GENVAL 89 DROIPEN 175 JAIEX 117 RELEX 1094 JAI 850 COSI 126
EUROJUST 107

The meeting welcomed the above-mentioned Eurojust report and agreed, subject to a DE study reservation, on the Presidency's proposals as set out in document 6035/13 COSI 11 GENVAL 6 DROIPEN 9 JAIEX 10 RELEX 103 JAI 74 EUROJUST 11, to involve Eurojust more into the 2013 OAP on THB and include actions from the proposed Eurojust Action Plan into that OAP.

9. **Any other business**

- **Report on the second joint review of the implementation of the Agreement between the EU and the USA on the processing and transfer of Financial Messaging data from the European Union to the US for the purposes of the Terrorist Finance Tracking programme: presentation by the Commission**
doc. 17971/12 JAI 930 USA 36 RELEX 1178 DATAPROTECT 150

Following the presentation by COM of the above-mentioned review, the UK delegation explained that it had a study reservation on recommendation 5 and the FR delegation requested that the proposal for a TFTS be submitted by the end of the semester.

The COM explained that recommendation 5 was also important in view of the reciprocity that had been required in the implementation of the TFTP agreement. Furthermore, the COM clarified that this agreement had been concluded on the condition that the need for a TFTS be studied, which the COM is currently doing.

- **Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace**
doc. 6225/13 POLGEN 17 JAI 87 TELECOM 20 PROCIV 20 CSC 10 CIS 4
RELEX 115 JAIEX 14 RECH 36 COMPET 83 IND 35 COTER 17 ENFOPOL 34
DROIPEN 13 CYBER 1

The COM and the EEAS referred to the above-mentioned Communication which issued recently and invited Member States to actively engage in the debates on this matter.

The Chair announced that a meeting of the Friends of Presidency on Cyberissues would be held on 25 February 2013.

- **Handling of the proposal on the arrangements for the implementation of Article 222 TFEU**

The AT delegation, supported by the DE delegation, requested that the above-mentioned proposal (doc. 18124/12) be discussed by PSC and COSI as requested by the Treaty and these delegations were of the opinion that a FoP format would not be sufficient to deal with all aspects of this proposal.

The Chair took note of this request and explained that the mandate for the FoP group, including the involvement of PSC and COSI, would be discussed soon by Coreper.
