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SIRIS 42
COMIX 205

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Terrorism Working Party (TWP)
Subject: Summary of discussions

Joint TWP/SIS-SIRENE (Morning session 10.00-13.00 in "mixed committee"-format)¹

1. Adoption of the agenda

The agenda was adopted, as set out in CM 1678/1/16.

2. Information by the Presidency

The Presidency informed the Working Party that the aim of the morning session was to examine the conclusions of the questionnaire on lessons learnt and on the use of SIS in the fight against foreign terrorist fighters². It was essential to optimise the use of the SIS by using all of the functionalities allowed by the current legal instruments and identify areas for improvement.

¹ Experts of the Working Party for "Schengen Matters" (SIS/SIRENE) are invited to participate in the morning session that will be in "Mixed Committee" format (incl. Iceland, Norway, Switzerland and Lichtenstein).

² 15537/1/15 (RESTRICTED).

3. Update on action SIS Article 36(3) – information by France

France outlined in particular the latest developments on the use of Article 36(3) of the SIS II Decision³ since the first joint TWP/SIS-SIRENE meeting in April 2014. The level of functionality was good today, and the increase in volume was positive; however, there was still a need for fine-tuning.

4. Lessons learnt and use of SIS in the fight against the foreign terrorist fighters

25 Member States had responded to the questionnaire distributed early this year. On the basis of their answers, a discussion paper⁴ had been drawn up with the aim of guiding the discussion in the Working Party.

The discussion was structured around the five points indicated in the discussion paper, namely:

- definition of foreign terrorist fighters;
- quality of the information in the alerts - availability of sufficient clear information to allow for follow-up;
- definition of criteria to establish when to undertake immediate reporting/action in relation to an FTF (foreign terrorist fighter) alert;
- possible creation of a new alert category in the SIS for CT-related matters (not exclusively in relation to FTFs);
- elements for training/raising the awareness of end-users on both CT and SIS/SIRENE matters.

³ Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 71, 14.3.2013, p. 1).

⁴ 6453/16.

The Commission informed the Working Party that it would be open to address possible adjustments to the SIS II through implementing acts or update informal documents (handbooks, best practices catalogues, manuals, etc.) to avoid lengthy ordinary legislative procedures. This would allow the necessary flexibility to respond swiftly to new situations arising from the use of the system. In this context, the Commission explained that:

- it would be possible to add number of document to Alerts for discreet or specific check, and
- create a waiver from the compatibility rules established in the SIRENE Manual to allow for the coexistence of normally incompatible alerts, namely Article 24 SIS II Regulation (refusal of entry and stay) and Article 36 SIS II Decision alerts in case of alerts related to national security or public policy.

5. Conclusions and follow-up from the Presidency

The Presidency concluded by informing the Working Party that an action plan would be drafted indicating short, medium and longterm measures to tackle the issues identified in the current exercise. This action plan will be prepared in both the TWP and the SIS/SIRENE Working Party, and will be presented to the JHA Council at its June 2016 meeting.

6. Any other business

No issues were raised under this item.

1. Adoption of the agenda

The agenda was adopted, as set out in CM 1678/1/16.

2. Information from the Presidency

The Presidency informed on recent CT-related developments, on the upcoming JHA-Council and on the two conferences that had taken place in Amsterdam on 1-2 February and 1 March 2016 on radicalisation and on terrorist travel respectively. Concerning the JHA Council, Justice Ministers would be asked to agree to a general approach at the JHA Council on 11 March 2016 on the proposal for a Directive on Combating Terrorism⁵, submitted by the Commission in December 2015.

3. Latest incidents of significant interest

Ten delegations took the floor. The threat level in general remained high. The number of individuals (either nationals or individuals having their usual residence in the Member States concerned) travelling to Syria and Iraq (Foreign (Terrorist) Fighters) seemed to be stagnating or even dropping.

4. Modus Operandi Jihadists – presentation by INTCEN

[CONFIDENTIEL UE/EU CONFIDENTIAL]

Delegations took note of the presentation made by INTCEN.

5. Update on detection activities – presentation by the Commission

[CONFIDENTIEL UE/EU CONFIDENTIAL]

Delegations took note of the presentation made by the Commission.

⁵ 6655/16.

6. Countering Violent Extremism (CVE)

- Toolbox TERRA – presentation

TerRa is an EU-project "Terrorism and Radicalisation", which is financed by the Commission, gathering partners from NL, UK and ES and running since 2012. It had now produced a toolkit that was available on the internet. Equally material would become available from the TerRa Ucare that had developed a curriculum on radicalisation for secondary school children (aged 14 -17).

- RAN/knowledge hub – information on state of play by RAN

The Commission informed that the Centre of Excellence of RAN (Radicalisation Awareness Network) started in 2011 had had a 25 million EUR budget increase (partly to the detriment of smaller projects). An (annual) conference would be held, date still to be decided.

- Conference CVE/local approach 1 and 2 February 2016 – report on outcome and follow-up by Presidency

One of the main conclusions from the conference on "Countering Violent Extremism" with the subtitle "Think globally, Act Globally", which was organised together with RAN was the importance of exchanging local experiences and practices among Member States to develop effective strategies to counter radicalisation and violent extremism as an integral part of national CT strategies. Options to facilitate knowledge exchange on a more structural basis should be explored.

7. Information on Counter-Terrorism (CT)-activities

– Commission

The Commission, supporting fully the recommendations from the CTC, gave an update on recent developments. The Internet Forum with industry, launched on 3 December 2015, was functioning well. Now it was the aim also to address/include smaller companies. SSCAT and Europol were both very active in the forum. JHA counsellors would receive an update of the work undertaken in the near future. An "civil aviation/overflight risk" meeting would take place on 7 April 2016 at the Commission (DG Home).

At the next TWP meeting on 6 April 2016, the Commission will present its communication on terrorist financing and the state of play.

– CTC

The CTC briefly mentioned his most recent report⁶ to be debated at the upcoming JHA Council. He underscored the need to continue the feeding and use of relevant databases. Despite an increase, there was still huge room for improvement in relation to exchange of CT information. Europol, Eurojust (and Eurodac, Prüm and SLTD) remained underused, 90 % of information in the Europol databases came from five Member States. Technical/legal/psychological/cultural barriers had to be overcome. Systematic checks should be carried out by the countries in the forefront, and the attention was drawn to the many false documents in circulation.

– Europol

Europol focused in its intervention on its EU Counter Terrorism Centre (ECTC), officially inaugurated on 25 January 2016, and distributed a document giving an overview of its structure and new features introduced, as well as on the activities of the Task Force "Fraternité" (set up as support right after the terrorist attack in Paris in November with FR and BE). 25 Member States were now connected to the area of SIENA dedicated to terrorism (CT SIENA) as well as six third parties. From 9 March 2016, Europol would send Europol liaison/guest officers (police) to four hotspots to do "second line checks".

⁶ 6785/16.

8. Any other business

The Presidency informed TWP that it would do a mapping exercise on the BDL (Bureau de Liaison Network)⁷, which was set up around 20 years ago, but is used less and less, the technology being outdated. The Presidency will carry out a "mapping exercise" on available alternatives for communication and present it to TWP. This was supported by the Commission and delegations.

⁷ A security communications network (encrypted information technology tool) which assists in the transmission of information among EU MSs law enforcement bodies, EUROPOL and security and intelligence services.