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Saskaņā ar LESD 71. pantu un 6. panta 2. punktu Padomes Lēmumā 2010/131/ES, ar ko izveido Pastāvīgo komiteju operatīvai sadarbībai iekšējās drošības jautājumos (*COSI*), Padome pastāvīgi informē Eiropas Parlamentu un valstu parlamentus par Pastāvīgās komitejas darbu.

Pielikumā pievienots ziņojums Eiropas Parlamentam un valstu parlamentiem par *COSI* darbu laikposmā no 2020. gada jūlija līdz 2021. gada decembrim.

PIELIKUMS

Report to the European Parliament and national Parliaments on the proceedings of the Standing Committee on operational cooperation on internal security (COSI) for the period July 2020 to December 2021

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This is the eighth report to the European Parliament and national Parliaments in accordance with Article 71 TFEU and Article 6(2) of Council Decision 2010/131/EU1 establishing the Standing

Committee on operational cooperation on internal security (COSI), which provides that the Council must keep the European Parliament and the national Parliaments informed of the proceedings of the Standing Committee.

This report presents COSI's activities during the period July 2020 - December 2021 under the Presidencies of Germany, Portugal and Slovenia.

1. EXECUTIVE SUMMARY

Under the Presidency trio of Germany, Portugal and Slovenia, COSI continued to fulfil its mandate to facilitate, promote and strengthen the coordination of operational cooperation between the EU Member States in the field of internal security. In this capacity, COSI acted as a monitoring, advisory and decision-making body, with senior representatives and experts from all EU Member States and, where necessary, the relevant JHA agencies, creating synergies between police, customs, border guards and judicial authorities as well as other relevant actors.

During the period from July 2020 to December 2021, COSI guided the development and progression of several **horizontal themes** and facilitated concrete operational results. COSI's role should be emphasized particularly in relation to discussions that are of strategic and horizontal importance to the internal security community, such as the impact of technological developments, the proximities between internal and external security and access to data by law enforcement authorities. COSI works as a point of convergence with regard to themes that are addressed in the other policy sectors, such as internal market, but that have direct consequences on internal security. COSI plays an important role at the interface between strategic and operational levels to ensure coherence between strategic recommendations and operational action.

The Committee followed and discussed the developments of Commission's new **EU Security Union Strategy and the Internal Security and European Police Partnership**, both regarded as a means for establishing and enhancing a common approach on the internal security landscape of the European Union, and prepared Draft Council Conclusions in this respect. This is to be achieved through Member States' stronger cross-border cooperation, information exchange and enhanced intelligence-led joint operational action among other things. These discussions built on the work brought up by the previous Trio of Presidencies (Romania, Finland, Croatia) on the future direction of internal security at COSI. Strong central themes in all these debates were the continuity of both the strategic approach by the Member States and EU institutions and relevant action, as well as the consistent implementation of existing measures and the need for a coherent jointly agreed and implementable inter-institutional agenda.

Since the outbreak of the COVID-19 pandemic, COSI has followed closely the impact the pandemic has had on internal security. Discussions under the German Presidency concentrated on providing law enforcement authorities with appropriate tools and guidance for ensuring the use of **secure communication channels**. The aim was to guarantee the actors a safe and secure way to coordinate during a period in which physical meetings were not possible. The discussion also underlined the crucial role of law enforcement authorities in tackling cybercrime.

The beginning of the Portuguese Presidency coincided with the beginning of the overall COVID-19 vaccination campaign in the European Union. In this context, the Committee, in its support group formation, discussed the appropriate intelligence-based response to and preparedness for **fraudulent activities linked to COVID-19 vaccines**.

Furthermore, during the Slovenian Presidency, COSI supported the creation of a coordinated European approach for the **prevention of criminal infiltration with regards to the COVID-19 recovery funds**.

Technological development is a game-changer for our society across all sectors. This holds equally for criminal justice systems and law enforcement. As a result, the challenges that internal security faces in a world that is progressively more technologically and digitally enabled is a cross-cutting theme on COSI's agenda. In this context, it is of particular importance that the Justice and Home Affairs communities are in a position to contribute to the ongoing debate so that all relevant public interests can be taken into account.

Retaining and accessing relevant information, analysing it and acting upon it within legally prescribed powers is part of the core of law enforcement work. It is central to ensuring the capacity of criminal justice systems and law enforcement agencies to access data in a digital environment, as they already do offline, including encrypted communications data and electronic evidence. This is exacerbated by the limitless exploitation of technological developments in the criminal underworld. COSI has stressed that general digital policy developments must also benefit the JHA sector, while addressing and minimising the associated risks. This, in turn, necessitates a high degree of coordination across a vast array of policies such as the internal market, telecom, encryption and data protection.

The issues related to technological developments such as cybersecurity, cybercrime, and artificial intelligence have become increasingly prominent, including due to the outbreak of the COVID-19 pandemic, as criminal activities have moved even further into the online world.

COSI welcomed the establishment of the **EU Innovation Hub on Internal Security** as a joint cross-sectorial and multi-agency innovation platform, to support research and innovation for improving and enhancing the Union's internal security. The role of the Hub is to act as a platform that supports the law enforcement authorities of the Member States in identifying and realising innovative solutions to future challenges through tailor-made and fundamental rights-compatible tools.

Discussions on **Artificial Intelligence (AI)** characterized the whole Trio Presidency as the Committee focused on both the opportunities for law enforcement authorities stemming from the use of AI systems and the implications of categorising law enforcement-relevant tools as high-risk AI applications and prohibiting certain uses (facial recognition in public places for law enforcement purposes). COSI emphasised the need to have the voice of the JHA communities heard in the AI Act negotiations taking place in the relevant working party (Telecom) and the importance of better integration of internal security considerations in the overall regulatory framework.

COSI also debated the challenges and opportunities for law enforcement authorities stemming from the use of **encryption**. Indeed, the need to find a balance between the right to privacy and secure online communication, and the need for competent authorities to lawfully access data for the purpose of criminal investigation were at centre of the Committee's discussions during the three Presidencies.

COSI fed into the work on a Resolution on encryption adopted by the Council in December 2020. In addition to the need to strike the right balance between online privacy and law enforcement needs, it should also be stressed that no predetermined solutions are available and that no technological shortcuts can be used to achieve this. Instead, a proactive dialogue with the industry, involving researchers and academia as well, is needed to identify, develop and evaluate solutions that are legally sustainable, technically feasible and that can help in striking this crucial balance. At COSI's request, the EU Innovation Hub is actively involved in supporting this work.

The Committee also highlighted the relevant role of law enforcement authorities in **cybersecurity** and in the fight against cybercrime, stressing the need to bring together the two strands of work so as to create an integrated and more coordinated approach to counter relevant threats.

Counter-terrorism remained a standing priority on COSI's agenda. In addition to the CT Threat Assessments, specific attention was given to developments concerning **foreign terrorist fighters**, including returnees, **terrorist content online** and **persons regarded as a terrorist or violent extremist threat - "Gefährder"**. As to the latter, Member States developed a shared understanding and common indicative criteria for examining information on such persons. COSI endorsed the process for entering information on suspected FTFs received from trusted third countries into the Schengen Information System (SIS), which would allow for a better understanding of the existing possibilities under EU and national legislation. The Western Balkans were in focus during the Slovenian Presidency addressing issues related to the internal/external security nexus together with COTER. After the Taliban takeover of power, COSI took stock of the situation in Afghanistan and in September 2021 welcomed the **Counter-Terrorism Action Plan on Afghanistan** to face the cumulative impact the situation in Afghanistan can have on the Union's internal security.

COSI continued to exercise its central role in steering **EMPACT (European Multidisciplinary Platform against Criminal Threats)**, which became a permanent instrument for the fight against serious and organised international crime after the Council Decision of March 2021. As set out in the EMPACT Terms of Reference, COSI, assisted by its Support Group, continued to evaluate the implementation of the Operational Action Plans, monitoring the participation of Member States, as well as other relevant actors in order to ensure the efficient implementation of the actions.

During the reporting period, the Committee took stock of the results of the **independent evaluation** conducted on EMPACT cycle 2018-2021 indicating the relevance, the effectiveness, the efficacy and coherence of this instrument.

COSI worked for the identification of the new **EU crime priorities for the upcoming EMPACT cycle 2022-2025** on the basis of the EU Serious and Organised Crime Threat Assessment 2021. The crime priorities were adopted by the Council in May 2021.

Emphasis was placed on the need to enhance the visibility of EMPACT in order to highlight the solid operational results obtained in the fight against organised and serious international crime. In view of this, an **EMPACT Joint Communication Strategy** was developed and an EMPACT communicator's network was established to improve the visibility of EMPACT in the long term.

COSI welcomed the Commission's Communication on the **EU Strategy to tackle organised crime 2021-2025** as a means for boosting law enforcement and judicial cooperation.

Following the discussion that began during the previous Trio, the German-Portuguese-Slovenian Trio worked to enhance financial investigations in the EU. COSI expressed its support for the new legislative package on **anti-money laundering and countering the financing of terrorism**, which has a significant impact on the Justice and Home Affairs community.

As migrant smuggling networks proved resilient in face of the COVID-19 pandemic and evolving law enforcement activities, the Committee urged the enhancement of protection of the EU external borders and started the discussion on the newly proposed **Action Plan on Migrant Smuggling (2021 - 2025)**, welcoming a coordinated approach between European and national authorities, as well as the involvement of relevant EU JHA agencies.

Following the adoption of the Civilian CSDP Compact, efforts relating to cooperation and strengthening of synergies and complementarity between civilian CSDP structures and JHA actors continued. Under the **internal-external security nexus**, COSI and the Political and Security Committee (PSC) focused on the development of coherent EU action and the strengthening of the civilian crisis management addressing the EU and Member States internal/external security priorities, including by finalising the mini-concepts within the Civilian Compact that scope the potential for such cooperation in a number of crime areas and effectively integrate them in mission planning. Moreover, COSI discussed the establishment of the soon to be adopted Strategic Compass.

2. HORIZONTAL MATTERS

a. EU Security Union Strategy & Internal Security and European Police Partnership

COSI discussed the new **EU Security Union Strategy**[1] elaborated by the Commission aiming at considering and tackling internal security within the Union as a complete ecosystem. The Strategy was accompanied by specific action plans on drugs[2], firearms trafficking[3] and fight on child sexual abuse[4]. In September 2020 COSI expressed broad consensus on the package, underlining the growing importance of issues related to innovation and disruptive technologies, link between internal and external security, law enforcement's need to lawfully access information and interoperability.

COSI prepared the Draft Council Conclusions on **Internal Security and European Police Partnership**[5]. Delegations welcomed the trio Presidency (DE-PT-SI) program and coordination regarding new initiatives enhancing the internal security and related to the new EU Security Union Strategy. The conclusions set out milestones for the establishment of an effective European partnership for internal security for the period 2020 – 2025, as well as indicating the way forward on matters such as strengthening European law enforcement cooperation, the importance of enabling the use of new technologies by law enforcement authorities, the need to face effectively global challenges (i.e. transnational organised crime, preventing and combating terrorism) and enhancing international cooperation in the area of security, as well as the bolstering of cross-border law enforcement cooperation.

1 10010/20
2 9945/20 ADD 1
3 10035/20 ADD 1
4 9977/20
5 12862/20

b. COVID-19 pandemic implications

Since the spring of 2020, COSI has placed the **COVID-19 pandemic** and its internal security impact at the centre of its agenda.

The COVID-19 pandemic has brought changes in serious and organised crime, but also impacted on law enforcement authorities' activities. In particular, the use of **secure communication channels**[6] [7] by LEA were discussed by COSI under the lead of the German Presidency, as important means for granting strong cooperation to uphold the EU's internal security and overcoming some of the restrictions to physical operational meetings. COSI supported the development on an EU-wide secure communication solution in which Europol has a coordination role, and welcomed the establishment of a roadmap on the Extension of Secure Communications for EU Law Enforcement in the short-, medium- and long-term.

The pandemic has stimulated criminal and fraudulent activities related to medical goods and services. COSI SG addressed the issue of **COVID-19 vaccines fraud**[8] and other fraudulent practices related to providing medical and protective equipment against the virus in March 2021 under the Portuguese Presidency. The meeting showed that vaccine fraud, fraud attempts targeting government officials, cases of selling fake vaccines or false certificates on the dark web or thefts/robberies of genuine vaccines have been of a low scale. Despite not being regarded as a high threat, the Committee underlined the need to monitor closely developments, improve the intelligence picture through an effective exchange of information between Member States' LEA and with the EU institutions, bodies and agencies to bolster preparedness for immediate operational responses as necessary.

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6 10315/20
7 12860/1/20 REV 1
8 7236/21

COSI addressed the prevention of criminal infiltration with regards to the COVID recovery funds[9] as a matter of priority. The committee took stock of the conclusions reached during the first meeting of the Next Generation EU - Law Enforcement Forum held in September 2021, stressing prevention as the tool to ensure that funds reach their destination and fulfil their objectives. In preparation of a Council debate on this, COSI supported the establishment of a coordinated approach to countering and preventing recovery funds frauds, stressing the importance of cooperation between JHA agencies and effective information exchange between all the relevant actors.

c. Technological developments and internal security

Technological development and digitalisation are game changers across all sectors. This holds equally for criminal justice systems and law enforcement. The JHA community must be in a position to understand and steer the debate on all the issues at stake, including on legislative proposals that will have direct effect on the sector but that are handled in other sectors, such as the Artificial Intelligence Act and the proposal on the Digital Services Act. This has been supported by exchanges in the JHA Council and relevant JHA working fora. National coordination processes play a key role and should ensure that internal security sector considerations are properly channelled to the preparatory bodies leading the negotiations.

[9] 13679/21

3. COUNTER-TERRORISM

Although 2020 and 2021 witnessed a decline in the number and impact of terrorist attacks, Counter-terrorism (CT) remained a high priority on COSI's agenda, requiring a multidisciplinary approach to tackle this threat to the EU's security. Specific focus has been given to the ongoing Afghanistan crisis and its impact on the EU internal security.

a. EU's response, priorities and way forward

Under the Trio Presidency, COSI continued prioritizing counter-terrorism, progressing in the work initiated during the previous presidencies in order to give strategic orientation to operational cooperation regarding the prevention and combating of terrorism at the EU level.

COSI also endorsed the **process for evaluating and possibly entering information from third countries on suspected Foreign Terrorist Fighters (FTFs) in the Schengen Information System (SIS)**[10] with the technical support of Europol. The voluntary process was triggered for the first time in the second half of 2021 and is up for review in the second half of 2022. Based on the work carried out in TWP, the Committee endorsed proposed further action for improving law enforcement cooperation on **persons regarded as a terrorist or violent extremist threat "Gefährder"**[11], in order to foster coordinated action and effective information sharing at European level.

[10] 13037/20
[11] 13035/20

b. EU CT Threat assessments

According to the established procedure[12], each semester COSI endorsed the recommendations of the **EU Threat Assessment** in the field of counter-terrorism[13] [14] [15]. All three Threat Assessments recommend the need to address violent extremism and terrorism in all their forms, considering the increased polarisation in society exacerbated by the COVID-19 pandemic.

The CTC Threat Assessments reported an increase in the threat posed by violent **right-wing extremism** (VRWE). The threat stemming from **violent left-wing and anarchist extremism** (VLWAE) is still considered to be low but increasing. Both VRWE and VLWAE seem to develop in relation to the evolution of the COVID-19 pandemic and its socio-economic consequences, and in response to governments' regulations to contain the pandemic.

c. EU CT Action Plan on Afghanistan

After the Taliban takeover in Afghanistan, the Slovenian Presidency held an extraordinary Council meeting of the EU Ministers of Home Affairs on 31 August 2021 to discuss developments in the country and the potential implication on international protection, migration, and security. The challenge stemming from the Afghanistan crisis requires a strengthened coordination between internal and external security.

[12] 13414/1/17 REV 1
[13] 12866/20
[14] 8372/21
[15] 13682/21

During the COSI-PSC September 2021 meeting, delegations took note of the critical humanitarian and economic situation in the country from the EU Special Envoy for Afghanistan. On the same occasion the EU Counter-Terrorism Coordinator (CTC) presented the **Counter-Terrorism Action Plan on Afghanistan**[16] developed in coordination with the Commission services, the EEAS, the Slovenian Presidency and relevant EU JHA agencies. The Action Plan sets out 23 recommendations for action, divided into four areas: 1) security checks - prevent infiltration; 2) strategic intelligence/foresight: prevent Afghanistan from becoming a safe haven for terrorist groups; 3) monitor and counter propaganda and mobilisation; 4) tackle organised crime as a source of terrorist financing. COSI and PSC welcomed the Action Plan as a comprehensive basis for future action, with delegations stressing the importance of engaging with international actors, countries in the region, and EU JHA agencies to enhance intelligence and security scenarios.

As one of the pillars of the Action Plan, COSI delegations endorsed the protocol setting the **procedure for enhanced security checks on persons crossing or having crossed the EU's external borders following developments in Afghanistan**[17].

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17 13683/21

4. EMPACT (European Multi-disciplinary Platform Against Crime Threats)

The European Multidisciplinary Platform Against Criminal Threats (EMPACT) tackles the most important threats posed by organised and serious international crime affecting the EU. EMPACT strengthens intelligence, strategic and operational cooperation among national authorities, EU institutions and bodies, and international partners. EMPACT runs in four-year cycles focusing on common EU crime priorities.

EMPACT has three main features. It is **intelligence led** and the data collected is analysed to better assess crime-related threats allowing decision makers to better allocate resources and develop targeted crime-fighting strategies and operations. EMPACT is **multi-disciplinary** involving not only police but also customs, border guards, public prosecution services and where relevant other authorities, including for instance the private sector that can be of great importance in countering certain crimes (for instance cybercrime). The third feature is that EMPACT is implemented by means of an **integral approach**. EMPACT includes operational as well as strategic actions and does not only focus on repressive measures but also takes a preventative approach. Overall, it is very much a proactive approach to combatting crime and this method enables EMPACT, with the assistance and strategic guidance from COSI and technical guidance from COSI SG, to translate strategic objectives into concrete operational actions. The period from July 2020 to December 2021 was a very important period for EMPACT with many consequential developments involving intense work from the trio Presidency, achieved despite the challenges posed by COVID 19.

Towards the end of each EMPACT cycle, an **independent evaluation** serves as an input for the next cycle with results disseminated to COSI delegates. In October 2020 the independent evaluation for 2018-2021[18] indicated that **EMPACT is relevant, effective, efficient, coherent and demonstrates EU added value**. Nevertheless, the evaluation study set out **21 recommendations** linked to some identified issues. Pursuant to in-depth discussions at COSI SG the DE Presidency drafted a road map outlining the way forward, identifying the main actors and proposed timeline with regard to the implementation of the recommendations[19].

[18] 11992/20 + ADD 1
[19] 13686/2/20 REV 2

The main objective of the Portuguese Presidency for EMPACT was to prepare for the **EMPACT cycle 2022-2025.** This involved drafting the **Council conclusions on the permanent continuation of EU Policy Cycle for organised and serious international crime: EMPACT 2022+**[20] adopted by the JHA Council in March 2021. Key changes from the previous cycle included the establishment of EMPACT as a **permanent** key instrument.

COSI took note of the **EU Serious and Organised Crime Threat Assessment (EU SOCTA) 2021**[21] prepared by Europol and setting out current and anticipated developments of serious and organised crime. The EU SOCTA and the Policy Advisory Document[22] (drafted by the Presidency and the Commission) fed into the **Council conclusions setting the EU crime priorities for the EMPACT cycle 2022-2025**[23] adopted by the Council in May. The conclusions outline 10 EU crime priorities to implement via 15 operational actions plans (OAPs).

The Slovenian Presidency followed up on further technical details resulting from the Council conclusions in preparation of the EMPACT cycle 2022-2025. Drivers and co-drivers for the OAPs were consequently nominated. Furthermore, the **OAPs for 2022 were adopted** and revised[24].

EMPACT communication was a central theme in the reporting period. An EMPACT joint communication strategy was developed[25] and a Network of EMPACT communicators was established.

Finally, **EMPACT funding** continued to run through the Presidencies whereby the creation of an ad-hoc working group on EMPACT funding[26] assisted delegations in their agreement of EMPACT funding for 2021[27] [28]. EMPACT continued to be monitored via the national EMPACT coordinators meetings followed up by COSI SG and COSI.

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21 6818/21
22 7232/21
23 9184/21
24 13114/21
25 13112/2/21 REV 2
26 11773/20
27 10372/20
28 11502/21

5. ORGANISED AND SERIOUS INTERNATIONAL CRIME

a. EU Strategy on Organised Crime 2021-2025

During the meeting of May 2021, the Committee welcomed the Commission's Communication on the **EU Strategy to tackle organised crime 2021-2025**, its goals and proposals[29].

The Strategy is built upon the necessity to boost law enforcement and judicial cooperation, provide effective investigation to disrupt organised crime, to eliminate profits made by organised crime (OC) also preventing their infiltration into legal economy, and to make law enforcement and judiciary operating in this field fit for the digital age.

In this context, the Commission has identified EMPACT as a key tool for the implementation of the Strategy and COSI underlined the relevance of listing the fight against high-risk criminal networks among EMPACT priorities. Delegations supported the necessity to develop a strong response to challenges posed by digitalisation to investigating and prosecuting activities.

b. Anti-money laundering - internal security implications

Stemming from previous Trio COSI debates, in June 2020 the Council adopted a set of conclusions on enhancing financial investigations to fight serious and organised crime[30]. The Council called upon the Commission to strengthen the work and information exchange between Financial Intelligence Units (FIUs), to consider further enhancing the legal framework in order to interconnect national centralised bank account registries, to consider the need to further improve the legal framework for virtual assets or to re-engage in a discussion with member states regarding the need for a legislative limitation on cash payments at EU level.

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In this context, in July 2021 the Commission proposed a new legislative package on **anti-money laundering (AML) and countering financing terrorism (CFT)**. In September 2021, the Committee, expressed its support for the package which reflects many of the issues highlighted in the aforementioned Council Conclusions. The establishment of an AML Authority tasked with promoting the coordination among FIUs, supporting FIUs in improving their analytical capabilities, and making financial intelligence a key source for law enforcement agencies received broad support. Delegations welcomed the proposal on tighter rules concerning crypto/virtual assets in order to ensure traceability and prohibit anonymous crypto-asset wallets[31].

c. EU Migrant Smuggling Action Plan - operational aspects

In November 2021, COSI discussed the new **Action Plan on Migrant Smuggling (2021 - 2025)**[32] presented by the Commission. Migrant smuggling networks proved to be highly adaptable to evolving law enforcement activity, travel restrictions during the COVID-19 pandemic, and logistical and environmental changes. Delegations requested a reinforced protection of the EU external borders by setting common standards of action, also considering the newly raised challenges of instrumentalisation of migration by state actors stressing the need to prevent such situation and develop protocols for reaction. As smuggling networks benefit from the use of encrypted communication means, social media and other digital services and tools, COSI urged the enhanced use of digitalisation to counter such phenomena through a systematic involvement of Europol, European Migrant Smuggling Centre (EMSC), EU Innovation Hub and the European Union Agency for Cybersecurity (ENISA). Moreover, delegations demanded a holistic approach in fighting migrant smuggling as approximately 50% of the networks involved are poly-criminal[33].

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6. DIGITAL

The COVID-19 pandemic forced to move activities online more than ever before. Criminal groups favoured from the situation boosting their activities in the illegal markets. Cybercrime, such as online fraud or the dissemination of harmful content, cybersecurity and Artificial Intelligence (AI) became matters of prominent importance. Topics related to AI, encryption and cybersecurity have been discussed several times under this Trio Presidency.

Over this Trio Presidency, the EU Innovation Hub on Internal Security has been shaped and established.

a. EU Innovation Hub for Internal Security

Further to the work done during the previous Trio of Presidencies, COSI kept following the developments related to the establishment of the **EU Innovation Hub for Internal Security**. The Hub is set to act as a joint cross-sectorial EU platform aimed at ensuring coordination and collaboration between all EU and national actors in the field of internal security[34].

During the meeting of February 2021, COSI took stock of the updates presented by Europol on the work of the Hub Team mainly based on the implementation of the four tasks for 2021 that the Committee already identified in February 2020[35]. Delegations also expressed support to the approach outlined in the document produced by the Portuguese Presidency which, among others, invites the Member States to continue and further strengthen their support for the Hub and tasks COSI to discuss the governance of the Hub[36].

The composition of the EU Innovation Hub for Internal Security's **Steering Group** was confirmed by COSI in November 2021[37] in accordance with the rules endorsed in June 2021[38]. The Steering Group is set to approve the priorities of the Hub, which should be adopted every four years and reviewed every two. On the basis of the priorities, the Steering Group will approve a multiannual implementation plan that outlines the concrete activities/projects of the Hub.

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b. AI

COSI discussed the **opportunities of Artificial Intelligence for security**[39] at the informal VTC on 13 July 2020 and agreed on its particular significance for law enforcement across the EU. The use of AI systems can potentially facilitate the work of law enforcement authorities, supporting and contributing to investigations, but also underlined the challenges these tools pose especially in relation to fundamental rights. The Committee highlighted the need to establish trust in AI tools, and identified appropriate governance and safeguards as measures for this purpose. The German Presidency encouraged delegations to develop a common approach to the use of AI by law enforcement authorities across the EU and to adopt a dynamic approach with regard to testing and regulation.

COSI began a discussion focused on the implications of Commission's proposal for a Regulation on Artificial Intelligence, especially regarding the limitations on the use of "real-time" biometric identification for law enforcement purposes and the AI applications listed as high-risk [40]. Following a Justice and Home Affairs Council request of clarification on the impact of the proposed regulation on the law enforcement authorities and activities, the Slovenian Presidency organised a full-day online workshop to address the remaining concerns of the law enforcement and internal security communities of the Member States regarding the proposed Regulation. During the COSI meeting of November 2021, the co-chair of TELECOM working party recognised the file as horizontal and cross-sectoral, while delegations raised concerns on the deep influence of the proposal on the JHA/law enforcement sector whilst it is handled in another sector.

[39] 10726/20
[40] 8515/21

c. Encryption

Encryption is considered an essential feature of the digital world. The need to find a balance between granting secure means of communications and privacy rights, and the need for law enforcement and judicial authorities to lawfully access data for the purpose of criminal investigation, remained a priority in COSI's agenda during the Trio Presidency.

In preparation for the Council debate in December 2020, COSI took stock of the state of play on encryption and the way forward taking into account the documents provided by the EU CTC[41] and the Commission services[42]. The Committee deemed encryption as a fundamental tool in ensuring the privacy, confidentiality, data integrity and availability of communications and personal data, but underlined at the same time the high potential for its exploitation for criminal purposes. This duplicity poses challenges on law enforcement and judicial authorities as encryption renders access to and analysis of data and communications content extremely challenging or practically impossible. COSI stated that upholding the possibility for competent authorities to lawfully access to relevant data for clearly defined purposes of fighting serious and organised crime and terrorism, must not endanger the respect of fundamental rights (i.e. right to privacy and protection of personal data). The Committee stressed that the EU's action must uphold the principle of **security through encryption and security despite encryption**[43].

Both the Council and the Commission acknowledged the need to develop an EU-wide regulatory framework to ensure a balance between lawful access to encrypted information and effectiveness of encryption to protect fundamental rights. During the November 2021 meeting, the Committee underlined the central role it must play in the discussion on the way forward on encryption, reminding that technological development on this topic cannot represent an impediment for law enforcement activities.

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42 10730/20
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d. LEA role for cybersecurity

Cybersecurity is defined as the protection of networks, government or otherwise, from malicious attacks and cyber threats to safeguard critical information. Cybercrime is regarded as actions by criminals trying to exploit human- or security-related weaknesses in the cyberspace to steal money or data. **Law enforcement authorities play a crucial role in cybersecurity** and investigating cybercrime, but also in countering and preventing cyber incidents[44]. COSI highlighted the needs and approaches from cybersecurity and cybercrime perspectives can bring the two respective communities in conflicting positions, while supporting the creation of coordinated action to maximise the resilience and response capabilities to any cyber incident/threat.

Delegations called for the establishment of a clear regulatory framework with special regard to law enforcement activities, encryption and access to WHOIS data ensuring the full respect of privacy and fundamental rights.

[44] 11719/21

7. INTERNAL - EXTERNAL SECURITY NEXUS

a. CSDP - JHA cooperation: Strategic Compass/Civilian CSDP Compact

In September 2021, COSI and PSC discussed the state of play of **CSDP - JHA cooperation** in order to have a more coherent EU action and to strengthen civilian crisis management when addressing the EU and Member States' internal/external security priorities. Delegations discussed the promotion of such cooperation through specific activities aiming at bringing together national and European administrations and agencies dealing with CSDP and JHA matters[45], as referred to in the Council Conclusions on the Civilian CSDP Compact[46].

In July and December 2021, two thematic workshops on CSDP - JHA cooperation were held in Brussels. The July workshop highlighted the need for more operational mandates for CSDP missions, for regular institutional coordination between COSI/PSC, COSI SG/CivCom, and for increasing the number of positions for law enforcement officers within the missions. The December workshop saw the participation of Member States, EU institutions and JHA agencies to exchange views, good practices and current challenges on fostering the cooperation from the Member States' perspective.

Delegations also discussed the state of the play on the Strategic Compass, which was adopted in March 2022.

8. ROLE OF COSI SUPPORT GROUP

The COSI SG continued facilitating and supporting COSI's work, notably within the framework of the EU Policy Cycle/EMPACT. It prepares discussions for COSI, either by concluding certain items that can be dealt with at COSI SG level or by streamlining discussions for COSI. Issues that require further guidance from COSI or issues of a strategic nature are presented to COSI for discussion.[47]

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46 13571/20
47 8900/17

9. CONCLUSIONS

During the reporting period COSI remained committed to its central role of ensuring that operational cooperation on internal security is coordinated, promoted and strengthened within the Union. COSI has continued to act as a monitoring, advisory and decision-making body, creating synergies between police, customs, border guards and judicial authorities as well as other relevant actors. It has addressed both horizontal themes, the role of which has been further emphasised during the Covid-19 pandemic and by the way in which technological development constantly changes also the internal security sector, but also continued with previously identified work strands such as on facilitating and further developing EMPACT and the operational cooperation under its auspices.

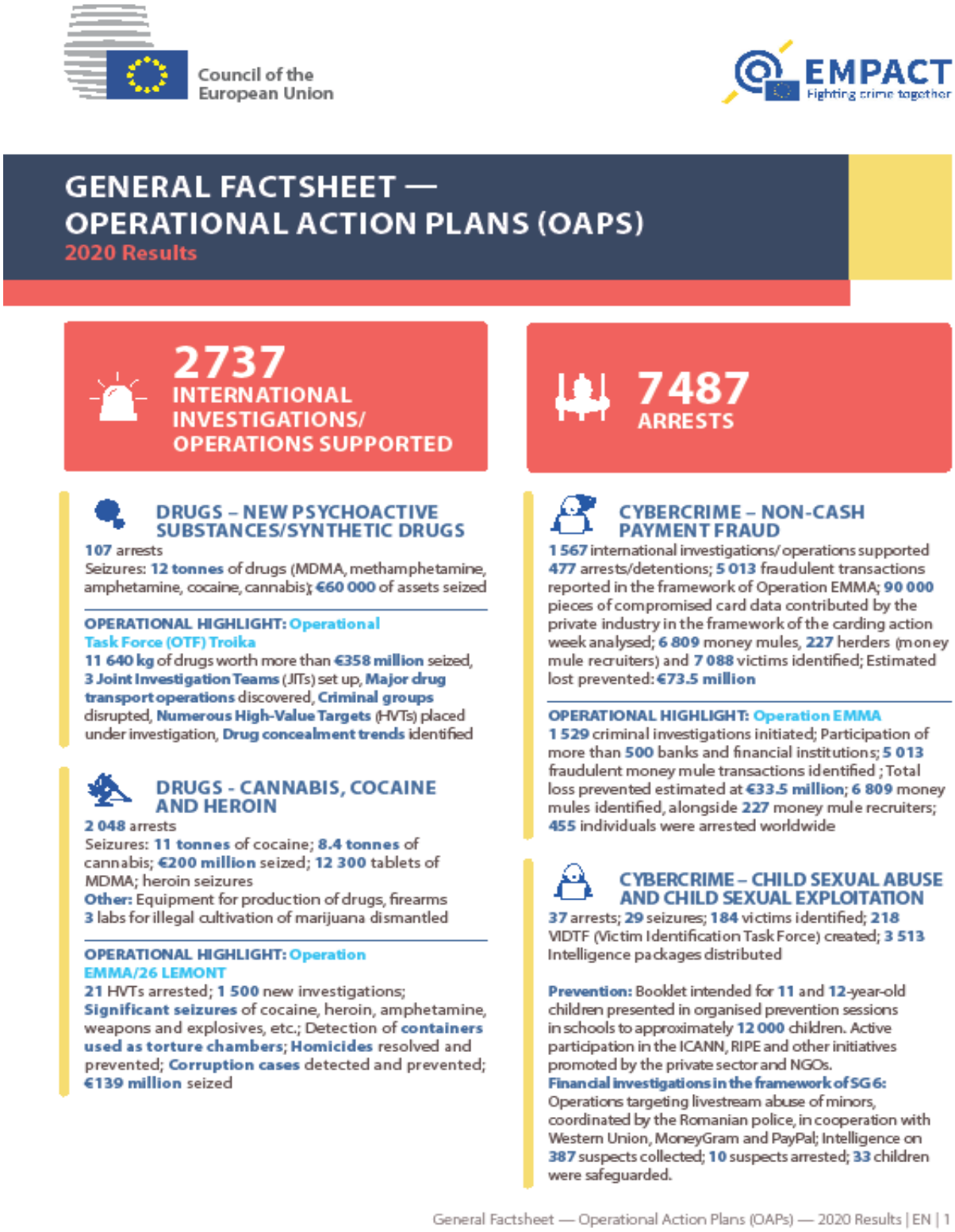
COSI will continue to play an important role in the development of and necessary responses to challenges within EU internal security with regard to a multitude of topics that will fall under the next Presidency trio (France, Czech Republic and Sweden).

ANNEX I- ABBREVIATIONS

- AI: Artificial Intelligence
- AIA: Artificial Intelligence Act
- AML: Anti-Money Laundering
- CFT: Countering Financing Terrorism
- CHSGs: Common Horizontal Strategic Goals
- CIVCOM: Committee on Civilian Aspects of Crisis Management
- COSI: Standing Committee on Operational Cooperation on Internal Security
- COSI SG: Standing Committee on Operational Cooperation on Internal Security Support Group
- CSDP: Common Security and Defence Policy
- CT: Counter-terrorism
- EEAS: European External Action Service
- EMPACT: European multidisciplinary cooperation platform against criminal threats
- EMSC: European Migrant Smuggling Centre
- ENISA: European Union Agency for Cybersecurity
- EU CTC: EU Counter-Terrorism Coordinator
- EU SOCTA: European Union Serious and Organised Crime Threat Assessment
- FTFs: Foreign Terrorist Fighters
- G-MASP: General Multi-Annual Strategic Plan
- HVGs: High Value Grants
- HVTs: High Value Targets
- IP: Intellectual Property
- ISF: Internal Security Fund
- JADs: Joint Action Days
- JHA Council: Justice and Home Affairs Council
- LEA: Law Enforcement Authorities
- LEWP: Law Enforcement Working Party
- LVGs: Low Value Grants

- MASPs: Multi-Annual Strategic Plans
- MTIC: Missing Trader Intra Community
- NECs: National EMPACT Coordinators
- NPS: New Psychoactive Substances
- OAPs: Operational Action Plans
- OC: Organised Crime
- OCGs: Organised Crime Groups
- PAD: Policy Advisory Document
- PSC: Political and Security Committee
- SIS: Schengen Information System

ANNEX II - EMPACT GENERAL FACT SHEET OAPS 2020



CYBERCRIME – ATTACKS TO INFORMATION SYSTEMS

45 arrests
8 international investigations/ operations supported

A **splash page** prepared by Europol was put up online after the domain seizures

Infrastructure on several **Remote Access Tools** (RATs) identified and **HVT/developer** identified. **40 000** victims' data recovered, and **16** proxy servers identified
Seizures: **50** servers; **3** domains from bulletproof VPN provider; **€100 000** in cryptocurrencies; Bitcoin mining equipment

Takedowns: **2** illegal backend platforms; Infrastructure in Romania, Norway, US, Germany, Netherlands, Switzerland; **1** illegal bulletproof VPN service involving **3** different domains

DOCUMENT FRAUD

18 international investigations/operations supported
38 arrests; **4** print shops dismantled; Seizures: **3 019** fraudulent documents, **1 150** blank plastic supports for ID cards and driving licences; **€21 400**; **7** Organised Crime Groups (OCGs) disrupted

OPERATIONAL HIGHLIGHT: Operation Massilia (Facilitation of Illegal Immigration - FII)
A **print shop** producing counterfeited documents was dismantled; **3** individuals suspected of forgery of documents arrested; **Technical equipment**, **1 150** blank plastic supports for ID cards and driving licenses, holographic bands, **16** counterfeit ID cards (Belgian, Spanish and Italian), ID photos of customers and forged breeder documents were seized

FACILITATED ILLEGAL IMMIGRATION

2 280 arrests
14 OCGs dismantled, **27** identified; **1** HVTs and **87** suspects identified; **2 350** document fraud cases reported, including **52** visa fraud cases and **548** ID misuse
Seizures: **1** thermal printer, **2** laminators, **1 150** blank supports for ID cards and driving licences, holographic bands, **16** counterfeit ID cards; **381** vehicles/ **1 253** vehicle parts; **2** yachts, **1** boat, **2** outboard motors; **52** firearms; **1.8 tonnes** of marihuana; **10.33 kg** of heroine; **2 128** psychoactive tablets; **20 350** undeclared surgical masks; Cash seizures value: **€693 900**

OPERATIONAL HIGHLIGHT: Operation Fortunate
1 OCG dismantled; **6** members arrested; **23** irregular migrants intercepted; **1** yacht, cell phones, storage devices and relevant documents stipulating money transactions were seized

TRAFFICKING IN HUMAN BEINGS (THB)

744 arrests
1 025 new cases initiated; **5 956** Suspects identified; **5 030** Victims (**266** minors) identified; **744** OCGs related to THB have been reported by member states.

OPERATIONAL HIGHLIGHT: Operation Cumbia
8 suspects arrested; **15** potential victims saved; **3** apartments seized; **€120 000** seized

ENVIRONMENTAL CRIME

440 arrests
500 suspect investigated
Seizures/ Assets seized: **32 kg** of glass eels, **45** nets and fishing gear; **807** seizures of illegal timber (**8 613**m**3**); **132** warehouses/illicit waste dumping facilities and **167 452** tons of waste; **20** birds; **700** dried butterflies, **7**kg of gold, **77.5**kg of mercury worth **€250 000**, **355** reptiles worth **€800 000**, **237 million** Colombian pesos worth **€90,000**; **639** ivory items; **92** tons of WEEE (waste from electric and electronic equipment); total value **€93,725,294**; **€40 million** total value of the company facilities seized (warehouses, depots, vehicles, etc.)
Tax evasion prevented: **€31 376 452**

CRIMINAL FINANCES, MONEY LAUNDERING AND ASSET RECOVERY

40 arrests
538 Contributions on cash seizures, suspicious cash declarations, suspicious transactions reports and money mule cases
Seizures/assets recovered: **€19 829 888** in cash; **118** bitcoins, **4** properties, gold and silver coins worth a total of **€5.5 million**
€2.1 million worth of seizures including: **14** frozen bank accounts, **5** properties, **2** commercial companies' assets, **15** vehicles, weapons, multiple bank accounts and electronic items

OPERATIONAL HIGHLIGHT: Operation Pulse
8 cards used in the Netherlands to take out illicitly obtained money from regular ATMs; A group of just **3** young men used more than **1 000** false IDs to get accounts on many online gambling sites for bonuses for new players; **1** arrest; Real estate valued at **several million euros** confiscated by the public prosecutor's office pending future judicial proceedings

MTIC FRAUD

50 arrests
20 OCGs identified and **11** OCGs investigated;
259 suspects identified and **110** suspects investigated;
€28 million of tax evasion prevented; **€8 million** worth of assets seized

OPERATIONAL HIGHLIGHT: central Europe action
39 arrests; **110** suspects investigated; **6** OCGs investigated; **1** JIT; **92** searches; **€7 million** worth of assets seized; **€24 million** of tax evasion prevented

EXCISE FRAUD

487 arrests
111 international investigations/ operations supported
Tax evasion prevented: **€245 356 711**
Seizures: **477 274 656** cigarettes; **1.47 million** kg of tobacco (raw tobacco, fine cut tobacco, water-pipe tobacco); **2.31 million** kg of designer fuel; **30** pallets and **31 690** litres of alcoholic beverages; **1 108 kg** of snus; **€662 834** in cash
Assets seized: **465** vehicles (trucks, trailers, cars, vans); **57** forklifts; **1** ISO tanker and different types of containers (tank, IBC, maritime); smartphones, computers, tablets, camera system with data storage devices; machinery and equipment for illicit production of tobacco products (**138** production lines; **30** packaging lines; **138** cutting machines; **32** generators and precursors.

OPERATIONAL HIGHLIGHT: Operation Chain Bridge V (Designer Fuel Fraud)
39 arrests; Seizure of **2.3 million** kg of designer fuel, **9 750 kg** of fine cut tobacco, **14 400 kg** tobacco leaves, and **2 075** litres of alcoholic beverages; Revenue loss prevented: **€11 million**

ORGANISED PROPERTY CRIME

540 arrests
53 mobile organised crime groups dismantled
8 Joint arrests operations
Seizures: **3** hotels and **90** properties; **+35 000** cultural goods; **517** vehicles + **1 361** stolen vehicle parts; **30 kg** of gold; **110 kg** of silver; **1,5 million** cigarettes; **1 tonne** of tobacco; **6 tonnes** of copper; **12** boat engines; **+120** ancient books; **+50** luxury bicycles; **1 800 kg** marijuana; **10 kg** heroin; **141** forged documents; **26** weapons; Perfumes, cosmetics, tools, jewels, beer barrels, car key encoding case, GPS tracking devices, GPS jammers, etc.
Assets seized: **€58 510 691** (including **€2 297 291** and **$200 000** in cash)

FIREARMS

154 arrests
Seizures: **2 732** weapons; **2 435** Firearms; **45** converted and rebranded gas/alarm weapons; **10 528** rounds of ammunition; **164** pyrotechnic devices; **117** Kg of drugs; **1** vehicle

OPERATIONAL HIGHLIGHT: Operation Bosphorus
11 suspects arrested;
Seizure of **191** firearms, **3 714** rounds of ammunition; small quantities of drugs including cannabis and cocaine; unstamped cigarette packs; **1** vehicle, false ID documents and **164** pyrotechnic devices.
Prior to the action days, all participating countries

Further reading

https://www.consilium.europa.eu/en/policies/eu-fight-against-crime/