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WORKING PAPER

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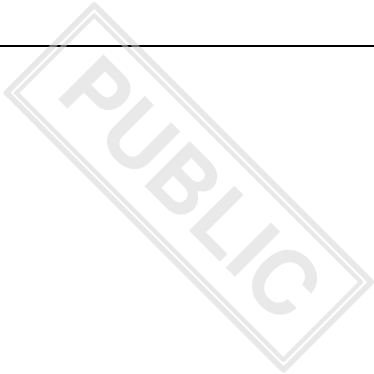
WORKING DOCUMENT

From:	Presidency
To:	JHA Counsellors on Financial Instruments
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Internal Security Fund (ISF) – Compromise proposals

With a view to the meeting of the JHA Counsellors of 28 January 2020, delegations will find enclosed an extract from the 4-column table of the abovementioned draft Regulation relevant to this meeting.

**Proposal for a
Regulation of the European Parliament and of the Council establishing the Internal Security Fund**

199.	<i>Article 12 Programmes</i>	<i>Article 12 Programmes</i>	<i>Article 12 Programmes</i>	
208.	2. The Commission shall ensure that the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) are associated to the development of the programmes at an early stage, as regards the areas of their competence. Specifically, Member States shall consult Europol on the design of their actions in particular when including EU policy cycle or EMPACT actions or actions coordinated by the Joint Cybercrime Action Taskforce (J-CAT) in their programmes. Prior to including training in their programmes, Member States shall coordinate with	2. The Commission shall ensure that the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL), <i>the European Union Agency for Criminal Justice Cooperation (Eurojust), the European Public Prosecutor's Office (EPPO), the European Union Network and Information Security Agency (ENISA), the European Agency for the operational management of large-scale IT Systems (eu-LISA), the European Border and Coast Guard Agency (EBCGA), the European Union Agency for Fundamental Rights (FRA)</i> and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) are associated to the <i>involved in the programme</i> development of the	2. <i>At an early stage of the programming,</i> the The Commission shall ensure that the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) are associated to the development of the <i>consult</i> the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) are associated to the development of the <i>consulted at an early stage,</i> as regards the areas of their competence.	<i>Presidency compromise proposal:</i> “At an early stage of the programming, the Commission shall consult the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL), the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and other relevant agencies, as regards the areas of their competence. In order to avoid overlaps, Member States shall inform Europol, EMCDDA or CEPOL, when including in their programmes EU Policy Cycle operational actions or other actions related to the

	CEPOL in order to avoid overlaps.	programmes at an early stage <i>from the outset</i> , as regards the areas of their competence. Specifically, Member States shall consult Europol on the design of their actions in particular when including EU policy cycle or EMPACT actions or actions coordinated by the Joint Cybercrime Action Taskforce (J-CAT) in their programmes. Prior to including training in their programmes, Member States shall coordinate with CEPOL in order to avoid overlaps. <i>Members States shall also consult other relevant stakeholders, including civil society organisations, on the planning of their actions.</i> [AM79]		areas of competence of the mentioned agencies.”
209.			2a. Specifically <i>In order to avoid overlaps</i> , Member States shall consult <i>inform</i> Europol, or EMCDDA or CEPOL on the design of their actions when including in their programmes EU Policy Cycle operational actions or other actions related to the areas of competence of the abovementioned agencies in particular when including EU policy cycle or EMPACT	<i>Presidency proposes compromise drafting in line 208, see above.</i>

			actions or actions coordinated by the Joint Cybercrime Action Taskforce (J-CAT) in their programmes. Prior to including training in their programmes, Member States shall coordinate with CEPOL in order to avoid overlaps.	
210.	3. The Commission may associate the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) where appropriate in the monitoring and evaluation tasks as specified in Section 5 in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union <i>acquis</i> and agreed Union priorities.	3. The Commission may associate the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) Agencies referred to in paragraph 2 , the European Data Protection Board and the European Data Protection Supervisor (EDPS) where appropriate in the monitoring and evaluation tasks as specified in Section 5 in particular in view of ensuring that the actions implemented with the support of the Fund, which fall within their mandate , are compliant with the relevant Union <i>acquis</i> and agreed Union priorities.[AM80]	3. The Commission may associate the Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Law Enforcement Training (CEPOL) and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) where appropriate in the monitoring and evaluation tasks as specified in Section 5 in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union <i>acquis</i> and agreed Union priorities.	<i>Presidency compromise proposal:</i> The Commission may associate Europol, CEPOL and EMCDDA where appropriate in the monitoring and evaluation tasks as specified in Section 5 in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union <i>acquis</i> and agreed Union priorities. In carrying out monitoring and evaluation tasks, the Commission may, where relevant, draw on the expertise of other Union agencies on specific issues falling within those agencies' competencies.

213.	(a) Union priorities and <i>acquis</i> in the area of security in particular information exchange and interoperability of IT systems;	(a) Union priorities and <i>acquis</i> in the area of security in particular <i>the coordination and cooperation between law enforcement authorities and the efficient exchange of relevant and accurate</i> information exchange and <i>the implementation of the components of the framework for interoperability of EU information</i> IF systems;[AM82]	(a) Union priorities and <i>acquis</i> in the area of security in particular information exchange and interoperability of ICT systems;	<i>CION compromise drafting:</i> "Union priorities and <i>acquis</i> in the area of security in particular the efficient exchange of relevant and accurate information exchange and the implementation of the components of the framework for interoperability of EU Information IF Systems;"
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353.	ANNEX II Implementation measures	ANNEX II Implementation measures [AM119]	ANNEX II Implementation measures	
355.	(a) to ensure the uniform application of the Union <i>acquis</i> on security supporting information exchange for example via Prüm, EU PNR and SIS II, including through the implementation of recommendations from quality control and evaluation mechanisms such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms;	(a) to ensure the uniform application of the Union <i>acquis</i> on security supporting information exchange for example via Prüm, EU PNR and SIS II, including through the implementation of recommendations from quality control and evaluation mechanisms such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms; [AM119]	(a) to ensure the uniform application of the Union <i>acquis</i> on security supporting information exchange for example via Prüm, EU PNR and SIS II, including through the implementation of recommendations from quality control and evaluation mechanisms such as the Schengen evaluation mechanism and other quality control and evaluation mechanisms;	<i>CION compromise drafting:</i> "(a) to ensuring the uniform application of the Union <i>acquis</i> on security by supporting the exchange of relevant information for example via Prüm, EU PNR and SIS II, including through the implementation of recommendations from quality control and evaluation mechanisms such as the Schengen evaluation

				mechanism and other quality control and evaluation mechanisms;"
356.	(b) to set up, adapt and maintain security relevant Union IT systems and communication networks, including their interoperability, and to develop appropriate tools to address identified gaps;	(b) — to set up, adapt and maintain security relevant Union and national ICT systems and communication networks, including their interoperability, and to develop appropriate tools to address identified gaps; [AM119]	(b) to set up, adapt and maintain security relevant Union and national ICT systems and communication networks, including their interoperability, and to develop appropriate tools to address identified gaps;	<i>CION compromise drafting:</i> "(b) to setting up, adapting and maintaining security relevant Union IT systems and communication networks, including ensuring their interoperability, and to developing appropriate tools to address identified gaps;"
357.	(c) to increase the active use of Union security relevant information exchange tools, systems and databases ensuring that these are fed with high quality data;	(c) — to increase the active use of Union and national security relevant information exchange tools, systems and databases ensuring that these are fed with high quality data; [AM119]	(c) to increase the active use of Union and national security relevant information exchange tools, systems and databases ensuring that these are fed with high quality data;	<i>CION compromise drafting:</i> "(c) to increasing the active use of Union security relevant information exchange tools, systems and databases ensuring that these are fed with high quality data; and "
358.	(d) to support relevant national measures if relevant to implement the specific objectives set out in Article 3(2)(a).	(d) — to support relevant national and Union measures if relevant to implement the specific objectives set out in Article 3(2)(a). [AM119]	(d) to support relevant national and Union measures if relevant to implement the specific objectives set out in Article 3(2)(a).	<i>CION compromise drafting:</i> "(d) to supporting relevant national measures including

			PUBLIC	the interconnection of security-relevant national databases and their connection to Union databases when foreseen in relevant legal bases, if relevant to implement the specific objectives set out in Article 3(2)(a)."
359.	The Fund shall contribute to the specific objective set out in Article 3(2)(b), by focusing on the following implementation measures:	The Fund shall contribute to the specific objective set out in Article 3(2)(b), by focusing on the following implementation measures: [AM119]	The Fund shall contribute to the specific objective set out in Article 3(2)(b), by focusing on the following implementation measures:	
360.	(a) to increase law enforcement operations between Member States, including when appropriate with other relevant actors, in particular to facilitate and improve the use of joint investigation teams, joint patrols, hot pursuits, discreet surveillance and other operational cooperation mechanisms in the context of the EU Policy Cycle (EMPACT), with special emphasis on cross-border operations;	(a) to increase law enforcement operations between Member States, including when appropriate with other relevant actors, in particular to facilitate and improve the use of joint investigation teams, joint patrols, hot pursuits, discreet surveillance and other operational cooperation mechanisms in the context of the EU Policy Cycle (EMPACT), with special emphasis on cross-border operations; [AM119]	(a) to increase law enforcement operations between Member States, including when appropriate with other relevant actors, in particular to facilitate and improve the use of joint investigation teams, joint patrols, hot pursuits, discreet surveillance and other operational cooperation mechanisms in the context of the EU Policy Cycle (EMPACT), with special emphasis on cross-border operations;	<i>CION compromise drafting:</i> "(a) to increasing law enforcement operations between Member States, including, where appropriate, with other relevant actors, in particular facilitating and improving the use of joint investigation teams, joint patrols, hot pursuits, discreet surveillance and other operational cooperation mechanisms in the context of the EU Policy Cycle (EMPACT), with special emphasis on cross-border operations;"

361.	(b) to increase coordination and cooperation of law enforcement and other competent authorities within and between Member States and with other relevant actors, for example through networks of specialised national units, Union networks and cooperation structures, Union centres;	(b) to increase coordination and cooperation of law enforcement and other competent authorities within and between Member States and with other relevant actors, for example through networks of specialised national units, Union networks and cooperation structures, Union centres; [AM119]	(b) to increase coordination and cooperation of law enforcement and other competent authorities within and between Member States and with other relevant actors, for example through networks of specialised national units, Union networks and cooperation structures, Union centres;	<i>CION compromise drafting:</i> "(b) to increasing coordination and cooperation of law enforcement and other competent authorities within and between Member States and with other relevant actors, for example through networks of specialised national units, Union networks and cooperation structures, Union centres;"
362.	(c) to improve inter-agency cooperation and at Union level between the Member States, or between Member States, on the one hand, and the relevant Union bodies, offices and agencies on the other hand as well as at national level among the national authorities in each Member State.	(c) to improve inter-agency cooperation and at Union level between the Member States, or between Member States, on the one hand, and the relevant Union bodies, offices and agencies on the other hand as well as at national level among the national authorities in each Member State. [AM119]	(c) to improve inter-agency cooperation and at Union level between the Member States, or between Member States, on the one hand, and the relevant Union bodies, offices and agencies on the other hand as well as at national level among the national authorities in each Member State.	<i>CION compromise drafting:</i> "(c) to improving inter-agency cooperation and at Union level between the Member States, or and between Member States, on the one hand, and the relevant Union bodies, offices and agencies on the other hand as well as at national level among the national authorities in each Member State."
363.	The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on	The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on	The Fund shall contribute to the specific objective set out in Article 3(2)(c), by focusing on	

	the following implementation measures:	the following implementation measures: [AM119]	the following implementation measures:	
364.	(a) to increase law enforcement training, exercises, mutual learning, specialised exchange programmes and sharing of best practice including in and with third countries and other relevant actors;	(a) to increase law enforcement training, exercises, mutual learning, specialised exchange programmes and sharing of best practice including in and with third countries and other relevant actors; [AM119]	(a) to increase law enforcement training, exercises, mutual learning, specialised exchange programmes and sharing of best practice including in and with third countries and other relevant actors;	<i>CION compromise drafting:</i> "(a) to increasing law enforcement training, exercises, mutual learning, specialised exchange programmes between Member States and sharing of best practice including in and with third countries and other relevant actors;"
365.	(b) to exploit synergies by pooling resources and knowledge among Member States and other relevant actors, including civil society through, for instance, the creation of joint centres of excellence, the development of joint risk assessments, or common operational support centres for jointly conducted operations;	(b) to exploit synergies by pooling resources and knowledge among Member States and other relevant actors, including civil society through, for instance, the creation of joint centres of excellence, the development of joint risk assessments, or common operational support centres for jointly conducted operations; [AM119]	(b) to exploit synergies by pooling resources and knowledge among Member States and other relevant actors, including civil society through, for instance, the creation of joint centres of excellence, the development of joint risk assessments, or common operational support centres for jointly conducted operations;	<i>CION compromise drafting:</i> "(b) to exploiting synergies by pooling resources and knowledge and sharing good practice among Member States and other relevant actors, including civil society through, for instance, the creation of joint centres of excellence, the development of joint risk assessments, or common operational support centres for jointly conducted operations; "
366.	(c) to promote and develop measures, safeguards, mechanisms and best practices	(c) to promote and develop measures, safeguards, mechanisms and best practices	(c) to promote and develop measures, safeguards, mechanisms and best practices	<i>CION compromise drafting:</i>

	for the early identification, protection and support of witnesses, whistle-blowers and victims of crime and to develop partnerships between public authorities and other relevant actors to this effect;	for the early identification, protection and support of witnesses, whistle-blowers and victims of crime and to develop partnerships between public authorities and other relevant actors to this effect; [AM119]	for the early identification, protection and support of witnesses, whistle-blowers and victims of crime and to develop partnerships between public authorities and other relevant actors to this effect;	"(c) to promoting and developing measures, safeguards, mechanisms and best practices for the early identification, protection and support of witnesses, whistle-blowers and victims of crime and to develop partnerships between public authorities and other relevant actors to this effect;"
367.	(d) to acquire relevant equipment and to set up or upgrade specialised training facilities and other essential security relevant infrastructure to increase preparedness, resilience, public awareness and adequate response to security threats.	(d) — to acquire relevant equipment and to set up or upgrade specialised training facilities and other essential security relevant infrastructure to increase preparedness, resilience, public awareness and adequate response to security threats. [AM119]	(d) to acquire relevant equipment and to set up or upgrade specialised training facilities and other essential security relevant infrastructure to increase preparedness, resilience, public awareness and adequate response to security threats.	<i>CION compromise drafting:</i> "(d) to acquiring relevant equipment and to setting up or upgrading specialised training facilities and other essential security relevant infrastructure to increase preparedness, resilience, public awareness and adequate response to security threats."

368.	ANNEX III Actions to be supported by the Fund in-line with Article 4	ANNEX III <i>Examples of eligible actions to be supported by the Fund in-line with Article 4. [AM120]</i>	ANNEX III <i>List of indicative a</i> Actions to be supported by the Fund in-line with Article 4	
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369.		<i>Support from the Internal Security Fund may, inter alia, be targeted towards the following types of actions:</i> [AM121]		
370.	IT systems and networks contributing to the achievement of the objectives of this Regulation, training on the use of such systems, testing and improving interoperability and data quality of such systems;	<i>setting up of</i> IT systems and networks contributing to the achievement of the objectives of this Regulation, training on the use of such systems, testing and improving the interoperability components and data quality of such systems; [AM122]	ICT systems and networks contributing to the achievement of the objectives of this Regulation, training on the use of such systems, testing and improving interoperability and data quality of such systems;	<i>CION compromise drafting:</i> "- setting up, adapting and maintaining IT systems and communication networks contributing to the achievement of the objectives of this Regulation, training on the use of such systems, testing and improving the interoperability components and data quality of such systems"
377.		<i>actions and networks of national contact points that facilitate the cross-border exchange of data acquired by surveillance systems, such as cameras and other sensors, combined with artificial intelligence algorithms, subject to robust safeguards, including data minimisation, prior validation by a judicial authority, and access to judicial redress;</i> [AM127]		<i>CION proposes compromise drafting in line 378, see below.</i>

378.	support to thematic or cross-theme networks of specialised national units to improve mutual confidence, exchange and dissemination of know-how, information, experiences and best practices, pooling of resources and expertise in joint centres of excellence;	support to thematic or cross-theme networks of specialised national units to improve mutual confidence, exchange and dissemination of know-how, information, experiences and best practices, pooling of resources and expertise in joint centres of excellence;	support to thematic or cross-theme networks of specialised national units to improve mutual confidence, exchange and dissemination of know-how, information, experiences and best practices, pooling of resources and expertise in joint centres of excellence;	<i>CION proposes compromise drafting (concerns line 377, see above):</i> "- support to thematic or cross-theme networks of specialised national units and national contact points to improve mutual confidence, exchange and dissemination of know-how, information, experiences and best practices, pooling of resources and expertise in joint centres of excellence"
380.	education and training of staff and experts of relevant law-enforcement and judicial authorities and administrative agencies taking into account operational needs and risk analyses, based on the LETS and in cooperation with CEPOL and, when applicable, the European Judicial Training Network;	education and training of staff and experts of relevant law-enforcement and judicial authorities and administrative agencies taking into account operational needs and risk analyses, based on the LETS and in cooperation with CEPOL and, when applicable, the European Judicial Training Network;	education and training of staff and experts of relevant law-enforcement and judicial authorities and administrative agencies taking into account operational needs and risk analyses, based on the LETS and in cooperation with CEPOL and, when applicable, the European Judicial Training Network;	<i>CION compromise proposal (merging lines 381 and 380):</i> "- education and training, of staff and experts of relevant law-enforcement and judicial authorities and administrative agencies taking into account operational needs and risk analyses, based on the LETS and in cooperation with CEPOL and, when applicable, the European Judicial Training Network in particular on prevention policies with

				special emphasis on fundamental rights training.”
381.		— <i>education and training of staff and experts of relevant law-enforcement and judicial authorities and administrative agencies in prevention policies with special emphasis on fundamental rights training, including measures to detect and avoid racism, and exchange of best practices;</i> [AM129]		<i>CION proposes merging lines 381 and 380, compromise drafting in line 380, see above.</i>

386.	ANNEX IV Actions eligible for higher co-financing in-line with Articles 11(2) and 12(6)	ANNEX IV Actions eligible for higher co-financing in-line with Articles 11(2) 11(3) and 12(6) 12(7) [AM131]	ANNEX IV Actions eligible for higher co-financing in-line with Articles 11(23) and 12(6)	
387.	• Projects which aim to prevent and counter radicalisation.	— Projects which aim to prevent and counter <i>violent extremism, including radicalisation, intolerance and discrimination, in particular measures to address their root causes and to prevent radicalisation in prisons, and projects providing specific training for law-enforcement authorities.</i> [AM132]	• Projects which aim to prevent and counter radicalisation.	

388.	Projects which aim at improving the interoperability of IT systems and communication networks.¹	Projects which aim at improving the interoperability of IT systems and communication networks, <i>insofar as provided for by Union or Member State law.</i> [AM133]	Projects which aim at improving the interoperability of ICT systems and communication networks.²	
389.		<i>Projects which aim to fight organised crime structures that are particularly dangerous according to EMPACT.</i> [AM134]		
390.		<i>Projects which aim to prevent and fight cybercrime, in particular child sexual exploitation online, including measures to prevent attacks against information systems and critical infrastructure by detecting and closing vulnerabilities.</i> [AM135]	<i>Projects which aim to fight all forms of cyber-crime.</i>	CION compromise drafting: "- Projects which aim to prevent and fight cybercrime, in particular child sexual exploitation online, and crimes where the Internet is the primary platform for evidence collection " Explanation - the yellow part of the aims to accommodate EP amendment in line 391.
			<i>Projects which aim at strengthening critical infrastructures.</i>	

¹ In line with the Commission Communication on stronger and smarter information systems for borders and security COM(2016) 205.

² In line with the Commission Communication on stronger and smarter information systems for borders and security COM(2016) 205.

391.		— <i>Projects which aim to fight against trafficking via online channels.</i> [AM136]		<i>CION proposes compromise drafting in line 390, see above.</i>
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