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### WORKING PAPER

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#### WORKING DOCUMENT

From:	Presidency Trio
To:	Antici Group Working Party on General Affairs + 1 Friends of the Presidency Group on the implementation of Action 1 of the Joint Framework on countering hybrid threats
Subject:	Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats - Establishment and adoption of its Terms of Reference

Delegations will find attached the draft Terms of Reference of the Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats prepared by the trio of Presidencies (Romanian, Finnish and Croatian) and updated based on the comments received by Member States' delegations. Changes are marked as follows: ~~strikethrough~~ for deletions, **bold underlined** for added text. Delegations are informed that the draft Terms of Reference are placed under informal silence procedure until Monday 1 July at 15:00.

## BACKGROUND

1. On 7 April 2016, the Joint Framework on countering hybrid threats was published<sup>1</sup>. It contained twenty-two actionable proposals to help counter hybrid threats and foster the resilience of the European Union and its Member States.
2. On 6 June 2017, COREPER adopted the mandate of the Friends of the Presidency Group on the implementation of Action 1 of the Joint Framework (referred to hereinafter as the FoP CHT). The mandate was revised and broadened on 7 June 2018.
3. On 24 March 2018, the European Council, in its conclusions, noted that the European Union and its Member States should ~~also~~ continue to bolster their capabilities to address hybrid threats, including in the areas of cyber, strategic communication and counter-intelligence.
4. The Council Conclusion of 6 December 2016, 19 June 2017, 5 December 2017, 8 June 2018, 19 November 2018 and 17 June 2019 acknowledge the implementation of the common set of proposals (74 actions) in the framework of the Warsaw and Brussels Joint Declarations on EU-NATO cooperation by the President of the European Council, the President of the European Commission and the Secretary General of the North Atlantic Treaty Organization , highlighting the key priorities and achievements, including in the area of countering hybrid threats.
5. On 26 April 2018 the Commission published its Communication "Tackling online disinformation: a European Approach"<sup>2</sup>, issuing an implementation report in December 2018<sup>3</sup>.
6. On 13 June 2018 the Joint Communication of the Commission and the High Representative on "Increasing resilience and bolstering capabilities to address hybrid threats" was published.<sup>4</sup> **Its implementation report was presented on 6 June 2019<sup>5</sup>.**
7. On 25 June 2018 the Council stressed in their Conclusions that comprehensive and long-term work, including on resources, to counter hybrid threats and to foster the resilience of the EU and its Member States ~~was~~ needed.<sup>6</sup>;

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<sup>1</sup> 7688/16

<sup>2</sup> 8578/18

<sup>3</sup> 15475/18

<sup>4</sup> JOIN(2018) 16

<sup>5</sup> 9834/19

<sup>6</sup> 10246/18

8. In September 2018 the Commission presented a set of concrete measures to address potential threats to elections and thereby strengthen the resilience of the Union's democratic systems, the "Securing Free and Fair European Elections Package".<sup>7</sup>
9. On 5 December 2018, the Commission and the EEAS presented a Joint Action Plan against Disinformation<sup>8</sup>, consisting of 10 actions organized in four pillars: I. Improving the capabilities of Union institutions to detect, analyse and expose disinformation. II. Strengthening coordinated and joint responses to disinformation. III. Mobilising private sector to tackle disinformation. IV. Raising awareness and improving societal resilience. As stated in the Action Plan, disinformation campaigns, in particular by third countries, are often part of hybrid threats, involving cyber-attacks and hacking of networks.
10. On 14 December 2018, the European Council called for the prompt and coordinated implementation of the Joint Action Plan on disinformation presented by the Commission and the High Representative so as to bolster EU capabilities, strengthen coordinated and joint responses between the Union and Member States, mobilise the private sector and increase societal resilience to disinformation.
11. On 22 March 2019 the European Council in their Conclusions called for continued and coordinated efforts to safeguard the Union's democratic systems and to combat the immediate and long-term threats posed by disinformation, as an integral part of strengthening the EU's resilience against hybrid threats.<sup>9</sup>
12. On 20 June 2019, the European Council, in its Conclusions, underlined that the EU must ensure a coordinated response to hybrid and cyber threats and strengthen its cooperation with relevant international actors. It invited the EU institutions, together with the Member States to better protect the EU's information and communication networks, and its decision-making processes, from malicious activities of all kinds.
13. The Strategic Agenda for 2019-2024, adopted on 20 June 2019, calls for the protection of our societies from malicious cyber activities, hybrid threats and disinformation originating from hostile State and non-State actors. Addressing such threats requires a comprehensive approach with more cooperation, more coordination, more resources and more technological capacities.

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<sup>7</sup> 12404/18, 12130/18, 12405/18 and 12321/18.

<sup>8</sup> 15431/18

<sup>9</sup> EUCO 1/19

## BASIS FOR ACTION

14. In recent years, the European Union's security environment has changed dramatically. Many of the current challenges to peace, security and prosperity originate from instability in the EU's immediate neighbourhood and changing forms of threats. While acknowledging that the primary responsibility for countering hybrid threats lies with Member States, as most national vulnerabilities are country-specific, and while stressing that national security remains the sole responsibility of each Member State (TEU 4(2)), there is also a strong realisation of the fact that many Member States face common threats. Such threats ~~can~~ may be addressed more effectively with a coordinated response at EU level. Countering hybrid threats, ~~including~~ and disinformation, improving strategic communication and enhancing resilience have been identified as key components of the EU's efforts to improve its security environment, building on European Solidarity. ~~Member States agree that~~ The EU should ~~needs to~~ increase its capacities as a security provider including via the implementation of actionable proposals to help counter hybrid threats, disinformation, improve strategic communication and foster the resilience of Members States, EU institutions, as well as partners.
15. Disinformation is a major challenge for European democracies and societies, and the Union needs to address it while being true to European values and freedoms. Disinformation undermines the trust of citizens in democracy and democratic institutions. Disinformation also contributes to the polarization of public views and interferes in the democratic decision-making processes. The evolving nature of the threats and the growing risk of malicious interference and online manipulation associated with the development of Artificial Intelligence and data-gathering techniques require continuous assessment and an appropriate response.
16. The importance given by the EU and its Member States to countering disinformation has been demonstrated in the actions stemming from the package on Free and Fair European Elections, the Action Plan against Disinformation and the Communication on "Tackling online disinformation: a European approach". These led to the setting up of a dedicated formation of the Working Party on General Affairs (GAG+1 Securing Free and Fair European Elections), hereafter referred as GAG+1. The aim was to have a dedicated forum to discuss the various strands of work and develop a comprehensive and coherent approach on securing free and fair European elections. The Working Party prepared Council and Member States Conclusions adopted in the General Affairs Council on 19 February 2019 in this regard, acknowledging that the spreading of disinformation brings new challenges that have a profound impact on the democratic processes.

17. This requires continuous and comprehensive implementation of the Action Plan against Disinformation. Continuing the work on the disinformation strand, the Romanian Presidency completed the mapping of the actions undertaken by the EU Member States in the framework of implementing the Action Plan against disinformation. Its report acknowledges that the approach towards disinformation varies greatly across EU Member States. Furthermore, in the run-up to the European elections, the group undertook follow-up actions to the abovementioned conclusions. The work on disinformation showed that there is a need to improve coordination and develop a more coherent approach at the EU level through, inter alia, a focus on strategic communication as a transversal tool for strengthening resilience
18. Threats to our democratic societies, which in recent years have had a marked external character, are complex, diverse, evolving and difficult to be dealt with alone by each Member State. Hence, there is a strong need for a coordinated action of the Member States, together with the institutions of the EU by building on the common grounds that have been identified so far. There is also a need for a multi-disciplinary approach covering both short and long-term responses, as well as for developing pro-active approaches;
19. The issues related to hybrid threats, ~~including~~ disinformation, and enhancing state and societal resilience touch upon the areas of competence of several working parties **and committees**. No single working party has up to now had the responsibility to foster a coherent and comprehensive approach. A horizontal working party would facilitate this coordination in order to bolster the awareness and resilience of the EU and its Member States and to ensure that there are no overlaps or gaps in these fields, taking fully into account the multifaceted and evolving nature of hybrid threats.
20. This is why the current Trio Presidencies (RO, FI and HR) propose to set-up a new horizontal Working Party, drawing on the experience and building upon the work carried out by GAG+1 ~~and~~, FoP Hybrid ~~CHT~~, and other relevant committees and working ~~groups~~ **parties**. **It would report to the COREPER and to the Council, primarily to the General Affairs Council taking into account its role in ensuring consistency in the work of all Council configurations<sup>10</sup>.**

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<sup>10</sup> Article 2.2 of the Rules of Procedure of the Council

21. Against this background, COREPER is invited to:

- establish a Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats, **taking over work done in FOP CHT and GAG+1**~~replacing FOP Hybrid and GAG+1~~;
- endorse the Working Party's mandate in the form of Terms of Reference as set out in Annex I.

## ANNEX

### Terms of Reference

1. The Horizontal Working Party on Enhancing Resilience and Countering Hybrid Threats (hereinafter "the Working Party") is hereby established.
2. The Working Party will ~~ensure~~ **support** the strategic and horizontal coordination of the objectives specified below ~~and can be involved in both legislative and non-legislative activities~~. The Working Party will be **working under the guidance of, and reporting to, the COREPER, in particular in preparing and implementing relevant orientations of the Council**, ~~reporting to the Permanent Representatives Committee and to the Council, in its relevant formations~~.
3. The activities of the Working Party will be without prejudice to the work carried out in other Council Working Parties and Committees **(including the Political and Security Committee)**, which ~~shall~~ **will** remain responsible for their specific legislative and non-legislative files.
4. The general objectives of the Working Party will be to:
  - act as the dedicated ~~Working Party~~ **preparatory body** on countering hybrid threats by **inter alia** enhancing state and societal resilience, improving strategic communication and countering disinformation;
  - ensure a platform to support a comprehensive and coherent approach in the above - mentioned areas by providing a horizontal overview of the cross-cutting, transversal issues, and thus avoiding fragmented policy processes and decision- and/or legislation-making;
  - coordinate the activities conducted in the Council on countering hybrid threats, ~~including~~ **and** disinformation, and enhancing state and societal resilience in order to provide an overview of relevant activities in different policy fields, develop synergies between other competent working parties **and committees**, identify possible gaps with a view to ensuring progress whilst avoiding duplication of efforts;
  - **discuss the way for the EU to deal with the consequences of activities that may constitute a hybrid scenario, taking into consideration the existing mechanisms and tools**;

- in this context, analyse options and identify tools to strengthen the **preparedness and** resilience of the EU and its Members States against hybrid threats **and**, disinformation, and enhance the ability to jointly respond, raise awareness and promote coherence of policies in the above-mentioned areas, as well as take part as appropriate and contribute to organizing joint exercises;
- foster cooperation with other EU institutions, services and agencies, as necessary;
- foster **better** coherence between internal and external security as well as other relevant policy fields of foreseen actions and initiatives discussed in different Council formations and, where appropriate, prepare Council positions on the relevant topics;
- cooperate horizontally with other Working Parties **and Committees** of the Council of the EU, to avoid duplication of efforts and to ensure a coherent approach of the internal-external security nexus in the field of tackling hybrid threats, including disinformation, and building resilience;
- ~~work under the guidance of the Council and the European Council in developing new policies and ensuring their implementation and follow-up;~~

5. In this context, the Working Party will examine relevant horizontal issues, without prejudice to the existing mandate of other Working Parties or Committees, and should focus, *inter alia*, on policies and initiatives to:

- support a comprehensive and coherent approach towards countering hybrid threats **and**, including disinformation, *inter alia* regarding detection, prevention, preparedness, resilience, response, sharing of information and best practices, cooperation on joint situational awareness and threat assessments concerning hybrid threats in their various and evolving forms;
- to ensure coordinated and horizontal continued implementation of actions including the 2016 Joint Framework, the 2018 Joint Communication on increasing resilience and bolstering capabilities to address hybrid threats, the 2018 Action Plan against disinformation and relevant (European) Council Conclusions, as well as other related actions as and when appropriate;
- liaise with the **Commission and the EEAS, including the** EU Intelligence and Situation Centre on the above-mentioned fields, including providing feedback on hybrid threat-related intelligence production as well as utilizing intelligence products in its work;

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- support the relevant working parties and committees dealing with cooperation with external partners relevant international and regional actors on hybrid threat-related issues, especially in the context of EU-NATO cooperation, and in the EU neighbourhood, as well as foster such cooperation through its own activities as appropriate, based on the principles of inclusiveness, reciprocity and decision-making autonomy of the EU;
- act as the Council focal point to cooperate with the European Centre of Excellence for Countering Hybrid Threats in the spirit of the Action 4 of the Joint Framework on countering hybrid threats in order to make best use of the Centre's expertise to the benefit of all Member States;
- work towards increased common understanding of the phenomenon of disinformation, including as a component of hybrid threats, while assessing and addressing its impact at the level of state and society;
- exchange best practices on and assess options for promoting strategic communication and inoculating resilience against disinformation narratives and supporting the work of independent media, while respecting fundamental rights such as freedom of expression and freedom and pluralism of the media;
- contributing to work towards developing EU policies to further strengthening media, information and digital literacy skills in the EU, as well as in the EU neighbourhood, in particular through exchange of best practices;
- contribute to awareness-raising activities about the harmful effects of disinformation and attempts to manipulate information;
- exchange information and evaluate the cooperation with online platforms, media and tech companies related to countering disinformation and promoting societal resilience;
- cooperate and facilitate coordination ~~one~~, where appropriate, on securing free and fair elections, bearing in mind that the organisation and the legal framework of national elections fall within the responsibility of Member States ~~election-related disinformation issues and election infrastructure protection.~~
- contribute to the assessment of EU mechanisms of coordination set up to tackle disinformation and securing free and fair European elections.

6. The Working Party will be chaired by the rotating Presidency of the Council. It will have a flexible format of attendance, including dedicated meetings attended by specialists in countering disinformation and strategic communication, as well as other particular aspects of countering hybrid threats and enhancing resilience within its mandate, as deemed necessary.
  7. The work of the Working Party may be planned on the basis of an overall Trio Presidencies programme comprising the various strands of ongoing work taking into account future needs and priorities.
  8. **The Presidency will provide COREPER with an annual report on its activities and key findings.**
  9. These terms of reference ~~may~~**will** be subject to a review when deemed necessary, in the light of **events**, experience **and the key findings identified in the annual report.**
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