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NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
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Subject:	Fight against terrorism: follow-up to the statement of the Member States of the European Council of 12 February 2015 on Counter-Terrorism

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Introduction

1. In the light of the tragic events and counter terrorism operations in several Member States in early January 2015, the Presidency dedicated discussions of Ministers of Home Affairs to the fight against terrorism during the informal meeting of Justice and Home Affairs Ministers in Riga on 29 January 2015. In addition, the judicial aspects of terrorism were discussed by the Ministers of Justice on 30 January 2015. As a result, the Riga Joint Statement was adopted which served as a contribution of the Ministers of Justice and Home Affairs to the informal meeting to the Heads of State or Government on 12 February 2015.

2. The Statement of 12 February 2015 by the members of the European Council stressed the commitment to further reinforce action against terrorist threats, in full compliance with human rights and the rule of law. Members of the European Council provided guidance to work towards ensuring the security of citizens, preventing radicalisation and safeguarding values as well as cooperating with international partners. The Council was requested to make a detailed report on the implementation of these orientations at the June European Council.
3. As a follow-up to the Statement of 12 February 2015 by the members of the European Council and to the Riga Joint Statement of 29 January 2015 by the Ministers of Justice and Home Affairs, the Council (Justice and Home Affairs – JHA) at its meeting on 12-13 March 2015 identified four topics "*where specific actions could be taken and significant results achieved in the coming months*"¹:
 - making full use of the existing Schengen framework to reinforce and modernise external borders' control;
 - addressing the issue of internet content promoting terrorism or violent extremism by enhancing internet referral capabilities;
 - increasing cooperation and information exchange in the fight against illicit trafficking of firearms and addressing as a matter of priority the critical issues of decommissioning and de-activation of firearms;
 - stepping up information sharing and operational cooperation, including through Europol and Eurojust.

In addition to pursuing work on these four priority areas, the Council agreed to engage actively with the European Parliament in order to achieve decisive progress in the coming months on a strong and effective EU European Passenger Name Records (PNR) Directive with solid data protection safeguards.

This report focuses on the Council's work and the state of implementation of two work strands identified in the Statement of 12 February 2015 by the members of the European Council: ensuring the security of citizens as well as preventing radicalisation and safeguarding values. It also provides an overall assessment and suggests a possible way forward.

¹ 6891/15.

The EU Counter-Terrorism Coordinator has prepared a report on implementation of measures as a follow-up to the Statement by Heads of State or Government of 12 February 2015².

4. As regards the external dimension, on 9 February 2015, the Council (Foreign Affairs) adopted conclusions on counter-terrorism welcoming the implementation of concrete initiatives in areas such as strengthening partnerships with key countries, supporting capacity building, countering radicalisation and violent extremism, promoting international cooperation as well as addressing underlying factors and ongoing crises.

State of play

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Overall assessment and the way forward

1. Reasonable progress in the areas mentioned in the Statement of 12 February 2015 by the members of the European Council as well as in the areas identified by the Council (JHA) at its meeting on 12-13 March 2015 has been achieved. However, implementation of a number of actions has to be accelerated to achieve the expected results.

Once the European Parliament approves its mandate for negotiations with the Council, it is crucial to start negotiations between the co-legislators as soon as possible with a view to reaching an agreement on strong and effective EU PNR with solid data protection safeguards before the end of this year.

With regard to further implementation of the counter-terrorism measures, the Presidency would like to stress that common efforts should be focussed on measures and actions such as, for instance, coordinated implementation of targeted checks in accordance with the revised Schengen Handbook together with guidelines on common risk indicators, maximised use of both the SIS and the SLTD (having in mind the recommendations made by the SIS/SIRENE Working Party in December 2014³) as well as maximised use of the API (Advance Passenger Information) data in view of better targeting border checks. Furthermore, the importance of an enhanced implementation of targeted checks at sea and land borders as well as strengthened technical ability of the Member States to carry out the relevant checks has to be underlined.

Additionally, information sharing on foreign terrorist fighters to EIS and Europol's Focal Point *Travellers* has to be continuously stepped up.

With the regard to the fight against illicit trafficking of firearms, as discussed by COSI on 26 March 2015, efforts should be concentrated on an accelerated implementation of those measures which are aimed at improving the information exchange on firearms, reducing access to illegal firearms, decommissioning and de-activation of firearms as well as cooperation with third countries. In this regard, the crucial importance of revising the legislative framework, *inter alia* by setting high minimum standards for firearms de-activation, has to be highlighted.

³ 14523/3/14.

The intelligence and security services are encouraged to regularly inform decision makers about the situation on combating terrorist threats and to share strategic intelligence with the corresponding EU institutions, in particular, through the EU Intelligence Analysis Centre (EU INTCEN).

As regards the EU IRU, taking into account that a six-month long pilot phase will start on 1 July 2015, it is of the utmost importance to ensure fulfilment of all four tasks, assigned by the Council (JHA) at its meeting on 12 March 2015, that the EU IRU is fully operational by 1 July next year. Finally, a cross-sectorial approach has to be followed, in particular in the light of preventing and countering radicalisation to terrorism.

2. As stated in the draft Council conclusions on the renewed European Union Internal Security Strategy 2015-2020⁴, the fight against terrorism will remain one of the priorities for the coming years in the field of the European Union internal security. A particular focus will be put on tackling and preventing terrorism, radicalisation to terrorism and recruitment as well as financing related to terrorism, with special attention to the issue of foreign terrorist fighters, reinforced border security through systematic and coordinated checks against the relevant databases based on risk assessment as well as integrating the internal and external aspects of the fight against terrorism.

It is also planned that COSI, in close cooperation with the Commission and, where appropriate, by involving other relevant actors such as the European External Action Service and JHA agencies, would start developing a well-targeted implementation document with a list of priority actions to implement the renewed EU Internal Security Strategy for 2015-2020 as soon as possible and by December 2015 at the latest. In this regard, the input of the EU Counter-Terrorism Coordinator should be considered.

⁴ 9798/15.

Hence, according to the Presidency, a number of measures provided in the Statement of 12 February 2015 by the members of the European Council, several measures identified by the Council (JHA) at its meeting on 12-13 March 2015 as well as the relevant additional measures will be further addressed in the light of the renewed European Union Internal Security Strategy 2015-2020 and its implementation document.

Member States, EU institutions and other relevant actors are encouraged to continue the implementation of the political orientations expressed in the Statement of 12 February 2015 by the members of the European Council and by the Council (JHA) at its meeting on 12-13 March 2015.

The Council is invited to exchange views on possible ways to ensure that these political orientations are fully put into practice in all Member States, *inter alia* by reflecting on how the relevant counter-terrorism measures could be further addressed in the light of the renewed European Union Internal Security Strategy for 2015-2020 and its implementation document.
