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NOTE

From: Presidency
To: Permanent Representatives Committee/Council

Subject: Draft Conclusions of the Council of the EU and of the Member States
meeting within the Council on Counter-Terrorism

The Council is invited to approve the draft Conclusions on Counter-Terrorism, as set out in the annex.



**Draft Conclusions of the Council of the EU and of the Member States meeting within the
Council on Counter-Terrorism**

1. The Council is appalled by the heinous terrorist attacks which took place in Paris on 13 November 2015 and expresses its deepest condolences to the victims of these attacks, their families and friends. The Council emphasises its solidarity with the people of France and pays tribute to the courage and decisive actions of the French authorities. The attacks were an assault on the European values of freedom, democracy, human rights and the rule of law. This is not the first time that the EU has been confronted with a major terrorist attack and important measures have already been taken.
The Council underlines the importance of accelerating the implementation of all areas covered by the statement on counter-terrorism issued by the Members of the European Council of 12 February 2015 and in particular of the measures outlined below.

PNR

2. The Council reiterates the urgency and priority to finalise an ambitious EU PNR before the end of 2015, which should include internal flights in its scope, provide for a sufficiently long data period during which PNR data can be retained in non-masked out form and should not be limited to crimes with a transnational nature.

Firearms

3. The Council:
 - welcomes the adoption of the Implementing Regulation on common deactivation standards on 18 November 2015,
 - welcomes the presentation by the Commission on 18 November 2015 of a proposal to revise the current Directive on Firearms,

- is committed to increasing operational cooperation through Europol under the EU Policy Cycle on serious and organised crime, notably within the Operational Action Plan Firearms. All Member States affected by the problem are invited to join these efforts by the end of 2015,
- invites Frontex and Europol to assist the Member States bordering the Western Balkans region with regard to increasing controls of external borders to detect smuggling of firearms.

Strengthening controls of external borders

4. Member States undertake to:

- implement immediately the necessary systematic and coordinated checks at external borders, including on individuals enjoying the right of free movement,
- on the bases of a quick identification of urgent needs and possible solutions, to be performed by the Commission before the end of 2015, upgrade the Member States border control systems (electronic connection to the relevant Interpol databases at all external border crossing points, automatic screening of travel documents) by March 2016,
- in the context of the current migratory crisis, carry out a systematic registration, including fingerprinting, of all migrants entering into the Schengen area and perform systematic security checks by using relevant databases in particular SIS II, Interpol SLTD database, VIS and national police databases, with the support of Frontex and Europol, and ensure that hotspots are equipped with the relevant technology. Europol will deploy guest officers to the hotspots in support of the screening process, in particular by reinforcing secondary security controls,
- strengthen the control at the external borders which are most exposed, in particular by deploying rapid border intervention teams (RABITs) and police officers in order to guarantee systematic screening and security checks.

5. The Council reiterates its Conclusions of 9 November 2015 and invites the Commission to:
- include EU nationals in the upcoming Smart Borders proposals and in this context present a proposal for the targeted revision of Art.7(2) Schengen Borders Code regarding systematic controls against relevant databases at EU external borders,
 - provide, in its proposal to update the Frontex Regulation, a solid legal basis for the contribution of Frontex to the fight against terrorism and organised crime and access to the relevant databases.
6. Frontex will:
- contribute to the fight against terrorism and support the coordinated implementation of the Common Risk Indicators (CRIs) before the end of 2015,
 - assist the Member States to tighten controls of external borders to detect suspicious travels of foreign terrorist fighters and smuggling of firearms, in cooperation with Europol,
 - work closely with Europol and Eurojust, in particular in the context of the hotspots, and exchange data with Europol on the basis of the cooperation agreement to exchange personal data. The latter should be concluded and become operational without delay.

Information sharing

7. The Council decides to step up law enforcement cooperation on counter-terrorism (CT):
- Member States will instruct national authorities to enter data on all suspected foreign terrorist fighters into the SIS II under Article 36.3, carry out awareness raising and training on the use of the SIS and define a common approach to the use of the SIS II data relating to foreign fighters,

- Europol will launch the European Counter Terrorist Centre (ECTC) on 1 January 2016 as a platform by which Member States can increase information sharing and operational coordination with regard to the monitoring and investigation of foreign terrorist fighters, the trafficking of illegal firearms and terrorist financing. The ECTC will provide national CT authorities with enhanced information sharing capacities notably via Focal Point Travellers, the Europol Information System and Europol’s SIENA system reserved for counter-terrorism cases. The new Europol Regulation, on which an agreement should be reached between the co-legislators before the end of the year, should be consistent with the mandate and objectives of the ECTC, including the IRU,
- Member States will second CT experts to the ECTC to form an enhanced cross-border investigation support unit, capable of providing quick and comprehensive support to the investigation of major terrorist incidents in the EU. Eurojust should also participate,
- The Commission is invited to ensure that Europol is reinforced with the necessary resources to support ECTC and to submit a legislative proposal in order to enable Europol to systematically cross-check the Europol databases against the SIS II as established by Council Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II),
- Member States will make maximum use of these capabilities to improve the overall level of information exchange between CT authorities in the EU. Member States will instruct the relevant national authorities to further increase their contributions to Focal Point Traveller at Europol to reflect the threat and connect to relevant Europol information exchange systems.

Terrorist financing

8. The Council invites the Commission to present proposals to strengthen, harmonise and improve cooperation between Financial Intelligence Units (FIU's), notably through the proper embedment of the FIU.net network for information exchange in Europol and ensure their fast access to necessary information, in order to enhance the effectiveness and efficiency of the fight against money laundering and terrorist financing in conformity with Financial Action Task Force (FATF) recommendations, to implement more quickly the asset freezing required by the UN Security Council (Resolution 1373), to strengthen controls of non-banking payment methods such as electronic/anonymous payments and virtual currencies and transfers of gold, precious metals, by pre-paid cards and to curb more effectively the illicit trade in cultural goods.

Criminal justice response to terrorism and violent extremism

9. The Council welcomes the signing in Riga on 22 October 2015 by the EU of the Council of Europe's Convention on the Prevention of terrorism and of its additional Protocol on Foreign Terrorist Fighters and invites the Commission to present a proposal for a directive updating the Framework Decision on Combating Terrorism before the end of 2015 with a view to collectively implementing into EU law UNSC Resolution 2178 (2014) and the additional Protocol to the Council of Europe's Convention.
10. Member States will use ECRIS at its full potential. The Council invites the Commission to submit by January 2016 a proposal for the extension of ECRIS to cover third country nationals.
11. The Council invites the Commission to allocate as a matter of urgency the necessary financial resources to implement the Council Conclusions on enhancing the criminal justice response to radicalisation leading to terrorism and violent extremism. This should notably support the development of rehabilitation programmes as well as risk assessment tools in order to determine the most appropriate criminal justice response, taking into account the individual circumstances and security and public safety concerns.

Funding

12. The Council invites Member States to use the Internal Security Fund to support the implementation of these conclusions and to prioritise relevant actions under the national programmes to this effect, and calls on the Commission to prioritise the funding available under centrally managed funds to the priorities identified in these conclusions.

Implementation

13. In view of its role on strengthening internal security within the Union, COSI shall coordinate the role of the various Council Working Parties and of the EU agencies in the implementation of these Council Conclusions. The Counter Terrorism Coordinator will monitor their implementation.

