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Subject: Conclusions of the Council of the EU and of the Member States meeting
within the Council on Counter-Terrorism
- Council conclusions (20 November 2015)

Delegations will find in the annex the Conclusions of the Council of the EU and of the Member States meeting within the Council on Counter-Terrorism adopted by the Council at its 3432nd meeting held on 20 November 2015.

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 decided.

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 on 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 of a transnational nature.

Firearms

3. The Council:
 - a) welcomes the adoption of the Implementing Regulation on common deactivation standards on 18 November 2015,
 - b) welcomes the presentation by the Commission on 18 November 2015 of a proposal to revise the current Directive on Firearms, on which work will start without delay,

- c) 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,
- d) invites Frontex and Europol to assist the Member States bordering the Western Balkans region in increasing controls of external borders to detect smuggling of firearms, and to enhance cooperation with countries in the region, inter alia by using operational regional platforms such as the Western Balkans counter-terrorism initiative.

Strengthening controls of external borders

4. Member States undertake to:

- a) implement immediately the necessary systematic and coordinated checks at external borders, including on individuals enjoying the right of free movement,
- b) on the basis of a quick identification of urgent needs and possible solutions to be communicated by the Commission before the end of 2015, upgrade the Schengen 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,
- c) in the context of the current migration crisis, carry out a systematic registration, including fingerprinting, of third country nationals illegally entering the Schengen area, whether migrants or applicants for international protection, and perform systematic security checks by using relevant databases, in particular SIS II, Interpol databases, 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,

- d) strengthen the control at the external borders which are most exposed, in particular by deploying, when the situation so requires, rapid border intervention teams (RABITs) and police officers in order to ensure systematic screening and security checks.
5. The Council reiterates its Conclusions of 9 November 2015 and invites the Commission:
- a) as it updates its proposals on Smart Borders, to present a proposal for a targeted revision of the Schengen Borders Code to provide for systematic controls of EU nationals, including the verification of biometric information, against relevant databases at external borders of the Schengen area, making full use of technical solutions in order not to hamper the fluidity of movement,
 - b) to 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:
- a) contribute to the fight against terrorism and support the coordinated implementation of the Common Risk Indicators (CRIs) before the end of 2015,
 - b) assist the Member States in tightening controls at external borders so that suspicious travel by foreign terrorist fighters and smuggling of firearms can be better detected, in cooperation with Europol,
 - c) 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 without delay so that Frontex and Europol can start exchanging data as of 1 January 2016.

Information sharing

7. The Council decides to step up law enforcement cooperation:
- a) Member States will ensure that national authorities enter systematically data on
 - b) suspected foreign terrorist fighters into the SIS II, in particular 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,
 - c) Member States will speed up full implementation and effective use of the Prüm acquis (interconnection and consultation of national databases on DNA, fingerprints and vehicle registration),
 - d) 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 cooperation with regard to the monitoring and investigation of foreign terrorist fighters, the trafficking of illegal firearms and terrorist financing. 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,
 - e) 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,
 - f) The Commission is invited to propose that Europol be 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,

- g) The Commission is invited to undertake efforts to achieve interoperability of the relevant databases with regard to security checks, notably SIS II, Interpol's SLTD and iARMS. In this framework, Member States, with the support of the Commission, are invited to establish Single Points of Contact for the facilitation of the information exchange,
- h) 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 ensure that the relevant national authorities significantly increase their contributions to Focal Point Traveller at Europol to reflect the threat and connect to relevant Europol information exchange systems.

Financing of terrorism

8. The Council:

- a) invites the Commission to present proposals to strengthen, harmonise and improve the powers of, and the 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 strengthen controls of non-banking payment methods such as electronic/anonymous payments, money remittances, cash-carriers, virtual currencies, transfers of gold or precious metals and pre-paid cards in line with the risk they present and to curb more effectively the illicit trade in cultural goods,
- b) is committed to ensure a swift and effective freezing of terrorist assets throughout the Union, whether through autonomous EU decisions or in compliance with UN Security Council Resolutions.

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 Convention on the Prevention of Terrorism and of its additional Protocol on Foreign Terrorist Fighters and welcomes the intention of 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 Convention.
10. Member States will use ECRIS at its full potential. The Council welcomes the intention of the Commission to submit by January 2016 an ambitious 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, including operational costs.

Implementation

13. In view of its role in ensuring that operational cooperation on internal security is promoted and strengthened within the Union, COSI will liaise with competent Working Parties of the Council and with the Commission and EU agencies to ensure effective implementation of operational measures agreed. In this context, COSI will examine the possibility to develop a methodology for a structured and multilateral approach for operational cooperation on countering terrorist threats. The EU Counter Terrorism Coordinator will monitor the overall implementation of these conclusions.
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