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COSI, a decade devoted to the European Union's internal security policy

Abstract

After several failed attempts, the signature of the Lisbon Treaty allowed the setting-up of the Standing Committee on Operational Cooperation on Internal Security (COSI). After an initial period of definition of the work procedures, the Committee has been strengthening and expanding its responsibilities, related to judicial and police cooperation, the implementation of the strategic directions of internal security, the fight against organized crime or the cooperation of the JHA agencies. Gradually, issues related to the fight against terrorism have also been added to its agenda, despite the reluctance of some Member States. Ten years after its creation, the COSI has demonstrated its ambition, adaptability and flexibility, abilities that have contributed to consolidating its position as a relevant actor in the field of internal security in the European Union.

Keywords

COSI, internal security, policy cycle, terrorism, JHA Agencies, European Union.

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Introduction

Just as the 9/11 terrorist attacks in the United States led to progress in the European Union's response to terrorism, subsequent terrorist activity in Europe, as well as migratory crises and the need for a joint response to a transnational threat such as organised crime, have slowly managed to secure and extend this progress, which seemed to have stagnated after an initial dizzying momentum.

This essentially reactive nature of the EU's fight against terrorism¹ has sometimes managed to overcome the traditional reluctance of national authorities to cede parts of national sovereignty linked to national security.

In this process, the Standing Committee on Operational Cooperation on Internal Security (COSI) has established itself as a major player in the development of European cooperation in justice and home affairs, and is a key factor in achieving greater European integration in internal security policy.

Origins and responsibilities

COSI emerged in 2010, following the mandate of Article 71 of the Treaty on the Functioning of the European Union (TFEU), which provided for the creation of a standing committee, within the Council, with the objective of ensuring, within the Union, the promotion and intensification of operational cooperation in the field of internal security.

It was not the first time there had been talk of an internal security committee, the absence of which was seen as a deficit of the European Union², particularly when compared to the Political and Security Committee (PSC), a Second Pillar body. The Treaty establishing a Constitution for Europe, signed in 2004 but never ratified, already provided for the creation of this committee in Article III-261; its wording was almost identical to that of Article 71 TFEU.

The terrorist attacks of 2001 in the United States, and those of 2004 and 2005 in Europe, put internal security at the top of the EU's political agenda. It was precisely after the 2001 attacks that the idea of a high-level body in charge of home affairs began to take shape. The Spanish Presidency of the Council in 2002 had already made

¹ Powell, C. and Sorroza, A. (2009). La Unión Europea y la lucha contra el terrorismo global [The European Union and the fight against global terrorism]. *Política Exterior*, pp. 127-137.

² Bossong, R. and Rhinard, M. (2013). The EU Internal Security Strategy: towards a more coherent approach to EU security? *Studia Diplomatica*, vol. 66, issue 2, pp. 45-58.

a first attempt³ and Luxembourg envisaged in its 2005 Presidency programme to start preparations for the establishment of such a committee⁴.

Had it materialised at that time, it would undoubtedly have helped to prevent some of the measures taken in the heat of the response to the attacks from stagnating or being forgotten.

But the Treaty of Lisbon had to be ratified for the provisions on this body to become a reality, which, together with the formulation of the Stockholm Programme⁵ and the impetus of the Spanish Presidency in 2010, in favour of improving border security and anti-terrorist cooperation, converged in the idea of completing the internal security strategy⁶.

Article 71 TFEU was translated into Council Decision 2010/131/EU of 25 February 2010⁷, setting up the Standing Committee on Operational Cooperation on Internal Security, the name given to the standing committee referred to in the Treaty. COSI shall facilitate, promote and strengthen coordination of actions of the authorities of the Member States competent in the field of internal security by facilitating and ensuring effective operational cooperation and coordination in the context of the area of freedom, security and justice, in particular in areas covered by police and customs cooperation and by authorities responsible for the control and protection of external borders. It shall also cover, where appropriate, aspects of judicial cooperation in criminal matters relevant to operational cooperation in the field of internal security and shall evaluate the general direction and efficiency of operational coordination, identify possible shortcomings or failures and adopt appropriate concrete recommendations to address them. COSI shall assist the Council in accordance with the provisions of Article 222 of the Treaty referring to the Solidarity Clause. It shall not be involved in conducting operations, which shall remain the task of the Member States, and shall not be involved in preparing legislative acts. In addition, where appropriate, representatives from Eurojust, Europol, Frontex and other relevant bodies shall be invited, as observers, helping to ensure consistency of action by those bodies.

3 Arteaga Martín, F. (2010). La Estrategia de Seguridad Interior de la Unión Europea [The EU Internal Security Strategy]. *Boletín Elcano*, no. 124, p. 8. Horgby, A. and Rhinard, M. (2015). The EU's internal security strategy: A historical perspective. *Security Journal*, vol. 28, issue 3, pp. 309-321.

4 Luxembourg Presidency of the Council of the European Union. *The Presidency's Priorities* [online]. [Accessed: 25 May 2021]. Available at:

http://www.eu2005.lu/en/presidence/priorities_et_pgm/priorities/index.html#justice

5 European Council (2010). Stockholm Programme - An open and secure Europe serving and protecting the citizen. *Official Journal of the European Union* OJ C 115, 4.5.2010, pp. 1-38.

6 Bossong, R. and Rhinard, M. *Op. cit.*, p. 49.

7 Council Of The European Union (2010). 2010/131/: Council Decision of 25 February 2010 on setting up the Standing Committee on operational cooperation on internal security. *Official Journal of the European Union* OJ L 52, 03-03-2010, p. 50.

Finally, COSI shall be obliged to regularly submit a report to the Council on its activities and to keep the European Parliament and national parliaments informed of its proceedings. These reports cover periods of eighteen months.

It should be borne in mind that according to Articles 72 and 73 TFEU, Member States remain competent for the maintenance of law and order and the safeguarding of internal security, as well as national security.

The Stockholm Programme also introduced an obligation for COSI to report on its work to senior officials of Member States in the areas covered by Justice and Home Affairs, which the European Council considered highly useful and which should be encouraged as far as possible.

COSI's duties were further elaborated in other texts, such as the Internal Security Strategy of the European Union⁸, which emphasised that the Committee had been established to ensure effective coordination and cooperation of law enforcement and border management authorities, including the control and protection of external borders and, where appropriate, judicial cooperation in criminal matters relevant to operational cooperation. Its work would also be based primarily on national and EU threat assessments and priorities.

The specific duties of COSI included the monitoring and implementation of this Internal Security Strategy, which will become one of its priority tasks. It would also be responsible for receiving information on coordination and cooperation in the fight against trafficking in human beings, as set out in points 4.1 and 4.4.2 respectively of the Stockholm Programme. In the initial drafts of this Programme, COSI was linked to the work on the EU Drugs Strategy 2005-2012, but this reference disappeared in the final version. The follow-up to this Strategy for the years 2013-2020⁹ did mention the need for the Horizontal Working Party on Drugs, as the main coordinating body on drugs in the Council, to strengthen its coordination efforts to take into account the work of bodies with a drugs component, such as COSI.

Five years later, with the renewal of the Internal Security Strategy¹⁰, COSI's role was reaffirmed and it was tasked with drawing up a list of priority measures for implementation, as well as monitoring and reporting on progress, together with the Commission and other actors.

A common practice, not reflected in its regulatory document, is that draft Council Conclusions on issues of interest for internal security are examined by COSI, as a

⁸ Council Of The European Union (2010). *EU Internal Security Strategy: Towards a European security model*. Doc. 5842/2/2010, 23 February.

⁹ Council of the European Union (2012). *EU Drugs Strategy (2013-2020)*. *Official Journal of the European Union*. 2012/C 402/01 OJ C 402, 29 December, pp. 1-10.

¹⁰ Council of the European Union (2015). *Draft Council Conclusions on the Renewed EU Internal Security Strategy 2015-2020*. Doc. 9798/15, 10 June.

preliminary step to the Permanent Representatives Committee (COREPER) or the Council. In a way, this confirms COSI's importance in the Community structure in the field of justice and home affairs, recognising its capacity to supervise or coordinate the other related working groups, and it confirms that it is a body with a broad perspective on internal security.

On the other hand, issues that are decided in the JHA Council, provided they concern internal security matters and are not eminently legislative, are often first discussed in COSI.

The European Commission also referred to COSI, assigning to this Committee the responsibility to ensure that European cooperation was promoted and strengthened, as well as to facilitate the coordination of actions by the competent authorities of the Member States, actions which the Commission itself undertook to support¹¹. It recommended that COSI and the PSC should work together and meet regularly, seeking consistency between the Internal Security Strategy and the European Security Strategy and exploiting synergies between internal and external policies, including risk and threat assessments.

This strategic framework has been evolving, as in April 2015 with the presentation of the European Agenda on Security¹², in which the European Commission set out the principles for EU action to respond effectively to security threats and the main steps envisaged for their implementation, and identified three priorities for immediate action: terrorism and radicalisation; international organised crime; and cybercrime. This document also recognised COSI's central role in relation to the EU policy cycle to tackle organised and serious international crime, to which reference will be made below.

The following year, based on the European Security Agenda, the concept of a Security Union was first introduced¹³. Based on a new approach aimed at shared responsibility between the EU and Member States, and under the leadership of the Commissioner for the Security Union, created specifically for to develop this process, the EU Strategy for a Security Union¹⁴ was adopted in July 2020, covering the period

¹¹ European Commission (2010). *Communication from the European Commission to the European Parliament and the Council The EU Internal Security Strategy in Action: Five steps towards a more secure Europe*. COM(2010) 673 final, 22 November.

¹² European Commission (2015). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions The European Agenda on Security*. COM(2015) 185 final, 28 April.

¹³ European Commission (2016). *Communication from the Commission to the European Parliament, the European Council and the Council delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union*. COM/2016/0230 final, 20 April.

¹⁴ European Commission (2020). *Communication from the Commission on the EU Security Union Strategy*. COM/2020/605 final, 24 July.

2020-2025 and focusing on four priority areas: a security environment that stands the test of time; addressing evolving threats; protecting Europeans from terrorism and organised crime; and a strong European security ecosystem.

As far as counter-terrorism is concerned, its inclusion in the scope of COSI has gone from strength to strength. Despite its clear internal security implications, it has struggled to find its place due to the reservations of some national delegations who did not see it as one of their responsibilities. The ever-present terrorist threat and the activity of some Member States have succeeded in breaking down some of this resistance so that COSI can carry out its task of coordinating and monitoring the European Union's counter-terrorism actions.

In short, the establishment of COSI is enshrined in the Treaty, and its development has been supported and reinforced in various strategic documents by both the Council and the European Commission, aided by the impetus of certain Member States interested in furthering Community integration in this area of internal security.

Composition of COSI

COSI is composed of senior officials from the Ministry of the Interior or the Ministry of Justice of each Member State, as well as representatives of the Commission and the European External Action Service¹⁵.

Neither Article 71 TFEU nor the Council Decision establishing COSI laid down its composition. Only the possible participation of the Union bodies and agencies concerned, such as Eurojust, Europol, Frontex or CEPOL, which will attend as observers, was envisaged. To find out who should be part of COSI, we must refer to the declaration¹⁶ adopted by the JHA Council on the same day as the Decision on its creation, which stated that 'given its operational role, COSI will be capitals-based'. Each Member State will decide whether to have a single representative in charge of all issues or several representatives, in both cases with appropriate support. However, the number of delegates shall be limited in order to ensure the efficiency of the Committee's work.

The lack of clarity about Member State representation in COSI has led to different solutions being adopted by different countries.

In Spain, the highest responsibility for the Spanish delegation first fell to the then Director General of the Police and Civil Guard, who was also the first president of

¹⁵ Council of the European Union. *Standing Committee on Operational Cooperation on Internal Security (COSI)* [online]. [Accessed: 14 March 2021]. Available at:

<https://www.consilium.europa.eu/es/council-eu/preparatory-bodies/standing-committee-operational-cooperation-internal-security/>

¹⁶ Council of the European Union (2010). *Draft Council Decision on setting up COSI*. 05 February. Doc. 5949/10.

the Committee. Subsequently, the head of the delegation has been assumed by the Director of the Cabinet of the Secretary of State for Security or, as at present, by the head of the Directorate General for International Relations and Immigration, who is supported by officials from the State Secretariat of State (Directorate General for International Relations and Immigration and Cabinet of the Secretary of State), the Civil Guard, the National Police, the Tax Agency, the Basque and Catalan regional police forces and the Ministries of Justice and Foreign Affairs, European Union and Cooperation. All these bodies contribute to COSI's preparatory work, usually by agreeing on a common position on the issues to be addressed, according to their respective competencies, and by participating in the different activities promoted by the European Union. They may also include one of their representatives in the Spanish delegation that travels to Committee meetings in Brussels, although interventions on behalf of Spain are made, with some exceptions, by the head of the delegation.

Delegations from other Member States may be headed by directors of police agencies or senior officials from the Ministry of the Interior or the Ministry of Justice, but also by lower level officials, such as police force international relations officers, ministerial or diplomatic advisors or officials from Permanent Representations in Brussels.

JHA agencies are usually represented by their senior management, with the executive director or one of the deputy directors attending, depending on the subject matter.

What could be considered its equivalent body in the field of external security, the PCS, is made up of Brussels-based ambassadors from member states. Another important difference with COSI is that while COSI usually meets two or three times per semester, the PSC usually meets twice a week.

This heterogeneous composition of COSI does not satisfy all Member States, some of which have limited their level of representation¹⁷, but has not changed substantially since its first meeting. If the objective is to have a body with specific weight in the field of justice and home affairs, the choice made by some in the appointment of their heads of delegation does not seem the most appropriate. But what is really important is that, regardless of the level of representation, those participating in COSI are provided with sufficient decision-making capacity and flexibility to avoid obstructions or delays in the issues under discussion.

In carrying out its responsibilities, COSI will be supported by the General Secretariat of the Council of the EU (Directorate General for Justice and Home Affairs) which provides the secretariat and assistance to COSI, prepares agendas, drafts documents and their revisions, assists the Presidency and Member States, etc. In other words, a kind of qualified general staff, with a very strong influence on the decision-making

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17 Scherrer, A., Jeandesboz, J. and Guittet, E.-P. (2011). *Developing an EU Internal Security Strategy, fighting terrorism and organised crime*. European Parliament's Committee on Civil Liberties. Report No. PE 462.423.

process. JHA Counsellors posted to the respective Permanent Representations to the European Union, meeting in the form of a COSI Support Group, shall also play an auxiliary role and meet as necessary between COSI meetings.

Committee presidency rotates on the basis of the country holding the six-month presidency of the Council of the European Union, and programmes are established by the Trio Presidency for a period of 18 months. Ordinary meetings are held in Brussels, with two or three sessions every six months. In addition, an informal meeting is usually organised every six months and takes place in the country holding the current presidency.

COSI's initial activity and first years of operation (2010-2013)

The Committee's first meeting, which took place under the Spanish Presidency, was held on 11 March 2010, the European Day for the Victims of Terrorism, just six years after the Madrid attacks.

As stated in COSI's first regular report to the European Parliament and national parliaments¹⁸, the initial phase focused on determining the role and tasks of the Committee in implementing the provisions of the Council Decision setting up COSI, the Internal Security Strategy and the Stockholm Programme. Thus, part of its energy was devoted to trying to translate the ambiguous mandate it had received and to finding its space in an area where it risked duplicating efforts with other groups or with the Commission.

The creation and development of COSI was indeed high on the Trio Presidency's JHA agenda as one of the relevant responsibilities. It then listed all the fields in which action was intended, many of which would fall under the competence of COSI. The ambition of the Member States and their desire for concrete and tangible results was clear from the first meetings, which is understandable given that some had been waiting for almost a decade for a working forum such as COSI.

The first meeting addressed important issues, such as the state of EU internal security with a view to its discussion in the Council, the Harmony project, the origin of the European Union policy cycle to tackle organised and serious international crime, cooperation between JHA agencies, joint operations and the fight against terrorism, the latter despite the resistance of some delegations.

The following meetings continued to discuss cooperation between JHA agencies, the protection of external borders and the fight against irregular immigration, and the status of COSPOL projects¹⁹, but there was also a desire to begin to give shape to

18 Council of the European Union (2011). *Report to the European Parliament and national Parliaments on the proceedings of the Standing Committee on operational cooperation on internal security for the period January 2010 - June 2011*. 23 September. Doc. 14614/11.

19 Background to EMPACT, discussed below.

what was considered one of the Committee's most important responsibilities, namely operational cooperation between authorities in charge of internal security. Thus, in its first six months of operation, a combined operation was launched, Operation Global Europe²⁰, involving police, customs and border agencies from several Member States. The results of the operation were considered satisfactory, despite acknowledging the difficulty of working with 27 countries, the lack of interest shown by some agencies in participating in multinational operations or complications arising from the existence of different means of gathering information, working procedures or communication systems.

At the last COSI meeting of the Spanish Presidency, the Belgian delegation presented its programme for the Committee's work over the next twelve months. COSI would focus on five vectors: coherence across the EU policy cycle; joint operations, actions and projects; cooperation and coordination between EU agencies; identification of gaps; and discussion of COSI's role in the implementation of the solidarity clause.

On this basis, the work programme²¹ for the remainder of the Trio Presidency period was approved at the first meeting under the Belgian Presidency, taking into account the principle of subsidiarity and trying to avoid duplicating efforts with other preparatory bodies and JHA bodies. Fourteen topics were selected out of 34 proposed by Member States, including issues that had already been on COSI agendas, such as the Internal Security Strategy, the political cycle, COSPOL projects or the coordination of joint operations. But other novelties were also introduced, such as the fight against arms trafficking, actions against the Kurdistan Workers' Party (PKK), the internal security fund, the solidarity clause or interaction between internal and external security. Human trafficking and the Passenger Name Record (PNR), which had been discussed at some of the meetings, disappeared. The fight against terrorism was also not included, except for the reference to actions against the PKK.

However, in line with maintaining a high level of ambition, it was made clear that COSI should be able to respond to new challenges that might have an impact on internal security.

As can be seen, these are matters of a different nature, with others not included above added.

The policy cycle established by COSI at its meeting on 5 October 2010²² is one of the tasks that has been demanding the most effort. It establishes a clear and modern methodology for defining and prioritising how to combat the threat to internal securi-

20 Council of the European Union (2010). *First evaluation of the European global operation*. 23 June. Doc. 11410/10.

21 Council of the European Union (2010). *COSI's Work Programme for the rest of the COSI Trio Presidency*. 03 September. Doc. 13084/10.

22 Council of the European Union (2010). *Draft Council conclusions on the establishment and implementation of an EU policy cycle*. 25 October. Doc. 15358/10.

ty posed by organised crime. Approved by the JHA Council in November 2010, it is a four-stage, multi-annual policy cycle and its development requires that it be included as a discussion item at almost every COSI meeting. Although the period set for the cycle was four years, an initial period of two years was agreed on an experimental basis for this first stage. Following an assessment of the threat of organised crime²³, the Council identified EU priorities for the years 2011 and 2013²⁴. COSI then discussed and approved the strategic objectives of the priorities for the fight against crime²⁵, confirming which Member States would act as coordinators for each, as well as the participants. These strategic objectives were translated into operational action plans for 2012²⁶ and 2013²⁷, the coordination and implementation of which constitutes the EMPACT phase of the cycle.

In total, the initial policy cycle covered eight priorities:

- West Africa.
- Western Balkans.
- Illegal immigration.
- Synthetic drugs.
- Containerised smuggling.
- Trafficking in human beings or illegal human trafficking.
- Organised itinerant criminal gangs.
- Cybercrime.

The activities of the project groups set up to implement five of the 29 measures to enhance the protection of external borders and the fight against illegal immigration were also integrated into the policy cycle²⁸, which would continue as actions under the 'illegal immigration' priority. Only the Action 4 project group, led at European level by the Civil Guard, which aimed to improve operational cooperation with third coun-

23 Council of the European Union (2011). *EU Organised Crime Threat Assessment 2011*. 06 April. Doc. 8709/11.

24 Council of the European Union (2011). *Draft Council conclusions on setting the EU's priorities for the fight against organised crime between 2011 and 2013*. 06 June. Doc. 11050/11.

25 Council of the European Union (2011). *Strategic goals related to the EU's priorities for the fight against organised crime between 2011 and 2013*. 21 October. Doc. 15850/11.

26 Council of the European Union (2011). *Operational Action Plans (OAPs) related to the EU's priorities for the fight against organised crime between 2011 and 2013*. 15 December. Doc. 17796/13/11.

27 Council of the European Union (2012). *OAPs (2013) related to the EU's priorities for the fight against organised crime between 2011 and 2013*. 05 December. Doc. 16038/12/12.

28 Council of the European Union (2010). *Council conclusions on 29 measures for reinforcing the protection of the external borders and combating illegal immigration*. 01 March. Doc. 6975/10.

tries of origin and transit, in relation to joint land and maritime patrols, continued its activities until 2013.

The Committee first reviewed the policy cycle process in early 2012, and closely monitored progress on the basis of reports from the coordinators of the different operational action plans²⁹, the six-monthly meetings of the National EMPACT Co-ordinators³⁰ (NEC) and reports from the Director of Europol. These national coordinators had the strategic command and authority to ensure the implementation of EMPACT projects in their country, although not all of them were appointed at the time.

In 2012, COSI also validated the methodology for assessing the threat posed by organised crime and serious international crime³¹ with the aim of achieving a full and comprehensive assessment of regional and pan-European threats that could impact the European Union.

JHA agencies, involved from the outset in the work of COSI, continued to make an important contribution. Europol has been and continues to be the backbone of the policy cycle, in which CEPOL has also cooperated with its training courses, as well as Eurojust and Frontex with their participation in some plans. In general, the presence of JHA agencies in COSI is paramount and brings a high level of performance, without detracting from that of the Commission, which is key, and increasingly that of the European External Action Service.

On inter-agency cooperation and coordination, an issue inherited from the implementation of the Stockholm Programme, COSI discussed and agreed on working methods as noted at the Council on 9 June 2011. These methods included the organisation of regular meetings to improve planning and information sharing and the organisation of joint meetings, all in the field of EU security.

Moreover, the first meetings of JHA agency heads took place at this stage and their reports were submitted to COSI. While there are 4 JHA agencies that always assist COSI and the COSI Support Group (EUROPOL, EUROJUST, FRONTEX and CEPOL), the so-called 'JHA Agencies Network' has also been gaining in importance, comprising a total of nine agencies (the above four plus EIGE, EASO, FRA, EULISA and EMCDDA). This network is chaired each year by one of the nine and has an integrated work plan, reporting annually to COSI.

And the Committee provided the European Commission with its views for preparing proposals related to the future of Europol and CEPOL.

²⁹ Council of the European Union (2012). *EU Policy Cycle: Monitoring of the OAPs 2012*. 20 November. Doc. 16014/12.

³⁰ Council of the European Union (2012). *Summary report of the National EMPACT Coordinators meeting held at Europol on 29-30 May-2012*. 08 June. Doc. 11089/12.

³¹ Council of the European Union (2012). *Serious and Organised Crime Threat Assessment (SOCTA) - Methodology*. 04 July. Doc. 12159/12.

The EU's Internal Security Strategy continued to be discussed at COSI meetings, as well as possibilities for strengthening cooperation and coordination with regard to EU Security, for which a roadmap was drawn up jointly with the PSC. In fact, the first informal meeting between the PSC and COSI was organised in 2011, which supported the PSC's proposal to draft a work programme for cooperation between internal and external security.

With regard to terrorism, while its activity appeared to be limited to receiving information related to the PKK, COSI considered a report by the Counter-Terrorism Coordinator on the judicial dimension of terrorism and participated in discussions on information sharing mechanisms in relation to changes in national threat levels, the results of which were adopted at the December 2010 Council³².

The first 18 months of COSI activity thus focused mainly on working methods and procedures and on laying the foundations for the development of many of the responsibilities assigned to it, as well as other tasks which at the time of creation did not seem likely to fall within its remit.

The only new issue included in the second COSI work programme, which ran from July 2011 to December 2012, was the European Pact against synthetic drugs³³; operational implementation of this pact would be integrated into the 'Synthetic drugs' operational action. The remaining items, up to a total of ten, were taken from the previous agenda, from which cooperation in the fight against organised crime, the PKK, financing of operational cooperation and the conclusions of the Heads of National Contact Offices had been dropped. COSPOL was also removed from the list, although in this case it was renamed the European Multidisciplinary Platform against Criminal Threats (EMPACT) in line with experience gained in implementation and the particularities of the 2011-2013 policy cycle.

In summary, during the first three years COSI dealt with a variety of issues, but the focus was on guaranteeing that the policy cycle was implemented as planned and on ensuring its follow-up. Some shortcomings were noted despite progress made, such as the lack of funding, or the limited involvement of Member States, which should be taken into account for the launch of the new policy cycle from 2014 onwards. It outlined the importance of the fight against terrorism, which initially seemed to be outside its agenda. And the ambition to become a reference for internal security was clear, despite the continuing tendency of Member States to avoid relinquishing control in favour of Community instruments, while recognising the implications of the new security context³⁴.

32 Council of the European Union (2010). *Council conclusions on the information sharing mechanism on changes in the national threat level*. 01 December. Doc. 17303/1/10.

33 Council of the European Union (2011). *Draft European Pact against synthetic drugs*. Doc. 14 October. 15544/11.

34 Sorroza Blanco, A. (2011). La seguridad interior en la UE: diez años después del 11-S [Internal security in the EU: ten years after 9/11]. *Boletín Elcano*, no. 139, p. 11.

In search of operability and visibility (2013-2014)

During its fourth year, COSI looked at how to operationalise and increase its public outreach at both national and community level. But the main focus remained the political cycle, with the end of the first two-year term and the establishment of the regular four-year cycle. COSI analysed the progress made by the different coordinators in the operational plan reports for each of the eight priorities set³⁵, together with the results of the NEC meetings and reports of the Director of Europol³⁶.

The experience of the first political cycle was indeed fruitful. Not only were a high percentage of the activities foreseen in the operational plans completed, but the number of countries participating in the priorities was steadily increasing.

However, as mentioned above, some shortcomings or areas for improvement were also identified: the need for more specific funding for the new cycle, communication, alignment between national and European priorities, and the multidisciplinary approach, as cooperation with other actors such as NGOs, tax and customs authorities, judicial authorities, third countries and the private sector was considered important.

The assessment methodology approved by COSI the previous year³⁴ was used for the first time to identify the recommended priorities in the area of organised crime³⁷. Importantly, the operative working document in COSI discussions to define the strategic priorities of the cycle is the Serious and Organised Crime Threat Assessment Report (SOCTA), which is prepared by Europol with contributions from Member States. But once this document has been presented, the strategic-political level comes into play, represented by COSI and the Council, which play a decisive role in the version that is finally adopted. Hence, some of SOCTA's operational priorities may be modified or even disappear, or new ones may be introduced that were not in SOCTA (such as firearms, a priority been led from the beginning by the Civil Guard).

Following discussions in COSI, the JHA Council of 6-7 June 2013 adopted nine priorities for the years 2014 to 2017³⁸:

- Illegal immigration.
- Trafficking in human beings.
- Counterfeit products.

35 Council of the European Union (2013). *Summary report of the NECs meeting held at Europol on 18-19 November 2013*. 06 December. Doc. 17315/13.

36 Council of the European Union (2013). *EU Policy Cycle: Implementation Monitoring*. 10 June. Doc. 9996/1/13.

37 Council of the European Union (2013). *SOCTA 2013-Executive Summary*. 11 March. Doc. 7368/13.

38 Council of the European Union (2013). *Council conclusions on setting the EU's priorities for the fight against serious and organised crime between 2014 and 2017*. 26 July. Doc. 12095/13.

- Excise fraud and intra-Community fraud.
- Synthetic drugs.
- Trafficking of cocaine and heroin.
- Computer-related crime.
- Firearms.
- Organised property crime.

A multi-annual strategic plan³⁹ was developed for each priority, also discussed in COSI, which were converted into operational action plans for 2014. Finally, there were twelve action plans, rather than priorities, in order to cover all identified areas of crime. And for each of the plans, a driver was designated, as well as other representatives (codriver) who could replace the driver in case of absence.

A brief analysis of participation data in the second political cycle compared to the previous cycle already showed a significant increase, from 97 participants in June 2011 to 275 in October 2013. Similarly, 104 actions in 2013 became 224 the following year.

Reports on the Internal Security Strategy were also on COSI's agenda, as were issues such as cooperation between JHA agencies, measures to address the threat posed by firearms to EU internal security, strengthening cooperation and coordination between internal and external security, and projects related to the Western Balkans.

As for counter-terrorism, a significant change from the early years of COSI was already beginning to emerge. The Committee's initial reluctance to address this issue did not prevent it from becoming increasingly influential in its discussions, as it could only be expected. In February 2013, a COSI meeting was organised to discuss the possible implications the situation in the Sahel and Maghreb could have for the EU's internal security, in preparation for the March JHA Council. The issue of foreign terrorist fighters, considered to be of utmost importance for European internal security, was discussed on several occasions throughout 2013 and 2014, with a view to its inclusion in subsequent JHA Council meetings. COSI's opinion was also sought for the implementation of the Draft Revised EU Strategy for Combating Radicalisation and Recruitment to Terrorism⁴⁰, in particular the draft Action Plan⁴¹, or for the presentation of Europol's report on the situation and trends in terrorism in the EU⁴².

39 Council of the European Union (2013). *Multi-Annual Strategic Plans related to the EU priorities for the fight against organised crime between 2014 and 2017*. 20 September. Doc. 13495/13.

40 Council of the European Union (2014). *Revised EU Strategy for Combating Radicalisation and Recruitment to Terrorism*. 19 May. Doc. 9956/14.

41 Council of the European Union (2014). *Action Plan for the EU Strategy for combating Radicalisation and Recruitment to Terrorism*. 25 March. Doc. DSI163/14.

42 Council of the European Union (2014). *EU Terrorism Situation and Trend Report (TE-SAT) 2014*. 04 June. Doc. 10420/14.

Discussions on the future of COSI have also featured prominently in its debates, demonstrating its dynamic and ambitious nature. After this first stage of establishing roles and functions, the Committee spent part of 2013 and 2014 considering how to become more operational, efficient and public-facing, and in particular how to refine its mandate. As a result, in the second half of 2013, at the initiative of the delegations of France, Italy, Spain, Sweden and Finland, COSI outlined lines of action to develop its responsibilities in the coming years, bringing the areas in which the Committee could play a significant role to the JHA Council⁴³:

- Addressing the issue of terrorism from a strategic and political approach, leaving the more operational issues to the relevant Council working groups. It should only be involved where it can add value and where it does not interfere with national security and intelligence service activities.
- Enhancing coordination and cooperation between JHA agencies, encouraging them to report possible shortcomings in operational cooperation and information exchange between agencies and with Member States.
- Developing responsibility for evaluation, which should focus on the effectiveness of operational cooperation, thus fulfilling one of the tasks set out in the Council Decision setting up COSI. This did not mean that COSI could assess how Member States implemented EU legal instruments or their national arrangements.
- Working more closely with the PSC to improve cooperation between the areas of Freedom, Security and Justice and the Common Security and Defence Policy (CSDP).
- Influencing EU strategic decisions in the fight against terrorism, organised and serious crime, as well as in relation to new or evolving threats, which will be addressed using the same methodology.

This document highlighted the desirability of improving COSI's working procedures and increasing its visibility, especially vis-à-vis the Council. After a first few years of consolidating its responsibilities, the Committee's ambition was to be able to advise the Council of the European Union directly on internal security issues, without prejudice to the competencies of COREPER.

Discussions on the future of COSI, both formally and informally, were extremely interesting and influential during 2016 to 2018.

Other topics of interest to COSI delegations were the strengthening of cooperation between JHA agencies and the link between internal and external security, which was an important part of the Committee's work.

⁴³ Council of the European Union (2014). *Future role of COSI*. 29 April. Doc. 7843/3/14.

Consolidation (2015-2017)

During the second half of 2014, COSI prepared the work for the renewal of the EU Internal Security Strategy, which was adopted in December 2014⁴⁴, specifying the EU's priorities in the field of internal security for the period 2015-2020.

In June the following year, the JHA Council approved the Draft Council Conclusions on the Renewed European Union Internal

Security Strategy 2015-2020⁸, reaffirming COSI's key role in operational cooperation on internal security and in the development, implementation and monitoring of this renewed Strategy for the period 2015-2020. It recognised links between European Union internal and external security and in this context COSI was invited to work together with the Commission to actively contribute to political security dialogues with third countries, in close coordination with the European Union's overall external action.

In addition, the Council requested COSI to draw up, also with the European Commission, a list of priority actions for the implementation of the renewed Strategy. During the second half of 2015, this issue was taken forward and a detailed progress report⁴⁵ was presented to the Council.

Since then, COSI has been preparing a six-monthly report for each Presidency, which gives an account of what has been done and what is to be undertaken in the different areas of the Internal Security Strategy. These six-monthly documents, together with the eighteen-monthly reports to the Parliament⁴⁶, are crucial to the functioning of COSI and can be said to shape its work plan in a sense.

From 2015 onwards, COSI's work was strongly influenced by the wave of terrorist attacks in Europe, particularly in France and Belgium. In fact, an extraordinary meeting of the Committee was convened for the first time following the January 2015 attack in Paris against satirical magazine *Charlie Hebdo*. The same happened in November of that year, after the attacks on the Bataclan in Paris and around the Stade de France. A series of anti-terrorism measures were prepared, discussed and agreed by the Justice and Interior Ministers at both sessions.

The fight against terrorism continued to be one of the priority issues in COSI's work during the period from January 2016 to June 2017. Terrorist attacks in Nice, Berlin, Stockholm, Brussels, Manchester and London, which left 138 people dead, re-

44 Council of the European Union (2014). *Draft Council conclusions on the renewed EU Internal Security Strategy*. 19 November. Doc. 15670/14.

45 Council of the European Union (2015). *Renewed EU Internal Security Strategy: Report on Implementation*. 26 November. Doc. 14636/15.

46 Council of the European Union. Documents 14614/11, 7283/13, 14440/14, 7033/16, 14108/1/17, 7500/19, 11413/20, which have served as the basis for analysing the work of COSI.

vealed some shortcomings or gaps in the EU's internal security architecture, especially related to information management and sharing, protection of non-military targets, combating illicit trafficking of firearms, border controls, combating terrorist financing, violent radicalisation and online terrorist content.

Largely because of the terrorist attacks, COSI was able to address one of these shortcomings, which was one of the workhorses of internal security integration, namely information sharing and management. The JHA Council established a Roadmap⁴⁷ with the measures necessary to improve information management and cross-border information exchange, including system interoperability. Implementation will be strategically monitored by COSI, which will also be informed of the work carried out by the other Council bodies, the Commission and the agencies listed in the Roadmap plans. Ministers also agreed that COSI should assess implementation progress, identify key obstacles and propose future action for the other bodies involved to take.

Continuing COSI's growing involvement in counter-terrorism issues, the development of a structured and interdisciplinary approach to counter-terrorism was discussed, expressly noting that it was not a new policy cycle. This resulted in drafting a master document with the most relevant actions in this area agreed by the Council. This master document was annexed to the six-monthly report on the implementation of the renewed Internal Security Strategy⁴⁸.

The Committee monitored the implementation of the operational measures agreed by Ministers and Heads of State and Government at the end of 2015⁴⁹, paid attention to reports on the future of terrorism by Europol and the EU Intelligence Analysis Centre (INTCEN), and contributed to the Council Conclusions on preventing radicalisation leading to violent extremism⁵⁰.

COSI's efforts in this field have contributed to progress in the way Member States jointly combat this threat to internal security, with some successes in areas such as information exchange, operational cooperation, or the fight against firearms trafficking. In other words, the fight against terrorism — already been part of COSI's work — thus became one of its key issues and one that would recur on the agendas of its meetings, which were frequently attended by the EU Counter-Terrorism Coordinator.

47 Council of the European Union (2016). *Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area*. 06 June. Doc. 9368/1/16.

48 Council of the European Union (2017). *Renewed European Union Internal Security Strategy and Counter-Terrorism Implementation Paper: Report on implementation in the second half of 2016*. 15 December. Doc. 15277/1/17.

49 Council of the European Union (2015). *EU Council conclusions on counter-terrorism*. 20 November. Doc. 14406/15.

50 Council of the European Union (2016). *Prevention of radicalisation leading to violent extremism - Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council (21 November 2016)*. 23 November. Doc. 14276/16.

Implementation of the EU policy cycle remained the major COSI issue. In the period covering the second half of 2014 and the year 2015, one of the actions undertaken was the mid-term evaluation of the cycle according to a revised methodology adopted in the Committee. This assessment did not lead to changes in the established crime priorities, although some documents were adopted that would form the basis of the new assessment that Europol would complete in 2017 (SOCTA 2017), which served as the basis for the definition and adoption of the ten EU crime priorities for the period 2018-2021⁵¹. Compared to the previous period, three new priorities were introduced:

- criminal financial operations, money laundering and asset recovery
- documentary fraud
- environmental crime.

The first two were truly ground-breaking and generated a great deal of debate because of the change in orientation. These were two eminently cross-cutting or horizontal priorities, which meant partly changing the practical methodology of the operational plans.

COSI worked to make the new four-year political cycle more effective, efficient and disciplined than the previous cycle. It also introduced changes to the mid-term evaluation, so that achievement of strategic objectives could be measured in order to improve operational performance. In other words, yet another example of COSI's focus on improving the functioning of national agencies in internal security matters.

Following the Council's approval of the continuation of the policy cycle, COSI was tasked with amending the relevant documents, the templates of the multi-annual strategic plans and the operational action plans, reaffirming once again the Committee's leading role in this field. Among other aspects, COSI agreed on the terms of reference⁵² of the policy cycle for 2018-2021, highlighting the integrated nature and setting out the tasks to be carried out by all actors involved. A new evaluation mechanism was also approved, highlighting the operational role of operational plan coordinators and reinforcing the role of the NEC, a key figure developing the policy cycle.

In this context of the political cycle, and as a result of migratory pressure, the activities of organised criminal groups involved in facilitating irregular migration and trafficking in human beings continued to be monitored with particular interest. Other activities related to the cycle were the fight against organised burglary, or financial investigation. COSI also had the opportunity to discuss national experiences, such as the experience of the Spanish coordinator of the 'Firearms' operational action plan, a lieutenant colonel of the Civil Guard, whose achievements influenced the

⁵¹ Council of the European Union (2017). *Council conclusions on setting the EU's priorities for the fight against serious and organised international crime 2018-2021 (18/05/2017)*. 19 May. Doc. 9450/17.

⁵² Council of the European Union (2017). *EU Policy Cycle Terms of Reference*. 05 December. Doc. 10544/2/17.

development of a national legislative framework to enable effective coordination and increased contributions to the Focal Point 'Firearms'. But the need for greater commitment from Member States was reiterated.

One of the novel aspects of work related to the policy cycle was the organisation of joint intervention days, i.e. cross-border police operations focusing on key crime issues, to be carried out across the European Union by Member States with the support of Europol, under the strategic guidance of the Committee. The lessons learned from these operations were presented to COSI, which took note of them and considered being able to participate in advance in their preparation and follow-up to be essential.

Another novelty of the policy cycle was funding, included in several of its sessions. At the end of 2014, implementation of the policy cycle in 2015 and 2016 had been approved with €7 million from the Internal Security Fund. Although the competencies rested with Europol and the Commission, COSI stressed the need to be involved when decisions of a strategic nature were taken.

COSI and the PSC continued to explore possibilities for enhanced cooperation and coordination between internal security and external security, holding joint meetings focusing on cooperation between CSDP missions and freedom, security and justice actors in the field of immigration, analysing their usefulness for EU internal security.

All in all, discussions on the new 2018-2021 cycle were of great interest during the first half of 2017. The evaluation of the previous cycle carried out by an external consultancy under guidance from the European Commission was analysed, drawing up a series of suggestions that were subsequently assessed and amended by the General Secretariat of the Council and the Maltese Presidency. Finally, they were submitted to COSI for discussion and to the JHA Council for approval, which produced two Council conclusions: one deciding on the new cycle and its new methodology, with up to six important novelties, which sought above all to 'streamline' and reduce policy cycle bureaucracy as much as possible; the second included the priorities of the cycle.

A specific web page⁵³ was also created for the cycle and a media boost was given to the cycle, which was greatly reinforced.

Recurrent contents in COSI included the continued implementation of the renewed Strategy, which contained forty measures on improving information exchange, enhancing operational cooperation, supporting measures, counter-terrorism and preventing radicalisation, and hindering organised crime.

According to the Council Decision setting up COSI, the committee shall not be involved in drafting legislative acts. This has not prevented its meetings from dealing with legislative matters with increasing frequency. In 2016 and 2017, several legislative

⁵³ Council of the European Union. *EU fight against organised crime* [online]. [Accessed: 25 May 2021]. Available at: <https://www.consilium.europa.eu/es/policies/eu-fight-against-organised-crime-2018-2021/>

proposals were discussed in COSI, such as the Directive on combating terrorism, the Directive on the control of the acquisition and possession of weapons, the amendment of the Regulation on strengthening border controls, the Europol Regulation, or the Regulation on the European Border and Coast Guard.

COSI's involvement in this work makes perfect sense as, on the one hand, it is not uncommon for legislation to be driven by operational needs and, on the other hand, these legislative measures should be accompanied by operational and strategic measures.

Five years after COSI was created, work on internal security has taken on greater importance, mainly because of terrorism, which has been the main factor in eliminating national resistance and making progress towards the goal of greater integration in this area. COSI contributed to the adoption of operational measures, both in their implementation and in their consolidation, and demonstrated its ability to react immediately to unforeseen situations, as proven by the extraordinary meetings held to try to provide a common response to terrorist attacks on European soil.

All in all, COSI remained committed to its essential role of ensuring enhanced operational cooperation in all aspects of EU internal security, fulfilling the mandate it received in 2010, without hesitating to take responsibility for monitoring, advising and decision-making, together with representatives and experts from Member States, JHA agencies, national law enforcement agencies and judicial authorities. The Committee's influence in the Area of Freedom, Security and Justice was already visible⁵⁴.

COSI today

Counter-terrorism remained a major issue for COSI during the second half of 2017 and the year 2018, but it is undeniable that the decrease in the number of terrorist actions has had some impact on the Committee's workload. This was despite the fact that the new period had begun with the August 2017 terrorist attack in Barcelona, in which 14 people were killed.

For example, at the end of 2017, it was agreed that the process of drawing up conclusions and recommendations, which are presented biannually on the basis of Europol and INTCEN threat assessments, should be streamlined and only carried out if the situation has changed or needs to be adjusted.

That did not mean it was unimportant. The work developed over the previous years was bearing fruit. JHA agencies, which had enhanced mandates, were much more in-

⁵⁴ Tereszkwicz, F. The role of COSI in the European Union's internal security area: the initial years of activity. *Studia i Materiały Wydziału Zarządzania i Administracji Wyższej Szkoły Pedagogicznej im. Jana Kochanowskiego w Kielcach*, no. 4 Security and Defence in Europe: Diverging Interests, Fragmenting Policy, pp. 245-264.

volved in supporting Member States' counter-terrorism efforts. And COSI, in which JHA agencies have been involved from the outset, was to continue its responsibility to ensure the synergies of these agencies and to frame recommendations and guidance for the future of these agencies, conscious of the need to consolidate a joint approach capable of addressing counter-terrorism globally in order to increase capabilities to deal with a changing threat.

The movements of terrorist fighters and returnees and counter-radicalisation continued to draw the attention of COSI, which followed the work of the High-Level Commission Group on Radicalisation, established in July 2017⁵⁵ following the European Council's decision⁵⁶ to accelerate collective efforts to share experiences on terrorist fighters and radicalised individuals.

And while there were no terrorist attacks as vicious as in previous years, two worrying events related to the CBRN threat occurred in 2018: the nerve agent poisoning of a former Russian serviceman and his daughter in Salisbury (UK) and a foiled attack in Cologne (Germany) with a biological ricin bomb. COSI would follow with interest progress in implementing the Action Plan to Enhance Preparedness against Chemical, Biological, Radiological and Nuclear Security Risks⁵⁷, encouraging progress in this area.

If terrorism seemed to decline as one of the triggers for progress in internal security integration, part of its role appeared to be taken over by migratory pressure, although this was not a new element since its influence had been felt since 2015. The European Council itself called for increased efforts in the fight against trafficking in human beings and for the development of a series of operational measures.

Meanwhile, the political cycle for serious and organised crime continued to run its course, increasingly supported by positive operational results. In mid-2018, ministers were able to assess the impact of the completion of the first full period of action between 2014 and 2017, confirming its significance and underlining its multidisciplinary component as a clear example of a successful European initiative. And work was ongoing for the new 2018-2021 policy cycle, which would continue to rely on the strategic guidance of the Committee.

New proposals, such as strengthening police response to cybercrime, were being incorporated and integrated as the policy cycle unfolded.

During this period, COSI also established cooperation with customs authorities as one of its objectives, exploring ways to enhance their contribution to internal security.

⁵⁵ European Commission (2017). *Commission Decision of 27.07.2017 setting up the High-Level Commission Expert Group on Radicalisation*. Official Journal of the EU. C/2017/5149. DO C 252 3.8.2017, pp. 3/7

⁵⁶ European Council (2017). *European Council meeting (22-23 June 2017) - Conclusions*. 23 June. Doc. EUCO 8/17.

⁵⁷ European Commission (2010). *Communication from the Commission Action plan to enhance preparedness for CBRN security risks*. COM/2017/0610 final, 18.10.2010.

It also continued to elaborate on the possibilities for enhanced cooperation between internal and external security. The European Council itself called for the staffing of CSDP missions to be completed and their mandates adapted to assist in the fight against trafficking in human beings. A specific example of this cooperation was the establishment of a crime intelligence cell in Operation EUNAVFOR MED SOPHIA. And second, the agreement of COSI and the PSC on the Civilian CSDP Pact, an issue of relevance for both internal and external security actors. These are tangible examples of COSI-PSC cooperation that have served as a framework for strengthening links between the EU's internal and external security, as well as the joint work of the two committees.

One area that had not been explored much to date was training. In September 2018, COSI welcomed the joint training initiative undertaken by the French Gendarmerie and the Spanish Civil Guard⁵⁸, considering the possibility of extending this model to European level. Both this experience and the student exchange programme between Bulgaria and Germany were held up as examples in this field. And a month later, CEPOL presented the first EU Strategic Needs Assessment⁵⁹, as a collective effort to identify training priorities in the area of internal security.

The period from July 2017 to December 2018 ended with the adoption of Council Conclusions on the future strategic direction on internal security⁶⁰, in which Ministers noted the need for deepening the integrated and comprehensive approach in order to support Member States in their objective of ensuring internal security, underlining that internal security challenges require close interaction of all EU and Member State stakeholders and, recognising the role of COSI, inviting the Committee to discuss the future strategic direction in the field of internal security, its key challenges and cross-cutting issues.

Ultimately, COSI remained committed to its responsibility to ensure and enhance cooperation on internal security within the EU, and continued to monitor implementation of the Internal Security Strategy and development of the policy cycle for the fight against organised crime.

The end of last phase under study, from January 2019 to June 2020, was affected by the pandemic caused by COVID-19, which brought new challenges and difficulties. In addition to modifying standard working procedures to adapt to new health and safety requirements, COSI was flexible enough to reorient its agendas based on how the pandemic impacted internal security.

⁵⁸ Council of the European Union (2018). *Discussion paper on integrated training*. 21 September. Doc. 12412/18.

⁵⁹ Council of the European Union (2018). *EU Strategic Training Needs Assessment 2019-2021*. 19 November. Doc. 14196/18.

⁶⁰ Council of the European Union (2018). *Draft Council Conclusions on the future strategic direction in the field of internal security*. 06 December. Doc. 14806/18.

Another feature of this phase was the drop in the number of terrorist attacks, which did not mean this issue lost relevance as a COSI priority, as it continued to analyse progress in this field and to monitor the return of foreign terrorist fighters, paying particular attention to those from non-European countries. In fact, the Committee discussed the possibilities of incorporating information on terrorist fighters from trusted third countries into European databases.

Also in the fight against terrorism, an attempt was made to give greater importance to actions against violent right-wing extremism as a result of the recent attacks in this area and, above all, the increase in the number of detainees linked to this type of terrorism. A more detailed monitoring of related activities was proposed, but discussions in COSI revealed different approaches among Member States, which could result in a partial and insufficient state of play.

Significant in this phase was the importance of new technologies, whose impact on internal security was evident in an increasingly computerised world with a growing number of digital natives. COSI was invited to confirm and further operationalise the principles for setting up an innovation centre for internal security in Europol.

Another focus was on strengthening the EU framework for operational cooperation and the development of European technology solutions to increase connectivity and enhance information exchange in the future.

The implementation of interoperability could be considered as a top priority, not only from a technical point of view but also in terms of practical implementation, although the need for caution before extending interoperability to decentralised systems without having ensured the full implementation of the package was noted.

COSI continued to play its main role in steering the policy cycle, reviewing and assessing activities and progress made in the various operational plans, verifying the commitment of Member States and other stakeholders, or facilitating the approval of the next threat assessment (SOCTA), which will identify priorities for the 2022-2025 cycle. Implementation of the policy cycle has brought a new dimension to cooperation between Member States, and its results are also tangible. For example, in 2019, 8,000 arrests were made, 1,400 victims of human trafficking and online child pornography were identified, 6,000 firearms were seized, 75 tonnes of drugs confiscated, €77M was seized and €400M in fraud was prevented, all within the framework of operational plans developed for each of the organised crime priorities⁶¹.

Other areas in which COSI was engaged were the fight against drug trafficking, adopting a set of strategic and operational measures⁶², improving the response to hu-

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61 Council of the European Union (2020). *EU Policy Cycle to tackle organised and serious international crime 2018/2021 - EMPACT - Implementation monitoring - Factsheets of results 2019*. 05 May. Doc. 7623/20.

62 Council of the European Union (2020). *Enhancing the response to drug trafficking - a strategic and operational set of measures*. 15 June. Doc. 7743/1/20.

man trafficking, the contribution of customs services to internal security, or enhancing cooperation between internal and external security. On the latter, COSI and the PSC worked on the implementation of the Civilian CSDP Compact, as well as on hybrid threats.

With regard to the future of internal security, COSI addressed issues related to digital transformation, information management, artificial intelligence, and the promotion of joint training, a matter considered of strategic importance in order to face with guarantees, among other issues, the challenges that new technologies bring, leverage the opportunities that arise, and respond flexibly to the need to enhance operational cooperation.

Conclusions

No country currently has sufficient capacity to act alone against internal security threats. This is particularly evident in EU members, where the disappearance of internal borders has made it extraordinarily easy for criminals and terrorists to move around.

It is precisely the terrorist threat that has been of concern to the European Union for years. In the past, terrorism has proved to be the trigger for increased intergovernmental cooperation, as evidenced by the creation of the Trevi Group⁶³ in the mid-1970s, or the Prüm Convention. Today, it can be said to have been a catalyst for the integration process⁶⁴ in the field of internal security.

There is no doubt that adopting emergency measures is one of the immediate reactions to terrorism⁶⁵. This is what has happened in the European institutions in the aftermath of the major terrorist attacks. Their leaders, together with national authorities, have realised the need for joint action.

However, the first major reaction came not with an attack on European soil, but on US soil in September 2001. Until then, Member State activity lay within the framework of the aforementioned intergovernmental cooperation, in line with a strict interpretation of the principle that national security was the exclusive competence of national authorities.

63 Del Moral Torres, A. (2016). *Cooperación internacional de interés policial: material de apoyo al alumno/a* [International cooperation of police interest: Student support material]. Centro Universitario de la Guardia Civil.

64 Lodge, J. (2002) *Sustaining Freedom, Security and Justice—from terrorism to immigration*. *Liverpool Law Review*, vol. 24, issue 1, p.p 41-71.

65 Díaz, C. and Demurtas, A. (dir.). (2016/2017). *El impacto de los atentados de los lobos solitarios en la estrategia antiterrorista europea* [The impact of the lone wolf attacks on Europe's counter-terrorism strategy]. Master's thesis. Universidad Autónoma de Barcelona [Accessed: 30 July 2020]. Available at: <https://ddd.uab.cat/record/191303>

A multitude of counter-terrorism measures were adopted within a few weeks, many of which had already been considered⁶⁶, but this insufficient effort may not have been accompanied by adequate development due, among other reasons, to the lack of mutual trust between national intelligence services⁶⁷.

The terrorist attacks in Madrid and London in 2004 and 2005 also gave a boost to Europe's counter-terrorism drive, but despite undeniable progress, the results did not meet the expectations of all EU partners, some of whom insisted on intergovernmental cooperation.

As national security continued and continues to be the exclusive responsibility of each Member State, as confirmed by Articles 72 and 73 TFEU, which legitimise the position of those countries that are more reluctant to deepen the adoption of Community procedures on internal security.

But we must bear in mind that the area of freedom, security and justice cannot be fully consolidated if the European Union does not have the appropriate instruments at its disposal, a task that is complicated if its member countries refuse to cede or share some of their competences in this area. Furthermore, the question of whether the concept of national security of an EU Member State can be equated with that of any other country needs to be explored further. Because in an area without internal borders and with freedom of movement, a threat to national security in one of its members can and probably does constitute a threat to the national security of the other partners. Therefore, the European Union, which facilitates the movement between countries of citizens, capital and companies, but also of criminals and terrorists, should provide the necessary means to guarantee their security. In other words, it would be advisable to define the scope of the concept of national security in the Community framework.

The European Union has sought to seize the opportunities presented to it in the aftermath of major terrorist actions by adopting measures that would otherwise have been more difficult. This essentially reactive character, which has sometimes managed to overcome the traditional resistance of national authorities⁶⁸, has not been sufficient to ensure the effectiveness of the agreed counter-terrorism measures. This is a contradiction in terms or hypocrisy: the European Union and its Member States reach agreements that these same states then fail to implement, either due to lack of trust, lack of will or interest, or inability. Whatever the reasons, responsibility can only be laid at the door of the national authorities who are ignoring both the European institutions and their citizens, who have repeatedly, as Eurobarometer polls show, expressed their

66 Schroeder, U.C. (2006). *Coping with complexity. An organisational perspective on European security governance*. EUI SPS 2006/09. Available at: <http://hdl.handle.net/1814/6417>

67 Thieux, L., *et al.* (2004). *European security and global terrorism: The strategic aftermath of the Madrid bombings*. *Perspectives: Review of International Affairs*, no. 22, pp. 59-74.

68 Powell, C. and Sorroza, A. (2009). *La Unión Europea y la lucha contra el terrorismo global [The European Union and the fight against global terrorism]*. *Política Exterior*, pp. 127-137. Available at <http://www.jstor.org.ezproxy.uned.es/stable/20647065>

desire for the fight against terrorism to become part of the policies with decision making centred in Brussels.

The adoption of the Lisbon Treaty marked the culmination of a process that had been in the making for almost a decade, the emergence of a Committee, COSI, with major responsibilities for internal security issues.

COSI devoted its initial efforts to defining its working procedures and carving out a niche for itself in the European machinery, trying to shore up and expand its responsibilities in the field of justice and home affairs.

It is a working forum, available to Member States, with a global vision of internal security, which addresses operational and strategic issues and monitors the work of the different working groups in the field of justice and home affairs, thus facilitating a comprehensive and permanent follow-up. It can be seen as an enabler of the internal security integration process, responsible for reminding European leaders that reacting to crisis situations is not enough, there is also a need for continuity.

The European Union's policy cycle for the fight against organised crime has been perhaps the most demanding issue for COSI, a project in which it has been involved and led from the beginning. Work related to the strategic development of internal security has also claimed an important part of the Committee's agenda. And although initially it hardly appeared among the dossiers to be included in COSI's work due to the reservations of some national delegations, terrorism, a fundamental factor in the integration process, has become an increasingly important part of the Committee's work, which has contributed enormously to achieving significant progress in the EU's fight against terrorism. In fact, the permanent terrorist threat has managed to overcome this resistance. And with the ambition shown since its early years and its flexibility, it has taken on new responsibilities, such as violent extremism or right-wing terrorism, examples of how COSI has evolved.

COSI is committed to its internal security responsibilities within the European Union. The experience acquired in more than a decade, the flexibility demonstrated, its capacity to adapt to new threats and demands and the results obtained are helping to underpin its position as a relevant actor in this field, and they predict a future of definitive consolidation and further development of its functions, as well as a major contribution to European integration in the area of internal security, in other words, to the European Union's area of freedom, security and justice.

As Tereskiewicz points out, despite the enthusiasm displayed from the outset, the activity of COSI's early years showed that the new committee's priorities were broad, diffuse and disorganised⁶⁹. It took years for them to settle down and for members to gain experience and fluency, including with the European Union institutional procedures, to which they were probably not all accustomed; this was a new, capital-based

69 Tereskiewicz, F. *Op. cit.*, p. 255.

committee with infrequent meetings. This development of COSI has been underpinned by various strategic documents of the Council and the Commission, supported by a number of Member States interested in further integration.

Over time, the Committee's wide-ranging competences have been strengthened and it has been able to take on a central role in the Community's development of internal security afforded by the Treaty. Indeed, it has been the catalyst of the major transformation the Council has undergone in the field of justice and home affairs⁷⁰. In this process, the role played by JHA agencies, whose contribution has been essential, should be highlighted.

And although not all Member States have shown the same level of enthusiasm in their participation, the work of the Committee can generally be described as satisfactory, although it would perhaps be desirable to make Member State representation in COSI more homogeneous, at least in terms of level, and to reflect on the possible drafting of broader terms of reference than the 2010 Decision, which would develop COSI's tasks and responsibilities, without restricting its flexibility.

On the other hand, it would also be advisable to analyse whether two or three COSI meetings every six months is sufficient, in particular when compared to its external security equivalent, the PSC, which meets twice a week. The magnitude or number of the issues dealt with in the two committees does not seem to justify such a difference.

Also with a view to the future, COSI could perhaps be expected to make a greater contribution to shaping a real common internal security policy, a task for which it is well placed due to the participation of the most relevant EU actors in this field and the breadth of the issues included in its work programme, whether operational, strategic, financial or legislative, although in the latter case to a limited extent, or to assess strengths and weaknesses, identifying shortcomings and the resources needed to fill them. The road is sure to be long and fraught with obstacles as internal security is one of the most complicated areas of European integration due to Member States' zeal in preserving their sovereignty. However, the benefits of having a common internal security policy, as is already the case with the common security and defence policy, go beyond its own limits, and could help give the European Union a political weight that it currently lacks.

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⁷⁰ Scherrer, A., Jeandesboz, J. and Guittet, E. *Op. cit.*, p. 38

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