



**COUNCIL OF
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NOTE

from : Counter-Terrorism Coordinator
to : COREPER/Council/European Council

Subject : Implementation of the Strategy and Action Plan to Combat Terrorism

CTC report - Implementation of the Strategy and Action Plan to Combat Terrorism

This report is a response to the European Council's request for a report every six months on the implementation of the Action Plan to combat terrorism adopted in June 2004.¹ The report summarises progress since December 2007 and the state of play regarding ratification of the conventions and implementation of the legislative acts regarded as having priority, the details of which are set out in ADD 1.²

¹ The latest version of the Action Plan to Combat Terrorism is contained in 7233/1/07 REV 1.

² Last report in 15411/1/07.

In December 2005 the European Council adopted the European Counter-Terrorism Strategy, which has provided the framework for EU activity in this field.¹ The strategic commitment of the Union is to combat terrorism globally while respecting human rights, and to make Europe safer, allowing its citizens to live in an area of freedom, security and justice. The Strategy groups all actions under four headings - PREVENT, PROTECT, PURSUE, RESPOND. The Revised Action Plan follows this pattern, with the objective of setting out clearly what the EU is trying to achieve and the means by which it intends to do so.

The report covers progress on individual actions within this same framework. It does not cover progress on various counter-terrorism issues which are the subject of the Counter-Terrorism Coordinator's separate discussion paper.²

Prevent

The first objective of the Counter-Terrorism Strategy is to prevent people from turning to terrorism by tackling the factors which can lead to radicalisation and recruitment, in Europe and internationally. To attain this objective, in December 2005, the Council adopted a Strategy and an Action Plan to counter radicalisation and recruitment which is updated annually.³

In April the Council agreed a general approach on a revised Framework Decision on combating terrorism, the aim of which is to encompass the following three new crimes in EU legislation: public provocation to commit terrorist offences, recruitment for terrorism and training for terrorism.⁴

¹ 14469/4/05 REV 4
² 9417/08
³ last update 15443/07
⁴ 8707/08

In March 2008 the Commission approved the results of three studies on violent radicalisation, dealing with: the factors that may trigger or affect violent radicalisation processes, particularly among youth; the beliefs, ideologies and narrative of violent radicals; and recruitment and mobilisation for the Islamist militant movement in Europe. A fourth study focusing on best practice in cooperation initiatives between authorities and civil society with a view to the prevention of and response to violent radicalisation, which was contracted in 2007, is ongoing. On the basis of these studies the Commission intends to issue a Communication on the subject in July.

In accordance with the objectives of the EU Counter-Terrorism Strategy and the Action Plan on Combating Terrorism, and based on EU policy towards Western Balkan countries, in particular the Stabilisation and Association Process and the Thessaloniki Agenda adopted by the European Council in June 2003, the Council bodies have prepared draft Conclusions on the cooperation with Western Balkan countries on the fight against organised crime and terrorism. These draft Council Conclusions¹, expected to be approved in June, set priorities to enhance EU and national level cooperation in preventing terrorism, radicalisation and recruitment as well as terrorism related serious crime, such as trafficking in drugs, explosives and arms.

Developing on the matters raised in the Commission's questionnaire on "Policies to address violent radicalisation" from July 2007 and the Member States' responses, the Working Party on Terrorism has finalised draft Council Conclusions² on enhancing cooperation in the area of countering radicalisation and recruitment to terrorism. The main objectives outlined in the draft Conclusions, to be adopted by the Council in June 2008, are the prevention of radicalisation and recruitment through increasing the quality and quantity of information gathered and shared between Member States, implementing joint initiatives, sharing best practices, studying the possibility of elaborating a methodology to assess the effectiveness of counter radicalisation and recruitment measures as well as exchanging analysis and government assessment on radicalisation and recruitment among officials with competence in these areas across the EU.

¹ 8529/1/08

² 9140/08

Protect

The second objective of the Counter-Terrorism Strategy is to protect citizens and infrastructure and reduce our vulnerability to attack, *inter alia* through improved security of borders, transport and critical infrastructure.

In December 2007 the Council adopted a Decision on the full application of the Schengen acquis, including the connection to SIS 1 + in nine Member States which acceded to the EU in 2004. This Decision allowed for the abolition of checks on persons at internal land and sea borders on 21 December 2007. Subsequently, air borders in the Member States concerned were abolished on 30 March 2008.

In February the Council adopted a number of conclusions regarding the development of the second-generation Schengen Information System (SIS II), including an additional informal mechanism supporting the SIS II and information development in the Member States until the start of operations. In April the conclusions of a report on open issues relating to SIS II were confirmed. Commission proposals on migration from SIS 1+ to the second-generation SIS II are currently under negotiation. The Commission will present a detailed schedule for SIS II implementation in June 2008.

Following discussions on the first elements of the European Programme on Critical Infrastructure Protection (EPCIP) policy package, the Council reached a compromise on the proposed Directive on the identification and designation of European Critical Infrastructures and assessment of the need to improve their protection, in particular with regard to two priority sectors: transport and energy. The Slovenian Presidency intends to achieve political agreement in June.¹

¹ DS 526/08

Pursue

The third objective of the European strategy against terrorism is to pursue and investigate terrorists across our borders as well as globally: to impede planning, travel and communications; to disrupt support networks; to cut off funding and access to attack materials, and to bring terrorists to justice.

In April the Council reached political agreement on a decision transforming Europol into an EU Agency. The decision extends Europol's mandate to cover organised crime, terrorism and all other forms of serious cross-border crime. Consequently, Europol will find it easier to come to the assistance of Member States in cross-border criminal investigations.¹

Pending the lifting of a parliamentary scrutiny reservation, the Council agreed on a general approach on certain aspects of a draft Decision strengthening Eurojust, relating in particular to its composition, tasks, the status of its national members and provisions on its staff.²

In April political agreement was also reached on an EU Action Plan on Enhancing the Security of Explosives.³ This Action Plan is a part of a set of measures proposed by the Commission in November 2007 to combat terrorism. The Plan takes a comprehensive approach to countering threats linked to explosives and precursors to explosives and one of its main objectives is to improve combating the use of explosive devices by terrorists within the EU. The Action Plan envisages the implementation of various measures, e.g. the establishment of an Early Warning System concerning explosives, the creation of a Network of Explosives Ordnance Disposal Units active in the civilian context, the establishment of a Standing Committee of Experts concerning precursors and the creation of a European Bomb Data System.

¹ 8296/08

² 9114/08

³ 8109/08

The Council also noted that good progress had been made on a Framework Decision on enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition in respect of decisions rendered in the absence of the person (trials 'in absentia').¹ The aim of the proposal is to determine clear and common grounds for non-recognition of decisions rendered following a trial at which the person concerned did not appear and thus amending the existing instruments on mutual recognition (Framework Decisions on the European arrest warrant, on financial penalties, on confiscation orders, on the imposition of custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement, and on the supervision of probation measures and alternative sanctions).

Terrorist financing

The last time the Counter-Terrorism Coordinator reported separately on the implementation of the strategy against terrorist financing was in October 2007.² It was indicated that a decision on a follow-up to the Strategy was necessary.

An exchange of views with Member States took place in December 2007 and the process of updating the Strategy is ongoing. It is envisaged that the updated Strategy will be presented before summer 2008.

The formal adoption of various pieces of legislation on which the Council has arrived at a general approach (including, for example, the Framework Decision on the European Evidence Warrant, the Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States, the Framework Decision on taking account of convictions in the EU Member States in the course of new criminal proceedings and the Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters) has been held up, either because parliamentary reservations still have to be withdrawn or because procedure with the European Parliament needs to be completed.

¹ 9318/04

² 11948/2/07 REV 2

SitCen has continued to provide the Council and the Commission with regular analyses of developments in relation to the terrorist threat. Europol has presented its European Union Terrorism Situation and Trend Report 2008 (TE-SAT).

International cooperation

In its political dialogue with international partners the EU continued to promote the role of the UN in the fight against terrorism. In particular, the EU played a key role in the preparation of the review of the UN Counter Terrorism Strategy which will take place in September this year. The EU has also continued its diplomatic efforts to achieve an international consensus on the Comprehensive Convention on International terrorism. In its dialogue with partners, bilaterally and multilaterally, the EU has continued to emphasize that the fight against terrorism must be conducted in full respect of the rule of law and human rights. A high-level political dialogue on counter-terrorism took place with Turkey.

In line with UNSCR 1373 (2001), the EU has continued offering technical assistance to a great number of countries so as to enhance their capacity to counter terrorism. Special cooperation and assistance programmes in the area of counter-terrorism are in place with Morocco and Algeria. The EU convened ad hoc troika meetings with those two countries in order to assess the cooperation to date and exchange views on a possible next phase. A new approach was agreed in that respect. Possibilities to offer assistance to third countries through the Stability Instrument or the CFSP budget are also explored.

Response

The fourth priority of the EU's Counter-Terrorism strategy is to prepare ourselves, in a spirit of solidarity, to manage and minimize the consequences of a terrorist attack, by improving our ability to deal with the aftermath, the coordination of the response, and the needs of victims.

In December the European Council welcomed the adoption of the Decision establishing a Community Civil Protection Mechanism (recast)¹ and invited the Council and the Commission to make the best use of this instrument, along with the Decision establishing a Civil Protection Financial Instrument², with a view to being ready to cope with major emergencies in the future. In this context, the European Council looked forward to the forthcoming Commission proposals on reinforcing the Union's disaster response capacity.³ The relevant Commission communication was submitted in March 2008⁴ and is currently being examined by the competent Council bodies so that the Council can adopt conclusions on that basis.

Following the Commission Green Paper on Bio-Preparedness of July 2007⁵, in December 2007 the Council adopted its Conclusions on addressing chemical, biological, radiological and nuclear risks and on bio-preparedness⁶, which chart the way ahead during 2008 and 2009 for efforts to prevent and respond to CBRN threats and risks under an all-hazards approach, while giving priority to the terrorist threat. In particular, the Commission, the Member States and the Council Secretariat, including the EU Counter-Terrorism Coordinator and the SG/HR's Personal Representative for Non-Proliferation, will continue their work, where necessary together with the relevant public and private stakeholders, to spread good practices, strengthen interoperability and exchange of information between the different rapid alert and response systems and structures, and mitigate the risk of terrorists obtaining CBRN materials, directly or indirectly. In addition, the Commission and the Council Secretariat will draw up an inventory outlining the many EU instruments that can be used to counter CBRN risks and threats. The Commission has launched consultations by setting up a CBRN Task Force, which will propose relevant policy measures in 2009.

The preparatory phase of the second round of the peer evaluation of national counter-terrorism arrangements focusing on preparedness and consequence management has been completed and on-site visits start in May 2008.

¹ 11163/1/07

² 5215/07

³ 16616/1/07, paragraph 32

⁴ 7562/08 [COM (2008) 130]

⁵ 11951/07

⁶ 16589/07

ESDP

In the ESDP field work has continued on Headline Goal 2010. After a table-top exercise was organised in May 2007 between EUMS and the Commission's department for humanitarian aid (ECHO) to test transport procedures , a similar event with the Monitoring and Information Centre (MIC) took place in December 2007 to take stock of existing arrangements and to identify a way ahead for better cooperation during emergencies.
