



Brussels, 18 March 2004

BACKGROUND ¹
EXTRAORDINARY JUSTICE AND HOME AFFAIRS (JHA)
COUNCIL
Brussels, 19 March 2004

In the aftermath of the 11 March terrorist attacks in Madrid, the JHA Council will meet to give a renewed impulse to the European response to the terrorist threat to our society. In particular, the Council will examine a package of measures on fighting against terrorism to bring forward to the European Council on 25 and 26 March 2004.

These measures will be prepared by Permanent Representatives Committee before being considered by the extraordinary meeting of the Justice and Home Affairs Council on 19 March and the General Affairs and External Relations Council on 22 March. The meetings of both groups of Ministers will pave the way for the European Council to bring forward measures to enhance our work on combating terrorism.

The measures which will be examined by the Council include a political commitment to assure obligations contained in the Solidarity Clause included in the draft Constitution for Europe (Article I-42), measure to revise the action plan on terrorism, the appointment of a security coordinator, enhanced intelligence cooperation, guidelines for a common approach the fight against terrorism, increased EU/UN Coordination in the fight against terrorism, curbing financing of terrorism, measures to reinforce practical cooperation, building on existing cooperation and external measures.

The Council will start at 10.00h. A press conference will be held at ± 15.00h.

For further information on EU actions against terrorism, please consult: <http://ue.eu.int/>

¹ This note has been drawn up under the sole responsibility of the Press Service.

EU FIGHT AGAINST TERRORISM

The European Union's broad objectives in this area are set out in the Union's Action Plan to combat terrorism adopted by the Brussels European Council on 21 September 2001. This action plan was subsequently fleshed out and given substance in the many measures and actions detailed in the Union's anti-terrorist roadmap. The Council is not, therefore, beginning with a blank sheet. Valuable work is already being done. Some of this pre-dates September 2001, although the pace of work has quickened since then.

Following the adoption of the Action Plan in 2001, the Council and the Commission, within their respective powers, have taken a number of measures to enhance the internal security of the Union. Some of these are specifically aimed at combating terrorism, such as the framework decision establishing a common criminal definition of terrorism, the insertion of anti-terrorism clauses into Community agreements with third countries, improving aviation safety or freezing assets of terrorists and terrorist organisations. Others have more general aims, such as various measures taken as part of the establishment of an area of freedom, security and justice (the European arrest warrant, joint investigation teams, the creation of Eurojust, the reinforcement of Europol, the creation of an integrated borders management agency, security of travel documents, etc.) or to consolidate the rule of law in certain vulnerable third countries.

Moreover, new concerns have emerged among Member States (addressing the factors which contribute to support for terrorism, protection of minorities and the promotion of pluralism within the EU, violent religious extremism, maritime security) and further initiatives have been taken by the United States (passport security, biometrics, new aviation security measures).

While the European Security Strategy adopted by the European Council in December advocates a comprehensive approach which is capable of overcoming any divisions between the internal and external dimensions of combating terrorism, the normal preparatory channels inside the Council continue to be used to draw on proper expertise in all the sectors concerned. What is needed is improved coordination. A review of the Action Plan in order to update EU objectives was launched earlier this year and several Member States have contributed comments.

In view of the Council's discussion, the Presidency proposes (www.eu2004.ie) the following measures on the fight against terrorism to bring forward to the European Council on 25 and 26 March 2004.

Solidarity Clause

The Presidency will seek the agreement of Heads of State and Government to a political commitment to assume the obligations contained in the Solidarity Clause which is included in the draft Constitution for Europe (Article I-42). It provides for Member States to come to the assistance of each other in response to new threats, arising from terrorist and non-State entities, directed against civilian populations and democratic institutions in the EU.

A revised Action Plan on Terrorism

In the context of the European Security Strategy and reviewing the 2001 Plan of Action on Terrorism, the Presidency will propose a revised EU Strategy to combat terrorism. This will identify high-level priority objectives, covering all aspects of EU activities in this area. A Comprehensive Implementation Plan will follow, which will identify key tasks under each objective, specific achievable targets and the EU bodies responsible for delivery.

Appointment of a Security Coordinator

The Council will consider the appointment of a security coordinator to enhance cooperation between EU bodies and third countries and streamline activities in the fight against terrorism.

Measures to Reinforce Practical Cooperation

The Council will focus on measures to reinforce practical cooperation with particular reference to ensuring full recourse to the possibilities offered by the Police Chiefs Task Force, Europol and Eurojust. In addition it will continue to place emphasis on the implementation of existing measures directed to reinforcing such cooperation in the fight against terrorism.

Enhanced Intelligence Cooperation

The Council will examine how to improve mechanisms for cooperation between police and security services and promote effective, systematic collaboration in intelligence services between Member States.

Building on existing cooperation

The Council will give priority to finalizing work on existing measures, which can play their part in combating terrorism. These will include, in particular, taking forward work on the Framework Decision on the Mutual recognition of Confiscation Orders, the development of the second generation Schengen Information System and the new Visa Information System and the proposed European Borders Agency.

Commitments will also be sought from Member States in relation to implementation on an EU-wide basis of existing measures relevant to the fight against terrorism.

Financing of Terrorism

The EU needs to enhance the efficiency and effectiveness of the EU's mechanisms for the freezing of terrorist assets and to identify the movement of terrorist finances. The Council will give priority to taking forward work on the expected Communication on the prevention of terrorist financing and the related legislative proposal for the creation of a network for exchange of information on terrorist financing.

The Guidelines for a Common Approach to the Fight Against Terrorism

A speedy and final agreement on the draft Guidelines for a Common Approach to the Fight against Terrorism would demonstrate the commitment of the Union to prevent and suppress terrorism in a visible and coherent manner.

Increased EU/United Nations Coordination on Terrorism

The Council will work to arrive at agreement on the draft Comprehensive Convention on Terrorism currently under discussion at the UN.

The Presidency will present new initiatives aimed at improving coordination and cooperation between the EU and the UN and in particular ways to support the UN Counter-Terrorism Committee in its work.

External aspects

The Council will seek agreement on a programme for enhancing relations with Third Countries to ensure effective and practical cooperation and joint activities in combating terrorism at a global level.
