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NOTE

from : EU Counter-Terrorism Coordinator
to : Council/European Council
Subject : EU Counter-Terrorism Strategy - discussion paper

Introduction

On 19/20 June 2008, the European Council welcomed the recommendations made by the EU Counter-Terrorism Coordinator (referred hereafter as CTC) in his report¹. This report assesses the progress made in recent months, and the priorities for further action².

¹ 9417/08

² Last report in 15983/08

1. Information sharing

1.1 Towards an EU strategy on information management

The CTC notes with satisfaction that the Ad Hoc Group on Information Exchange has made progress in the implementation of the Swedish Framework Decision (2006/960/JHA) and the Prüm Decisions (2008/615/JHA and 2008/616/JHA) but hopes that this progress will allow this group to concentrate in the coming months more on the vision and strategy on JHA information management.

The CTC therefore welcomes the intention of the future Swedish Presidency to present and agree on an EU information strategy for JHA. To contribute to and facilitate this work, the CTC proposes a draft high level statement (see annex), which could be used as a basis for the part of the Stockholm programme related to information management. This draft statement is the CTC's summary of many discussions with and documents from Member States and in particular the results from the two meetings which the CTC convened with selected delegations and the Commission to discuss the preparations for developing an information strategy.

Finally, the CTC wishes to stress the need for appropriate governance of EU information management, including good governance of this file within the Council structures, and therefore reiterates the recommendation to establish the ad hoc group as a proper and fully-fledged Council working group with a clear and comprehensive mandate and pragmatic working methods.

1.2 Systematic transmission of information to Europol and Eurojust

Council Decision 2005/671/JHA of 20 September 2005 provides for the systematic transmission of information to Europol and Eurojust, which make it possible for the former to carry out strategic and operational analyses and for the latter to coordinate prosecutions.

EUROPOL

In its report to the CTC in May 2009 Europol indicates an improvement in Member States' reporting of criminal investigations with respect to terrorist offences indicating that the Member States regularly share information with Europol on the majority of terrorist incidents and that Europol rarely needs to request information from Member States referring to Decision 2005/671/JHA. Although there is a clear increase in the frequency and timing of reporting, Europol would appreciate further efforts by some Member States to ensure adequate transmission of information.

Furthermore, Europol would welcome a broadening of the Decision's scope. It would be of added value for Europol to receive data on all terrorist incidents, regardless of whether they involve a single Member State or more. This would further improve Europol's products and services such as the EU Terrorism Situation and Trend Report (TE-SAT), threat assessments for the EU Council Summits and others. Only a complete overview of all cases would enable Europol to provide Member States with an adequate overview and assessment of the terrorism situation in Europe.

EUROJUST

Eurojust points out in its report to the CTC in May 2009 that the new Eurojust Decision, which entered into force in September 2008, allows for the registration of convictions in addition to investigations and prosecutions. An update to the Eurojust Case Management System will be implemented in the course of 2009 in order to facilitate statistical extraction of these data for reporting.

Eurojust has been informed by Luxembourg that on 9 March 2009 Luxembourg implemented the Council Decision 2005/671/JHA. Eurojust has received no other updates on legislation.

It is still not a given that all information on final verdicts is provided to Eurojust despite the requirement in the Council Decision. Eurojust would appreciate an improvement of the information exchange in quantity and quality.

Europol and Eurojust will be invited to report again on these issues by November 2009.

1.3 Cooperation between Europol and Eurojust

The negotiating teams of Europol and Eurojust have eventually reached an agreement on the amendments to their cooperation agreement, which the Council requested by end 2008. The CTC hopes that the necessary formalities will be finalised very quickly so that the agreement can be applied. Regular reporting on the implementation of this revised agreement to the Council would be welcome.

1.4 Sharing Internet - related information

Europol has found a way to address the data protection issues related to the Check the Web portal raised by the CTC in his last discussion paper, by embedding the portal in the Analysis Work File (AWF) legal environment. Under the new legal framework the functionalities of and access to the system will remain the same. The CTC thanks Europol for its recent detailed overview of this matter¹.

In its report to the CTC in May 2009 Europol invites Member States to second temporary experts to Europol in order to prepare, assess and upload Member States' contributions to the Check the Web portal. The CTC supports this request as it would increase the amount and quality of information available on the portal and would further encourage the Member States to use the portal. Europol is planning to recruit an additional officer to work with the Check the Web initiative in 2010, but, Europol would appreciate additional support from Member States already prior to that. Europol highly values the past help by Germany through seconded experts which was of great assistance in creating the portal and uploading information. Additionally, Member States should design IT solutions that allow direct access of their CT Unit to the Europol portal.

¹ 9604/09

The CTC thanks Member States for their contributions to the portal but nevertheless encourages the respective authorities to consider a more active cooperation with Europol in that respect, both in terms of the quantity and quality of information.

1.5 Exchange of information with the United States

Following the Final Report of the EU-US High-level Contact Group on data protection and data sharing (HLCG) to the EU-US summit of 10 June 2008, the HLCG has continued to work and managed to find commonalities regarding the outstanding issues identified in the final report. However, with regard to the principles of access to judicial redress, the EU and US experts have not been able to bridge the difference between the EU and the US approach. At political level, the EU has repeatedly made it clear to the US that any differentiation between EU and US citizens with regard to legal remedies in order to protect data, is unacceptable.

The EU and the US have agreed to start work on a roadmap for the preparation of the negotiation of a future agreement. In establishing the general framework for data protection in case of EU-US sharing of data, such agreement should lay down the foundations for an increased sharing of personal data in the transatlantic fight against terrorism and other forms of serious crime.

2. Radicalisation & recruitment

The CTC welcomes the recent implementation plan for the Action Plan on Radicalisation and Recruitment as revised in November last year¹. It is important to have a clear vision as to who is in the lead on the various ideas in the action plan so that they get translated into concrete actions.

The CTC is pleased with the way work has been taken forward on the six topics identified last year and where individual Member States have taken on the lead (UK, ES, DE, SE, NL, DK). This work method has proven its merits in creating shared focus on key challenges. Belgium is now co-sponsoring together with Sweden the work on the role of police officers in recognising and countering radicalisation, just as the Netherlands, the Czech Republic and the UK are partners in the German led project.

Before quickly describing the progress on the six topics, the CTC would like to stress that the key for all six projects is that they aim to identify innovative approaches that can be of model character for other Member States. One needs to identify practical best practices as well as produce concrete operational tools that can be shared with other Member States. Common for all projects is that they will involve and draw upon other interested Member States. This will ensure that the end result will be of concrete relevance to as many as possible.

The CTC would very much like to invite other Member States to take up the challenge as lead Member State on some of the other areas spelled out in our action plan.

On media, the UK organised a very successful informal work session on CT strategic communications on 18-19 February. The findings of the meeting will be discussed by the CT-coordinators on 25 May at their informal gathering, where support will be sought for the suggestions for possible actions.

¹ 9915/09 ADD 1

In the follow-up to this new impetus of ideas, one needs to keep focus on concrete and practical measures to better target the 'counter narrative'. The Media Communication Strategy continues to be a good framework but its follow-up actions need to be more dynamic and reflect the real life situation. Where we might revisit its content, is on the question of the common Lexicon and whether it is in need of an update in a world where the threat assessment does not solely focus on Al-Qaida.

The UK-led work session also underlined the importance of pro-active communication of our general policies to the outside world. The CTC would like to stress that this goes far beyond a CT-concern, but that its focus is more on taking public diplomacy one step further with regard notably to the Arab-Muslim world, where stories about EU-policies are often deliberately misconstrued to put us in a bad light or not sufficiently give us credit for what we actually do. In that context, the importance of appointing an EU Arabic speaking press officer, both in the Commission and in the Council, was again underlined in the recommendations from the work session.

As for imam-training, Spain has taken forward the work by compiling a map of the situation in each Member State based on their own input and responses to a questionnaire. In its first stage, the work will focus on portraying a clear picture of relations between religion and state, the reality of Islam in each Member State as well as the existence of training centres for imams.

The CTC looks forward to seeing this first result. In the second and third stage, focus will be on identifying common challenges and possible solutions and best practice. This will happen through a series of meetings drawing upon relevant national authorities.

As a sub-project of the Check the Web initiative, Germany has taken the lead to address the prevention of terrorist content on the internet with the project "Exploring the Islamist Extremist Web of Europe - Analysis and Preventive Approaches". The project is carried out in partnership with the Netherlands, the Czech Republic and the United Kingdom.

The project will focus on assessing jointly the threat arising from open source violent extremist websites, especially those targeted at European audiences, as well as on possible ways to significantly reduce the dissemination of such content. As part of the project a number of conferences will be held to discuss the findings with other interested Member States.

The CTC is pleased to note that Belgium has joined Sweden leading work on the capacities of local police to recognise and prevent radicalisation. This project will focus on the key role of community policing. Its objective is twofold: first, to create a practical tool to support first line officers in detecting early on the signs of radicalisation and, second, to provide a concrete and operational working method to these police officers involving other local partners. The outcome of the project could also be used as a basis for training within national police academies as well as in Cepol.

On the role of local authorities in preventing radicalisation, the Netherlands is leading an initiative to look closer at how practical best practices at a local level can be shared among EU Member States. The project is taking inspiration from the findings of a recently finished project on recognising radicalisation and the aim will be to develop concrete methods of assisting front line professionals and community activists in their work of understanding and preventing radicalisation.

Finally, on prevention of radicalisation, particularly among young people, Denmark has undertaken a project on de-radicalisation and disengagement based on the inspiration of their national Action Plan to prevent and counter extremist views and radicalization among young people. The project is being carried out by the Ministry of Integration in partnership with the security service and municipalities. Its aim is to develop practical tools such as coaching techniques and mentorship as well as enhancing the contact and interaction between law enforcement and municipal authorities. As for expected output, the aim is to host a conference to raise and share awareness. The publication of a handbook and audiovisual product is also envisaged.

The Alliance of Civilisations

The Alliance of Civilisations has an important role to play in terms of how to prevent extremism and radicalisation. As stated in the report from the High Level Group a key challenge is the relation between the 'West' and the 'Muslim World'. The EU has been working on various initiatives on how to improve these relations and avoid the stereotyped representations of each other. Much still needs to be done. The Alliance has to be encouraged to keep its focus on these issues.

3. External relations

Technical assistance under the Stability Instrument

The most important development in equipping the EU to play a more targeted role in combating terrorism outside the Union has been the inclusion in the 2009-2011 Indicative Programme for the Instrument for Stability (approved by the Commission on 8 April 2009) of the first global counter-terrorism measures developed by the Commission together with experts from EU Member States. Key priorities are Pakistan and Afghanistan as well as the Sahel region in Africa and support the efforts of 3rd countries to implement the relevant UN counter-terrorism related instruments. The programme also includes a significant component to tackle the threat of piracy to critical maritime routes, in particular in the Gulf of Aden, by enhancing the capacity of coastal states to patrol their own territorial waters and exchange information. Links between terrorism and organized crime are addressed in areas such as drugs trafficking from Latin America to Western Africa, trafficking in small arms and light weapons, and illicit trafficking in chemical, biological, radiological and nuclear (CBRN) materials.

This is welcome recognition of the important role the Commission has to play in fighting terrorism by supporting capacity building in third countries. In announcing the new programme, External Relations Commissioner Benita Ferrero-Waldner emphasised that “Commission development programmes must pay close attention to security issues linked with terrorism, organized crime and trafficking.” The CTC will be working hard to help the Commission and future Presidencies put this into practice.

Pakistan/Afghanistan

The CTC's last report to the JHA Council coincided with the Mumbai attacks. Since then the urgency of the need to help Pakistan control terrorism on and from its territory is becoming more and more apparent over the past few months. Pakistan is threatened simultaneously by an insurgency, now spreading beyond the FATA, and a sophisticated terrorist movement, which is launching high profile attacks in major cities. EU interests in Pakistan are under threat, and there is a range of close connections between groups in Pakistan and terrorists operating within the EU. While a military approach to counter insurgency is unavoidable, the military do not offer sustainable solutions and military force cannot be properly applied in response to urban terrorism. A long term solution to the problems facing Pakistan means increasing the capacity of its new democratic institutions to deliver good government on the ground, including proper civil policing and access to a responsive system of justice.

As the CTC found out himself when he visited in January, despite an impressive level of commitment at the top, Pakistan's new institutions are still fragile and in desperate need of both practical and political support. This needs to come as much from Member States as from the EU institutions. In terms of practical support, the EU will work hard to follow up the results of the Commission's scoping mission with EU Member States' experts which visited Pakistan from 25 March to 4 April. The CTC will also be working with the national CT coordination platforms of a number of Member States to host a brainstorming meeting in Brussels for the newly formed Pakistani National Counter-Terrorism Authority. The incoming Swedish Presidency will also seek to organise a COTER Troika with Pakistan.

The up-coming ad-hoc summit with Pakistan on 15 June is a key occasion to demonstrate political support. Further gestures of support for the civilian leadership would help them reinforce their credibility with their own electorate. One must not underestimate the degree of political courage that will be needed to make the necessary steps forward, not least to follow through on the prosecution of those implicated in the Mumbai attacks.

A further welcome development of recent months has been the review of policy in Pakistan and Afghanistan conducted by the new US Administration. This moves US policy towards these two countries more clearly in line with the EU approach. The direct threat to the EU from Afghanistan is currently lower than from Pakistan, due to the immense level of military pressure being applied. But Afghanistan has the same long term needs as Pakistan, and is starting from a much lower base. The two countries thus represent very different challenges, but challenges which need to be tackled in parallel co-ordinated action. The EU has enormous interests at stake in the continued stability of Pakistan and Afghanistan, as set out in the joint Commission/Council Paper just submitted to the PSC¹. Given the scale of the threat across the whole JHA agenda, including the association with narcotics and organised crime, and the vital importance of improved policing and access to justice in addressing that threat, the JHA Council itself might consider discussing this at a future meeting.

Other countries in the region face similar problems, and there may well be opportunities to develop common approaches going more widely than Pakistan and Afghanistan (Bangladesh, Sri Lanka, Central Asia). It is important to promote counter-terrorism approach in South Asia which besides the above-mentioned countries involves also India.

Central Asia

Developments in Afghanistan and Pakistan are linked to security in Central Asia. Thus, building capacity among Central Asian countries to counter extremism, radicalization and recruitment should be a priority for the EU, as border management already is. The EU could enhance the counter-terrorism component of its Strategy for Central Asia , with a regional approach to containing the potential spillover of instability from Afghanistan and Pakistan into the Central Asian neighborhood.

Within the framework of political dialogue with third countries, the EU could consider facilitation of technical assistance in Central Asia that could simultaneously derive tools to counter insurgency in Afghanistan and in Pakistan. Such cooperation would offer safer and less costly conditions for experts and trainees to converge in a Central Asian country next to Afghanistan.

¹ 9620/09

Sahel

The CTC's previous discussion papers identified the risks presented by the Sahel as the second key terrorist threat to the EU. The States of the Sahel are fragile and faced with multi-dimensional threats. Although AQIM has not yet extended its terrorist reach into Europe beyond logistical support, there have been a series of well-publicised kidnappings of EU nationals. One Briton and one Swiss are currently being held by AQIM which is demanding in return the release from jail in the UK of the activist known as "Abu Qatada".

A joint Commission/Council secretariat paper on options for tackling regional security problems has recently been considered by the relevant working group. The JHA Council has also discussed aspects of the underlying problems in looking at trafficking in West Africa. In thinking about the options for assistance to the Sahel countries one needs to consider the role which could be played by the countries of the Maghreb. A number of initiatives have been taken to develop CT co-operation with Morocco and Algeria, but these have had at best a mixed success and there is a need for deeper dialogue on the lessons we can learn from this process.

As an immediate practical contribution to improve the capacity of the countries of the Sahel, the French Government has proposed setting up a regional security academy, with EU support. This is an excellent proposal which will help these countries address the fundamental issue of improving their ability to secure their own territory, as well improve regional coordination by developing personal contact between the countries concerned and giving them a common basis of understanding of security issues.

Yemen/Horn of Africa

In addition to the two priorities of Pakistan/Afghanistan and the Sahel, which the CTC set himself initially, it has become increasingly apparent that there is a growing threat to EU interests in and from the area of Yemen and the Horn of Africa. The Government of Yemen has difficulty controlling large parts of its territory and the country has been the source of large numbers of AQ recruits in the past. Following a number of recent attacks in Yemen and growing indications of organised AQ activity, the CTC arranged to visit Yemen on 6/7 May in parallel with an ad-hoc COTER Troika visit. More detailed follow-up recommendations will follow in due course.

The problems of Somalia are enormous and well known, and there is little role yet which can be played by CT policy as such until there is some kind of functioning Government, but the support being given by the EU to the AU Policing Mission is a welcome start in the right direction. Piracy, being pursued for economic rather than political motives, is not generally considered to be terrorism as such, however it is the source of considerable funding. In 2009 alone so far more than \$ 20 Million has been paid to Somali pirates. While there is no direct evidence that this money has been used to support terrorism, and Al-Shahaab (the main group in Somalia linked to Al Qaida) has taken a strong stance against piracy, it is likely that at least some of this money has gone to armed groups in Somalia which could engage in terrorist attacks on Western interests.

Egypt

On 31 March the EU held its first CT Troika with Egypt. The atmosphere was good, and it would appear that there is significant potential for working with the Egyptians on concrete projects, especially taking into account the central role played by Egypt in Arab popular culture.

EU-US Transatlantic Partnership

The CTC has worked closely with the Presidency and the Commission towards creating an EU umbrella for assistance to the closure of the Guantanamo Bay detention center. The decision whether or not to receive detainees is in the competence of Member States, but given the Schengen dimension, it has an impact on other Member States and Schengen partners. It was decided to create an EU umbrella, which would consist of an internal component (information exchange mechanism) but also has a foreign policy dimension. The CTC, together with the Commission, provided an information paper on Guantanamo closure in February 2009¹.

¹ 7038/09 + ADD 1

Helping the US close Guantanamo would have political significance for the transatlantic relationship. The CTC believes that a prompt and appropriate solution for the individuals currently detained at Guantanamo and closure of the facilities in which they are detained would be in the interest of both the US and the European Union and in the interest of justice, enhance the respect of the rule of law and human rights and contribute to better EU-US relations. While the responsibility for closing Guantanamo lies with the US, the EU has long called for the closure of the Guantanamo Bay detention center and would now be stepping up to the plate help the US realize this important goal. The EU would be helping the US against the background of the ongoing reviews of detention, transfer and interrogation policies in the fight against terrorism, in the expectation that the underlying policy issues would be addressed, to avoid simply recreating Guantanamo elsewhere.

Removing the public obstacle of Guantanamo and addressing the underlying policy issues would create opportunities for deepening EU-US cooperation on counter-terrorism and justice and home affairs. Our common fight against terrorism would be more effective - important recruitment tools to terrorism and obstacles to cooperation would be removed. The EU believes that respecting international law and human rights in the fight against terrorism makes us stronger. President Obama said in his inaugural address "we reject as false the choice between our safety and our ideals". We should show publicly that we are helping the US to turn over a new page.

The CTC also believes that it would be important to take up the invitation by the White House to make a contribution to the Detention Policy Task Force. The EU should be part of the debate on the policies, building on the successful work carried out by COJUR in the EU-US dialogue on counter-terrorism and international law. This very useful dialogue should be continued and deepened. In 2010, the EU and the US could try to work towards a joint declaration on international law principles applicable to the fight against terrorism, highlighting areas of agreement.

4. Organisation of the work of the Council

The CTC finds it very helpful to meet at least once a year, on an informal basis, his counterparts in the Member States. These meetings give the CTC a "reality check" on how policy at the EU level can really add value to national efforts. The next meeting will take place on 25 May. In this context the CTC encourages each Member State to designate one senior official who has an "helicopter" view of all the CT-related policies.

5. Implementation

Addendum 1 to document 9715/09 shows the status of transposition by the Member States of the instruments adopted by the Union and the Community, and the status of ratification of the Conventions adopted by the Union or concluded in the Council of Europe or the United Nations.

For the third time, the CTC has to voice strong concern that instruments which are crucial to improving the prevention and combating of terrorism have still not been transposed or ratified.

The situation is particularly acute with regard to:

- the 2005 Directive on money-laundering and terrorist financing and the 2006 Directive on the retention of telecommunications data/access to internet,
- the Framework Decisions of 2003 on the freezing of property and of 2005 on cyber crime,
- Protocol to the Convention of 29 May 2000 on mutual assistance in criminal matters of 16 October 2001,
- the two agreements between the European Union and the United States of 2003 concerning extradition and mutual assistance in criminal matters.

6. Varia

In addition to the points raised in his two previous reports, the CTC wishes to draw the attention of the Council/European Council to the following issues :

6.1 Terrorist financing

On 6 May 2009 the CTC submitted to Coreper his first report on the implementation of the revised Strategy on Terrorist Financing¹. The report provides an overview on progress made on the 8 Recommendations mentioned in this revised Strategy.

As regards the NPO-sector the results of two studies have been presented by the Commission to Member States and representatives of the sector. One important indication of the studies is that some guidelines could be useful in order to assist NPOs to comply with existing obligations. The CTC considers it necessary to step up the work currently being done and invites the Commission to come with proposals that will assist Member States in tackling the possible misuse of charitable organisations for terrorist financing. The objective should be the full compliance of EU Member States with FATF Special Recommendation on terrorist financing VIII on charities.

6.2 Security-related research

The CTC invites the incoming Swedish Presidency to deepen the work undertaken by the French and Czech Presidencies² in the field of security-related research. The forthcoming final report of ESRIF will allow the Council to address questions like how and where to spend the 1.4 Billion Euros earmarked for security-related research in the 7th Framework Programme, how to increase the synergies in the field of research between Defense and Internal Security, how to structure and develop the currently fragmented EU security market and the need to create a European Security Label.

¹ 8864/1/09

² 7887/1/09

6.3 Cyber security

The Implementation report on the European Security Strategy (ESS) approved by the European Council in December 2008 emphasises that modern economies are heavily reliant on critical infrastructure including transport, communication and power supplies, but also the internet. The EU Strategy for a Secure Information Society, adopted in 2006 addresses internet-based crime. The EU and Member States have also been actively pursuing strategies to monitor and challenge terrorists who use the internet, for planning, communications, proselytising and propaganda, as described above.

However, attacks against private or government IT systems in EU Member States have given this a new dimension, as a potential new economic, political and military weapon. So far, while there is evidence of cyber attack being used as a political weapon, this would seem to be at the instigation of States rather than terrorist groups. But this situation clearly needs to be kept under close review. The ESS identified that more work is required in this area, to explore a comprehensive EU approach, raise awareness and enhance international co-operation. The CTC welcomes the seminar jointly organised by the Policy Unit of the Council Secretariat and the EU Institute for Security Studies on 4 February 2009 and the Commission's recent Communication on protecting Europe from large scale cyber-attacks and disruptions.

6.4 CBRN threat

There is no evidence at all that the new “Mexican Swine-Flu” virus has its origins in any kind of terrorism. However, its spread and the effectiveness of measures co-ordinated by the WHO against it are a valuable object lesson in how the World could react to protect itself against a terrorist attack using biological weapons.

In this context, in January 2009 the CBRN Task Force set up by the Commission issued a report containing an impressive number of recommendations on the basis of which the Commission has drafted an EU CBRN Action Plan which will be submitted to the Council on 10 June 2009. The CTC welcomes the intention of the incoming Swedish Presidency to reach a political agreement in the Council on this very important subject by the end of 2009.

6.5 Fight against other Terrorist Organisations

The EU has a clear strategy for dealing with international terrorism, and the Member States most closely affected have developed effective strategies for dealing with terrorism on their own soil, making increasing use of the cross-border cooperation tools developed within the EU. The very close cooperation between the French and Spanish intelligence, law enforcement and prosecution services against ETA is emblematic of the success of this. However, we face a political and practical challenge in dealing with movements which use terrorist methods to pursue a political agenda outside the EU, but within the EU confine themselves to non directly CT-related crimes. The obvious current examples of such movements are the LTTE and the PKK. In both cases the organisations themselves are subject to asset freezes because of their terrorist activity, but both find ways, including through the use of front organisations, to raise funds and also to engage in the promotion of terrorism as a means to address their political grievances.

Such issues are complicated by, and themselves have the ability to complicate, the EU's wider political relationships with the countries concerned. As a test case for how the EU can address these problems, and following discussion last year in the Article 36 Committee, the CTC has made proposals for addressing the problems posed by the PKK which will be discussed by the Article 36 Committee on 19 May.

7. Conclusion

As shown in this discussion paper as well as in the report on the implementation of the strategy and Action Plan to combat Terrorism¹, significant progress has been achieved in the four strands of the EU strategy.

On the external side, there seems to be an opportunity to open a new chapter in transatlantic relations. The CTC welcomes the emphasis put by the EU on supporting the new Government of Pakistan. However the situation threatens to worsen faster than we can formulate our policy response.

¹ 9715/09

High-level statement about an EU information management strategy (IMS)

Over the past years, information management in the area of Justice and Home Affairs has been developed on an ad hoc basis, responding to diverse operational needs. As a consequence, there is now a wide choice and extensive toolbox for collecting, processing and sharing of information but also a realisation of the need for coherence and consolidation. This is reinforced by the fact that in the face of the growing number and complexity of crime phenomena [as well as the economic downturn] , the EU and the Member States individually are obliged to maximise the limited resources.

The Council will therefore draw up an EU information management strategy (IMS) for JHA for the coming years, setting out goals, deadlines, roles and processes. An appropriate involvement of the European Parliament would be welcomed.

The strategy will be based on the following principles.

- (1) Information management is an essential tool in providing citizens with a high level of safety within an area of freedom, security and justice but it remains a means to an end, not a purpose in itself. As a consequence,
 - priorities set in the information management strategy must (cor)respond to priorities set for the JHA area, which should be intelligence-led
 - information management shall be purpose-based (as opposed to competence-based)

- (2) The EU information management shall be such as to entail
 - a strong data protection regime, which underpins the whole strategy and each of the tools but which also provides for real and regular post-operational checks and ensures that appropriate sanctions are effectively applied in case of breaches
 - on that basis, an enhanced trust between competent authorities leading to an attitude of data sharing by default: the necessary importance and financing should be given to awareness-raising and training about the available tools and their use

- a better targeted data collection both to protect the rights of citizens and to avoid a data tsunami for the competent authorities; on that basis, a more flexible use of the collected data where the purpose of the information management so requires (i.e. for serious crime)
- a rationalisation of the different tools with a view to simplifying the work of the competent authorities (both the user communities and those developing the IT support)
- an accompanying evaluation mechanism that is pragmatic, relevant and resource-effective; as a consequence, it should be subject- and not competence-based, it should not be limited to certain (legal) instruments and it should be ensured that lessons learned from the evaluation can be implemented.

(3) The EU JHA information management strategy shall recognise and cater for the multi-disciplinary approach needed to develop the Area of Freedom Security and Justice. To that end

- measures shall be taken to ensure that information exchange is not hampered by competence-based reasons (mutual recognition of different judicial systems)
- IT support and standardisation shall be as horizontal as possible (including information models, data models, system architecture)
- a streamlined and reinforced data security regime shall be put in place, coordinated at and between both the EU and national level

(4) The necessary structures need to be (set) in place to ensure the implementation and management of the different information management tools. Certain of these structures will be at EU level and should be coordinated. However, the main role of implementation belongs to the Member States, which should ensure that their national information management strategy is in place and in line with the EU strategy. (governance)

(5) The Council will organise itself appropriately to ensure that all concerned parties are involved but also that the overall coordination and coherence is ensured. For this to work properly, intensive coordination at national level in the Member States is required. (processes)
