



**COUNCIL OF
THE EUROPEAN UNION**

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From: General Secretariat
To: COREPER / Council

No. prev. doc.: 9646/10 ENFOPOL 127 COTER 35
8809/10 ENFOPOL 107 COTER 32
5569/1/10 REV 1 ENFOPOL 21 COTER 5

Subject: Draft resolution of the Council and of the representatives of the governments of the Member States meeting within the Council on the setting up of ad hoc multinational teams with third countries

1. The transnational character of terrorism, combined with the fact that in many cases terrorists flee to places outside the EU to escape justice and continue with terrorist activities, shows the growing need for cooperation not only between EU Member States but also with third countries similarly affected by terrorism.
2. The Presidency therefore proposes to establish ad hoc multinational teams with third countries when necessary, for the period required and on a voluntary basis, with the objective to improve knowledge on the activities of terrorist networks and organisations within or outside the EU and to exchange information in relation to terrorist activities and radicalisation processes in order to improve awareness on planning of attacks by terrorists affecting EU Member States. The teams would be composed of counter terrorism experts from the EU Member States and from the third countries affected. The content and form of any agreement setting up such teams is to be decided on a case-by-case basis.

3. The Working Party on Terrorism discussed at its meetings on 27-28 January and 17 March 2010 the Presidency's proposal for draft conclusions of the Council and of the representatives of the governments of the Member States meeting within the Council on the setting up of multinational investigation teams with third countries (doc. 5569/10 ENFOPOL 21 COTER 5 and 5569/1/10 REV 1 ENFOPOL 21 COTER 5).
4. On the basis of these discussions, the Presidency proposed a revised document - a draft resolution of the Council and of the representatives of the governments of the Member States meeting within the Council on the setting up of ad hoc multinational teams with third countries (doc. 8809/10 ENFOPOL 107 COTER 32) - which was discussed at the Terrorism Working Party meeting on 12 May 2010.
5. As a result of the negotiations, an amended version of the draft resolution (doc. 9646/10 ENFOPOL 127 COTER 35) was proposed to the CATS meeting of 18 May 2010, which agreed on the document subject to minor changes and a reservation by the UK delegation.
6. COREPER is invited to confirm the agreement on the text of the draft resolution, as set out in annex, and to submit it to the Council for approval.

DRAFT RESOLUTION OF THE COUNCIL AND OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES MEETING WITHIN THE COUNCIL ON THE SETTING UP OF AD HOC MULTINATIONAL TEAMS WITH THIRD COUNTRIES

1. Today terrorism is largely transnational in nature, as can be seen most clearly in the case of international terrorism, which often takes the form of destructive action against civilian and religious targets in countries geographically distant from conflict zones.
2. Efforts to combat such a threat are generally hampered by the way in which terrorism extends across various parts of the world, with a high likelihood that an attack carried out in one country will have been organised in another. The perpetrators may travel to the target country for the sole purpose of committing the offence and draw on assistance from support networks which are hard to trace, having been established in the country long before the terrorist operations began. This makes an immediate, effective response extremely difficult.
3. Terrorists operate on a transnational scale, both in preparing and organising attacks and in carrying them out. Renewed cooperation between competent authorities in preventing terrorism would increase the efficiency of combating terrorist action, in particular if focused on the initial stages of the offence i.e. the planning and preparation of an attack.
4. Therefore Member States should expand their knowledge of the composition, activities and aims of terrorist organisations with a presence or influence within the European Union and in third countries, by means of continued cooperation between their competent authorities, Europol and SitCen.

5. In the fight against terrorism that extends beyond EU borders, countries outside the EU are involved in counter-terrorism cooperation. The efficiency of such cooperation could be further enhanced on a case by case basis by establishing ad hoc multinational teams with third countries.
6. Such ad hoc multinational teams are subject to the national legal framework of the involved Member States and third countries. These teams will be developed on a voluntary and informal basis. EU practices in Joint Investigation Teams (JIT) could be used as a basis for establishing such teams.
7. If such closer cooperation between Member States and third countries includes exchange of personal data, relevant national and EU data protection standards have to be applied.
8. When such ad hoc multinational teams are established between Member States and third countries, Member States involved are invited to inform the relevant competent Council bodies on best practices and efficiency of a particular multinational team when appropriate.
