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Subject: Policy recommendations on counter-terrorism:

1. Islamist Extremism: Impact and role of prisons in Europe
2. Assessment of the influence of returning jihadists on European radicalisation and recruitment
3. Terrorist Movements and Travel Patterns
4. What deters terrorists?
5. Terrorist threat to rail networks and underground systems

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 May 2006

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REV 2

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"I/A" ITEM NOTE

From: Article 36 Committee

To: COREPER/Council

Subject : Policy recommendations on counter-terrorism:

1. Islamist Extremism: Impact and role of prisons in Europe
2. Assessment of the influence of returning jihadists on European radicalisation and recruitment
3. Terrorist Movements and Travel Patterns
4. What deters terrorists?
5. Terrorist threat to rail networks and underground systems

Introduction

1. On the basis of the Joint Situation Centre papers the Terrorism Working Group discussed what action was required. From that discussion the Presidency drafted a set of policy recommendations for future action. These recommendations were discussed in the TWG on 3/4 April 2006, where, following discussion and broad agreement, it was agreed that they would be sent to CATS. At its meeting of 11/12 April 2006 the Article 36 Committee suggested a number of amendments, which were incorporated in the text of the recommendations. Subsequently the recommendations were distributed to delegations via the BdL system and further amended on the basis of the comments received from the various delegations.

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2. The policy recommendations are set out in the Annexes 1 to 5 and were agreed by the Article 36 Committee at its meeting of 16/17 May 2006.
3. On this basis COREPER is requested to invite the Council to approve the policy recommendations as set out in the Annexes 1 to 5 in view of their integration in due course into the EU Counter-Terrorism Action Plan.

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The Terrorism Working Group offers the following recommendations on the basis of its consideration of the EU SitCen paper “*Islamist Extremism: Impact and role of prisons in Europe*” and based on the discussions and presentations given at the Seminar “Radicalisation and recruitment” in Trier. The recommendations should be read in conjunction with the Action Plan on radicalisation and recruitment as well as with the EU Action Plan on Combating Terrorism and should further develop the measures reflected in these action plans:

See Action Plan on radicalisation and recruitment: Points 8, 27 and 34

See Action Plan on Combating Terrorism: Points 1.1.5., 1.4.3. and 3.1.8.

1. Member States should ensure that their prison staff and prison imams where applicable, are trained to recognize radicalisation and recruitment. Visitors should be screened and staff should be security cleared. Relevant training programmes should be foreseen. Where possible EU financing programmes should be used to support the training of prison staff as well as the awareness-building of imams and other spiritual counsellors.

ACTION: MEMBER STATES AND COMMISSION

2. Member States should ensure close co-operation of their prison authorities with their security and intelligence agencies and law enforcement authorities in order to exchange relevant information in accordance with the national law. Subject to national legislation Member States should gather information regarding networks created or operating in prisons.

ACTION: MEMBER STATES

3. Member States should develop a strategy to avoid radicalisation and recruitment in prisons as appropriate and exchange best practices in this respect. For the development of this strategy the Commission should be asked to support the efforts by commissioning academic studies.

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ACTION: MEMBER STATES, COMMISSION AND COUNCIL

4. Member States should equally take appropriate and effective measures in order to encourage religiously motivated extremists to turn away from extremism and to renounce violence and exchange best practices in this respect (Exit Strategy). The Commission can support these measures by commissioning relevant academic studies.

ACTION: MEMBER STATES, COMMISSION AND COUNCIL

5. Member States should in cases of criminal offences ensure in accordance with the national law an adequate exchange of all relevant information regarding radicalisation and recruitment in their prisons between their law enforcement authorities and Europol

ACTION: MEMBER STATES AND EUROPOL

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The Terrorism Working Group offers the following recommendations on basis of its consideration of the EU SitCen paper “*Assessment of the influence of returning jihadists on European radicalisation and recruitment*” and based on the discussions and presentations given at the Seminar “Radicalisation and recruitment” in Trier. The recommendations should be read in conjunction with the Action Plan on radicalisation and recruitment as well as with the EU Action Plan on Combating Terrorism and should further develop the measures reflected in these action plans:

See Action Plan on radicalisation and recruitment: Points 31, 34 and 36

See Action Plan on Combating Terrorism: Points 1.1.2., 3.2. (all), 2.5. and 3.1.5.

1. Member states should encourage co-operation between the security and intelligence agencies and law enforcement authorities in order to ascertain the number of the jihadists present in the territory and, where possible, the identity of the persons involved.

ACTION: MEMBER STATES

2. Member states should also ensure close co-operation between their law enforcement authorities and Europol regarding returning jihadists.

ACTION: MEMBER STATES AND EUROPOL

3. Community policing should be promoted through special training.

ACTION: MEMBER STATES AND CEPOL

4. Border control measures need to be improved both with regard to persons entering and leaving the EU. In this respect the Member States border guards should be trained effectively and best practices should be shared. Where possible, full use should be made of the Schengen Information System as well as the VISA Information System. EU financing programmes should be used to support the improvement and training in this context.

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ACTION: COUNCIL, COMMISSION, MEMBER STATES, European Parliament AND FRONTEX

5. Member States' law enforcement authorities and security services should consider how best to respond to the threat of returning jihadists, given that arrest and detention on entering the European Union may not be possible.

ACTION: MEMBER STATES, COMMISSION AND COUNCIL

6. In accordance with national legislation it should be considered to prosecute returning jihadists for their actions outside of Europe, especially in relation to EU citizens.

ACTION: MEMBER STATES, COMMISSION AND COUNCIL

7. In relation to non EU citizens, the possible consequences of their involvement in the global jihad on their residence status should be considered.

ACTION: MEMBER STATES, COMMISSION AND COUNCIL

8. In case prosecution is possible, judicial authorities in the Member States, and if appropriate, Eurojust, and Europol should co-operate in order to effectively prosecute returning jihadists.

ACTION: MEMBER STATES, COMMISSION, COUNCIL, EUROJUST AND EUROPOL

4. Encourage Member States to pool through Europol details of the various documents used to verify identity (such as passports, driving licences and identity cards) recovered in law enforcement action against terrorists.

ACTION: MEMBER STATES AND EUROPOL

5. Encourage Europol to explore the possibility of disseminating this information to border officials and other parties which rely on the ability to verify identity documents, such as authorities assessing asylum and benefit claims, driving licence issuers and financial institutions.

ACTION: MEMBER STATES AND EUROPOL

6. Encourage the effective sharing of information on lost and stolen passports in a timely fashion, including through Interpol, and ensure that systems are in place to disseminate this information to border officials and other parties which rely on the ability to verify identity documents, as above.

ACTION: MEMBER STATES, COMMISSION AND EUROPOL

7. In bilateral exchanges with countries outside the EU, encourage all possible measures to limit the production and availability of false documentation to terrorists.

ACTION: MEMBER STATES AND COMMISSION

The Terrorism Working Group offers the following recommendations on the basis of its consideration of the EU SitCen paper “*What deters terrorists?*”. They do not consider the questions of radicalisation and recruitment which are not addressed in the SitCen paper and which are dealt with separately in the EU Strategy and Action Plan on Radicalisation and Recruitment. The recommendations should be read in conjunction with the respective measures in the EU Action Plan on Combating Terrorism.

Protective Security

1. Given that the deterrence of terrorist attacks is a major consideration in the development of the Programme on Critical Infrastructure Protection (CIP), being taken forward by the Commission with Member States’ CIP representatives in ProCiv, it will be important for TWG representatives to be able to bring their specific expertise to bear on this work. To this end, TWG representatives are encouraged to work with their ProCiv delegations at national level and should be given the opportunity to discuss the programme (possibly in a joint meeting with ProCiv in CIP expert format).

ACTION: MEMBER STATES, TWG AND COMMISSION

2. The Programme on CIP does not remove the need for Member States to develop their own capacities to protect their people and assets, working where necessary on a bilateral or multilateral basis to build up capacities through, for instance, the exchange of best practice. It is expected that the CIP programme will facilitate this process.

ACTION: MEMBER STATES, COUNCIL AND COMMISSION

3. Ongoing work should also give due consideration to developing and introducing means to protect other likely, non-critical infrastructure terrorist targets, notably places where large numbers of people gather.

ACTION: MEMBER STATES, COUNCIL AND COMMISSION

Media coverage of terrorist incidents

4. Mindful of ongoing work at the Council of Europe on terrorism and the media, including the statement of the Assembly of the Council of Europe of 20 June 2005, and of the fundamental importance of the right of freedom of expression, consider the value of exploring with media outlets, as appropriate, the possibility of their establishing a voluntary code of conduct for the reporting of terrorist incidents.

ACTION: MEMBER STATES, COUNCIL AND COMMISSION

Research into the psychology of a terrorist

5. Pursue research into how different measures may influence a would-be terrorist's mindset and reduce the likelihood of their going through with planned attacks. Factors to consider include the relative influence of different protective security measures, environmental factors such as levels of public vigilance, and media coverage of other terrorist incidents.

ACTION: MEMBER STATES, COMMISSION AND EUROPOL

6. Examine the degree to which existing research on deterring criminality could be applied to deterring terrorism.

ACTION: MEMBER STATES, COMMISSION AND EUROPOL

The Terrorism Working Group offers the following recommendations for possible adjustments to the CT action plan on the basis of its consideration of the EU SitCen paper “*Terrorist threat to rail networks and underground systems*”. The recommendations should be read in conjunction with the respective measures in the EU Action Plan on Combating Terrorism.

1. Improve the sharing of information between EU Member States and, where appropriate, Europol on the terrorist threat to rail and underground networks in order to inform their security responses and their co-ordinated contributions in international fora. The information should include details regarding the actual and probable modus operandi used by terrorist organisations.

ACTION: MEMBER STATES AND EUROPOL

2. Member States and Commission to use their bilateral and multilateral dialogues with third countries, particularly those with rail connections into the EU, and international fora, such as the G8, to underline the current threat to railway and underground security and to press for responsible and robust security regimes.

ACTION: MEMBER STATES AND COMMISSION

3. Mindful of Commission proposals for security-related research and development (R&D), Member States to examine the scope for best practice exchange/co-coordinated research into means of intercepting attempts to take or place (improvised) explosive devices on trains and in railway stations. Areas to explore here include:
 - promoting the development of screening technologies with improved detection, throughput and reliability rates;
 - further consideration of how to detect and respond to a Chemical, Biological, Radiological or Nuclear (CBRN) attack; and
 - promoting research to improve understanding of the human factors (both passengers and staff) in rail and underground security.

ACTION: MEMBER STATES AND COMMISSION

4. Member States to continue to monitor and enforce agreed common standards on the security of the transport of dangerous goods by rail; Commission to assist and encourage Member States in this where necessary. Common standards should be enforced both within the European Union and should be encouraged in all third States with rail connections into the EU.

ACTION: MEMBER STATES AND COMMISSION

5. Consider and, as appropriate, support the work towards an EU Programme for Critical Infrastructure Protection in relation to rail and underground networks, done in the framework of other council working groups.

ACTION: MEMBER STATES AND COMMISSION

6. Mindful of the role members of the public and in particular the customers of railway systems can play in the detection and prevention of possible terrorist threats, Member States and the Commission to raise the security awareness of the public in general and the customers of railway systems, in particular how they report suspicious items and behaviour to appropriate authorities.

ACTION: MEMBER STATES AND THE COMMISSION

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