



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.07.2002
COM(2002) 439 final

2002/0196 (CNS)

Proposal for a

COUNCIL DECISION

**on the financing of certain activities carried out by Europol in connection with
cooperation in the fight against terrorism**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. INTRODUCTION

Article B5-822 of the European Union budget for 2002 carries €5 million to provide Europol with the necessary resources to step up and coordinate action by Member States to combat terrorism and to set up an anti-terrorism control centre and communications systems.¹

This appropriation is entered in Chapter B0-40 (provisions) until there is a basic instrument to cover the financing of Europol's activities from the European Union budget. This Decision will make it possible to use this appropriation.

Commission staff have produced a draft Council Decision to create the legal basis to enable the funds to be used and to describe the activities they will finance. The activities indicated in the text have been established on the basis of proposals made by Europol.

According to the budgetary details supplied by Europol, expected expenditure on launching these activities will be €3 038 600, significantly less than the amount in the reserve.

2. COUNCIL DECISION: ARTICLES

Article 1 - purpose of the Decision

Article 1 defines the activities (in the annex) to be carried out by Europol to step up and improve coordination of the fight against terrorism. The annex is an integral part of the Decision.

Article 2 - type of expenditure

Article 2 classifies the expenditure approved by this Decision as operational expenditure.

Article 3 - monitoring and evaluation procedures

This article sets out the procedures for monitoring and evaluating the activities on the basis of quarterly reports to be presented to the Commission. The Commission will also report annually to the European Parliament and the Council on the progress made.

Article 4 Entry into force

The Decision will take effect on the day following that of its publication.

¹ OJ L 29, 31.01.2002, p. 1046.

Annex

The annex provides a summary of the activities proposed by Europol. They are as follows:

- The establishment of an information network to exchange information in real time on the characteristics of explosive devices used to carry out terrorist acts.
- The creation of a communications system to enable special police operations units to exchange information swiftly.
- The creation of an operations coordination centre within Europol to support Member States when conducting anti-terrorist operations or dealing with terrorist situations. Member States will be able to use the centre as a communications, control, command or information centre as necessary.
- The development of a European method for analysing terrorist threats and risks.

Proposal for a

COUNCIL DECISION

on the financing of certain activities carried out by Europol in connection with cooperation in the fight against terrorism

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(2)(a) and (b) and Article 34(2)(c) thereof;

Having regard to the proposal from the Commission,²

Having regard to the opinion of the European Parliament,³

Whereas:

- (1) Article 29 of the Treaty on European Union states that the Union's objective is to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police and judicial cooperation, particularly in the fight against terrorism.
- (2) Terrorism is one of the most serious threats to the life and safety of citizens, to democracy, to the free exercise of human rights and to economic and social development.
- (3) The conclusions of the Tampere European Council call for increased cooperation between the authorities in the Member States and Europol on the prevention, analysis and investigation of crime, including terrorism, at Union level.
- (4) The European Council of 21 September 2001 drew up a European Union action plan in response to the attacks on the United States and called for operational measures to be taken to step up police cooperation in the fight against terrorism.
- (5) The Europol Convention⁴ assigns to Europol the objective of improving the effectiveness and cooperation of the competent authorities in the Member States in preventing and combating terrorism. The Council Framework Decision of 13 June 2002 on combating terrorism⁵ also recalls that Europol's remit includes dealing with crimes committed or likely to be committed in the course of terrorist activities,

² OJ C [...], [...], p.[...].

³ OJ C [...], [...], p.[...].

⁴ OJ C 316, 27.11.1995 p. 2.

⁵ OJ C 164, 22.6.2002 p. 3.

HAS DECIDED AS FOLLOWS:

Article 1

Europol shall carry out the activities referred to in the Annex to step up and coordinate the fight against terrorism.

Article 2

The cost of implementing this Decision shall be considered operational expenditure for the purposes of Article 41(3) of the Treaty on European Union.

Article 3

- (1) Europol shall submit a quarterly progress report to the Commission on the activities referred to in the annex.
- (2) Once a year, Europol shall present a detailed report to the Commission on all activities carried out on the basis of this Decision.
- (3) The Commission shall report annually to the European Parliament and the Council on measures taken by Europol on the basis of this Decision. The first report shall be presented before 31 January 2003.

Article 4

This Decision shall enter into force on the first day following that of its publication in the *Official Journal of the European Communities*.

Done at Brussels,

For the Council
President
[...]

ANNEX 1

ACTIVITIES TO BE FINANCED.

Project 1: European Union Bomb Data Network

Summary: An EU wide bomb database accessible from workstations in the Counter-Terrorism Communication Network (an extendable secure communication network for the exchange of confidential operational data in real time in relation to all counter-terrorism related information and intelligence). MS will be able to exchange and disseminate data on explosive devices in real time.

Relevance: Law enforcement agencies need access to EU-wide technical data immediately when faced with bomb incidents and threats. The use of the EU bomb database would help identify terrorists from their modus operandi, and ultimately could save lives and protect property by a fast and targeted response to incidents.

Expected results: An EU bomb data network will contribute to protecting the lives and property of EU citizens and to an approximation of working practices in this area in the EU.

Budget: The total cost of equipment, maintenance, training, travel and operational costs for such a Bomb Data Network is estimated at around € 1 700 000.

Project 2: Communication Network for Special Intervention Units

Summary: Secure communications, including mobile links, for sending information quickly to assist the Special Intervention Units of Member States, which act under great time pressure, in resolving terrorist incidents. This will facilitate the planning and preparation of intervention in terrorist incidents by having a fast and secure way of transmitting such information (e.g. voice messages, graphics, video, text, fingerprints).

Relevance: This project is necessary to enable Special Intervention Units to exchange information quickly, reliably and securely in the face of a terrorist threat or incident.

Expected results: The creation of a communication network for Special Intervention Units for the exchange of relevant information. Fast, efficient and secure exchange of information could result in Special Intervention Units being better placed to save the lives of EU citizens.

Budget: The cost of the equipment, maintenance, training and travel involved in setting up such a platform is estimated at around € 500 000.

Project 3: Operation Control Centre

Summary: A set of premises with facilities for Member States to carry out communications, intelligence exchange and command and control activities in major terrorism incidents and crisis situations. The premises would be based at Europol and would contain a control room, a co-ordinator room, a meeting room, an analysis room, an archive room and a technical room. It would also involve the counter-terrorism communication network and a computer network.

Relevance: A control centre to handle international information exchange would be necessary in the face of a major terrorism incident, in particular an incident involving weapons of mass destruction (nuclear, biological, chemical, radiological). In the wake of 11 September,

Europol had to deal with answers and request on InfoEx, threat assessment, security measures and other reports.

Expected results: Such co-ordination and communication facilities would guarantee an early warning network capable of handling information exchange in real time on terrorist activities or incidents. The communications network would link Europol's Control Centre with National Operation Centres in Member States.

Budget: The cost of equipment, maintenance, training and travel involved in setting up the control centre is estimated at around € 500 000.

Project 4: Development of a common methodology for terrorism threat and risk assessments

Summary: Europol and Member States have to produce threat and risk assessments on terrorism. The events of 11 September have highlighted the need for these to be prepared thoroughly. Specialist of Member States and Europol should therefore meet to agree on a common, rigorous methodology for the preparation of such threat and risk assessments. This will be done in the form of a seminar.

Relevance: A common and rigorous methodology would result in improved risk and threat assessments in Member States and in the European Union as a whole. This would, in turn, result in better planning of counter-terrorism activities and a better resource allocation in the fight against terrorism and organised crime projects in the EU.

Expected results: An EU-wide agreed methodology for threat and risk assessments on terrorist issues.

Budget: The total costs (speakers, travel, catering, translation, staff, aftercare and overheads) of the seminar are estimated at €336 800.

LEGISLATIVE FINANCIAL STATEMENT

Policy area(s): Area of freedom, security and justice.

Activity(ies): Judicial and police cooperation. Combating terrorism.

TITLE OF ACTION

**FINANCING OF CERTAIN ACTIVITIES CARRIED OUT BY EUROPOL IN CONNECTION WITH
COOPERATION IN THE FIGHT AGAINST TERRORISM**

1. BUDGET LINE(S) + HEADING(S)

B5-822: Europol

2. OVERALL FIGURES

2.1 Total allocation for action (Part B): EUR million for commitment

€3.0368 million

2.2 Period of application:

2002

2.3 Overall multiannual estimate of expenditure:

- a) *Schedule of commitment appropriations/payment appropriations (financial intervention) (see point 6.1.1)*

EUR million (to 3rd decimal place)

| | Year 2002 | [n+1] | [n+2] | [n+3] | [n+4] | | Total |
|-------------|--------------|-------|-------|-------|-------|--|--------|
| Commitments | 3,0368 | | | | | | 3,0368 |
| Payments | 3,0368 | | | | | | 3,0368 |

- b) *Technical and administrative assistance and support expenditure (see point 6.1.2)*

| | | | | | | | |
|-------------|--|--|--|--|--|--|--|
| Commitments | | | | | | | |
| Payments | | | | | | | |

| | | | | | | | |
|--------------|--------|--|--|--|--|--|--------|
| Subtotal a+b | | | | | | | |
| Commitments | 3,0368 | | | | | | 3,0368 |
| Payments | 3,0368 | | | | | | 3,0368 |

c) Overall financial impact of human resources and other administrative expenditure (see points 7.2 and 7.3)

| | | | | | | | |
|--------------------------|--|--|--|--|--|--|--|
| Commitments/ payments | | | | | | | |
|--------------------------|--|--|--|--|--|--|--|

| | | | | | | | |
|-------------|--------|--|--|--|--|--|--------|
| TOTAL a+b+c | | | | | | | |
| Commitments | 3,0368 | | | | | | 3,0368 |
| Payments | 3,0368 | | | | | | 3,0368 |

2.4 Compatibility with the financial programming and the financial perspective

Proposal compatible with the existing financial programming

[...] This proposal will entail reprogramming of the relevant heading in the financial perspective

[...] This may entail application of the provisions of the Interinstitutional Agreement.

2.5 Financial impact on revenue⁶

No financial implications (involves technical aspects regarding implementation of a measure)

OR

[...] Financial impact - the effect on revenue is as follows:

million (to 1 decimal place)

| | | Prior to action (Year n-1) | Situation following action | | | | | |
|----------------------------|-------------------------------------|-------------------------------|----------------------------|-------|-------|-------|-------|-------|
| Budget heading(s) involved | Revenue | | Year n | [n+1] | [n+2] | [n+3] | [n+4] | [n+5] |
| | a) <u>Revenue in absolute terms</u> | | | | | | | |
| | <u>Change in revenue</u> | Δ | | | | | | |

⁶ For further information see a separate guidance paper.

3. BUDGET CHARACTERISTICS

| Type of expenditure New | | EFTA participation | Participation applicant countries | Heading Financial Perspective | Comp/ Non- comp |
|-----------------------------------|----|-----------------------|---|-------------------------------------|----------------------|
| Non- compulsory expenditure | DA | Yes | No | No | Internal policies |

4. LEGAL BASIS

Article 30(2)(a) and (b) and Article 34(2)(c) of the Treaty on European Union

5. DESCRIPTION AND GROUNDS

5.1 Need for Community intervention⁷

5.1.1 Objectives pursued

Article B5-822 of the European Union budget for 2002 European has a budget of €5 million to provide Europol with the necessary resources to step up and coordinate Member State activities to combat terrorism and to set up an anti-terrorism control centre and communications systems.⁸

This appropriation is entered in Chapter B0-40 (provisions) until there is a basic instrument for financing Europol's activities in the European Union budget. This Decision will make it possible to use this appropriation.

5.1.2 Measures taken in connection with *ex ante* evaluation

5.1.3 Measures taken following *ex post* evaluation

Europol will submit a quarterly progress report to the Commission on the activities referred to in the annex.

Once a year, Europol will present a detailed report to the Commission on all activities carried out on the basis of this Decision.

5.2 Actions envisaged and arrangements for budget intervention

- (1) Development of a secure communications network to exchange information and confidential data on anti-terrorist activities. This network will provide the technical support for projects 2 and 3. The creation of a computerised network for storing and exchanging information on the characteristics of explosive devices used to carry out terrorist acts. € 1 700 000
- (2) Creation of a communications system to enable special police operations units to exchange information swiftly. € 500 000

⁷ For further information see the separate explanatory note.

⁸ OJ L 29 of 31/01/2002, p. 1046.

- (3) Creation of an operations coordination centre within Europol to support Member States in conducting anti-terrorist operations or dealing with terrorist situations. Member States will be able to use the centre as a communications, control, command or information centre as necessary. € 500 000
- (4) Development of a European method for analysing terrorist threats and risks. €336 800

6. FINANCIAL IMPACT

6.1 Total financial impact on Part B - (over the entire programming period)

6.1.1 Financial intervention

Commitments in EUR million (to the 3rd decimal place)

| Breakdown | [2002] | [n+1] | [n+2] | [n+3] | [n+4] | N + 5 and subs. years | Total |
|--------------|--------|-------|-------|-------|-------|--------------------------|--------|
| Action 1 | 1,7 | | | | | | 1,7 |
| Action 2 | 0,5 | | | | | | 0,5 |
| Action 3 | 0,5 | | | | | | 0,5 |
| Action 4 | 0,3368 | | | | | | 0,3368 |
| TOTAL | 3,0368 | | | | | | 3,0368 |

6.1.2 Technical and administrative assistance, support expenditure and IT expenditure (Commitment appropriations)

| | Year n | [n+1] | [n+2] | [n+3] | [n+4] | N + 5 and subs. years | Total |
|---|--------|-------|-------|-------|-------|--------------------------|-------|
| 1) Technical and administrative assistance | | | | | | | |
| a) Technical assistance offices (TAOs) | | | | | | | |
| b) Other technical and administrative assistance: | | | | | | | |
| Subtotal 1 | | | | | | | |
| 2) Support expenditure | | | | | | | |
| a) Studies | | | | | | | |
| b) Meetings of experts | | | | | | | |
| c) Information and publications | | | | | | | |
| Subtotal 2 | | | | | | | |
| TOTAL | 0 | | | | | | |

6.2 Calculation of costs by measure envisaged in Part B (over the entire programming period)⁹

Commitments in EUR million (to the 3rd decimal place)

| Breakdown | Type of outputs (projects, files) | Number of outputs (total for years 1...n) | Average unit cost | Total cost (total for years 1...n) |
|-------------------|-----------------------------------|---|-------------------|------------------------------------|
| | 1 | 2 | 3 | 4=(2X3) |
| <u>Action 1</u> | | | | |
| - Measure 1 | | | | |
| - Measure 2 | | | | |
| <u>Action 2</u> | | | | |
| - Measure 1 | | | | |
| - Measure 2 | | | | |
| - Measure 3 | | | | |
| Etc. | | | | |
| TOTAL COST | | | | |

If necessary explain the method of calculation

7. IMPACT ON STAFF AND ADMINISTRATIVE EXPENDITURE

7.1 Impact on human resources

| Types of post | Staff to be assigned to management of the action using existing and/or additional resources | | Total | Description of tasks deriving from the action |
|------------------------------|---|---------------------------|-------|--|
| | Number of permanent posts | Number of temporary posts | | |
| Officials or Temporary staff | A B C | | | <i>If necessary, a fuller description of the tasks may be annexed.</i> |
| Other human resources | | | | |
| Total | 0 | | | |

7.2 Overall financial impact of human resources

| Type of human resources | Amount | Method of calculation |
|---|--------|-----------------------|
| Permanent officials Temporary staff | | |
| Other human resources (give budget line) | | |
| Total | 0 | |

The amounts are total expenditure for twelve months.

⁹ For further information see the separate explanatory note.

7.3 Other administrative expenditure deriving from the action

| Budget heading(s) involved (number and heading) | Amount | Method of calculation |
|---|--------|-----------------------|
| Overall allocation (Title A7) A0701 - Missions A07030 - Meetings A07031 - Compulsory committees ⁽¹⁾ A07032 - Non-compulsory committees ⁽¹⁾ A07040 - Conferences A0705 - Studies and consultations Other expenditure (state which) | | |
| Information systems (A-5001/A-4300) | | |
| Other expenditure - Part A (state which) | | |
| Total | 0 | |

The amounts are total expenditure for twelve months.

⁽¹⁾ Specify the type of committee and the group to which it belongs.

| | | |
|------|-------------------------------|----|
| I. | Annual total (7.2 + 7.3) | €0 |
| II. | Duration of action | 1 |
| III. | Total cost of action (I x II) | €0 |

8. FOLLOW-UP AND EVALUATION

8.1 Follow-up arrangements

Europol will submit a quarterly progress report to the Commission on the activities referred to in the annex.

Once a year, Europol will present a detailed report to the Commission on all activities carried out on the basis of this Decision.

The Commission will report annually to the European Parliament and the Council on measures taken by Europol on the basis of this Decision. The first report will be presented before 31 January 2003.

8.2 Arrangements and schedule for the planned evaluation

The overall medium-term impact of measures planned will be evaluated, as well as their impact on cooperation between police forces in the fight against terrorism.

9. ANTI-FRAUD MEASURES

Europol will be responsible for proposing measures and for administrative and financial management. It will also be responsible for implementing financial control measures.

The financing decisions and contracts will be subject to financial control by the Commission and audits by the Court of Auditors. Applying the principles of sound financial management, Europol must certify expenditure declarations and ensure that its accounting system permits documentary checks of the evidence and serves to prevent, detect and correct irregularities.