



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 28 October 2011**

**12597/04  
EXT 1**

**ENFOPOL 116**

**PARTIAL DECLASSIFICATION**

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of document:	12597/04 RESTREINT UE
dated:	27 September 2004
new status:	Public
Subject:	Evaluation of National Anti-Terrorist Arrangements Report about the Evaluation of Luxembourg, 12-13 January 2004

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Delegations will find attached the partially declassified version of the above-mentioned document.

  

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**ANNEX**

**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 27 September 2004**

**12597/04  
EXT 1 (28.10.2011)**

**ENFOPOL 116**

**NOTE**

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from : General Secretariat

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to : Working Party on Terrorism

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Subject : Evaluation of National Anti-Terrorist Arrangements  
Report about the Evaluation of Luxembourg, 12-13 January 2004

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# **Evaluation of National Anti-Terrorist Arrangements**

## **Report about the Evaluation of Luxembourg 12 - 13 January 2004**

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## 1. Terrorism Situation

### 1.1 Domestic Terrorism

For the time being, national terrorist groups do not exist in Luxembourg<sup>1</sup>.

### 1.2 International Terrorism

One of the major consequences of the internationalisation of terrorism associated with Islamic fundamentalist extremism is that no country can be considered immune from the terrorist threat. All Member States now face the possibility that their territories may be used for recruitment or planning or can be targets of a terrorist attack. Given the transnational nature of many contemporary terrorist organisations an approach that examines the threat both within the European Union and externally is crucial to meeting the challenge posed by terrorist violence<sup>2</sup>.

There have been no incidents linked to Islamic terrorism in Luxembourg. The general threat against Luxembourg's interests is assessed as low, but the risk of acts of terrorism against international (**NOT DECLASSIFIED**) and European interests cannot be disregarded<sup>3</sup>.

Consequently the catalogue of tasks of the State Intelligence Service<sup>4</sup> includes the international organisations which have their seats or are exercising their missions on Luxembourg territory.

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<sup>1</sup> Cf. doc 10720/04 CONFIDENTIAL UE ENFOPOL 76 of 22 June 2004

<sup>2</sup> Cf. doc 11562/04 CONFIDENTIAL UE COTER 53 PEWSC 651 RELEX 347 JAI 280  
ENFOPOL 99 of 16 July 2004

<sup>3</sup> Cf. doc 10720/04 CONFIDENTIAL UE ENFOPOL 76 of 22 June 2004

<sup>4</sup> Chapter 1 Article 2 of the Law of 15 June 2004, published in the Official Journal at 12 July 2004, about the Organisation of the State Intelligence Service

## **2 Structure of Authorities**

### **2.1. Political and Security Structure**

At Governmental level, due to the modification of the Departments of the Government, according to the Grand-Ducal Decree of 7 August 2004, the following Ministries are involved in the fight against terrorism: The Minister of State, the Minister of Justice, the Minister of Foreign Affairs and Immigration, the Minister of Defence and the Minister of Finance.

Two permanent governmental bodies have been set up to cooperate and coordinate anti-terrorist measures: The National Protection High-Commissionership, which is part of and placed at the Prime Ministry, and the Permanent Security Committee, chaired by the Ministry of Justice and placed at the Government Communication Centre.

As head of the Government, the Prime Minister, takes the decisions in case of a crisis threatening internal or external state security. However, in his function as chairman of the Standing Security Committee, the Minister of Justice coordinates the various measures to be taken to combat terrorism.

The national authorities dealing with the fight against terrorism and in particular the exchange of information in the field of Islamic terrorism are the Grand-Ducal Police (Criminal Investigation Service/Anti-terrorism Group), the State Intelligence Service and the Financial Intelligence Unit of the Luxembourg Prosecutor's Office.

There is no military intelligence service in Luxembourg.

### 3. Summary of the Evaluation

Information is exchanged between the Anti-Terrorism Unit of the Luxembourg Police, the State Intelligence Service and the Financial Intelligence Unit on an informal basis. This informal case by case exchange of information applies to all kinds of information, even operational and executive measures, and takes often place in informal meetings.

A national threat analysis is drawn up by the Anti-Terrorism Unit in cooperation with other police units. A similar threat analysis is operated by the State Intelligence Service in the framework of international cooperation. Usually no coordination takes place.

The Police, the State Intelligence Service and the Financial Intelligence Unit (FIU-LUX) have their own data bases without reciprocal access.

As Luxembourg to date is not confronted with major problems in the field of Islamic terrorism, the authorities have not set up more specialised bodies in this field. The active participation and the full cooperation of the Luxembourg Police, the State Intelligence Service and the Financial Intelligence Unit in the framework of the various international cooperation structures is reported as appropriate.

The Luxembourg authorities are communicating information generally under the condition that they may only be used for the purpose they have been communicated for and that they can not be forwarded to other authorities without the prior consent of the Luxembourg authorities<sup>5</sup>.

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<sup>5</sup> 3. party rule

**3.1.** Examples of good practice to be found in the Luxembourg system are:

- the legal power of the Financial Intelligence Unit at the Prosecution Office to look into accounts without being blocked by a bank secrecy, and to issue freezing orders against banks, financial institutions and life insurance companies,
- the obligation for banks and financial institutions to report the results of checking the international lists (not to report is a criminal offence, a violation of professional standards/obligations), and
- the obligation from the rule "know your customer" according to which financial institutions have to undertake measures to identify real beneficial account owners

**3.2.** Recommendations are to be made referring to:

- the exchange of information between the Police, the State Intelligence Service and the Prosecution Office, which is not regulated by a law but based on personal contacts without formal structures<sup>6</sup>;
- the missing access of the State Intelligence Service to all the data bases of the Police;
- the missing legal possibility for the police to use under cover agents and intrusive techniques;
- (the missing of a law on the classification of information and documents<sup>7</sup>).

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<sup>6</sup> Chapter 2 Art. 3 of the Law of 15 June 2004, tasks the Service to take care for an effective cooperation with the national police, judicial and administrative authorities, and to inform them as much as needed to fulfil their tasks.

<sup>7</sup> A new law of 15 June 2004 regulates the classification of documents and of security clearances.