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COTER 76**

**NOTE**

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from	Presidency
to	Terrorism Working Party
Subject:	Summary of EU counter-terrorism policy in light of the 10th anniversary of the 11 September attacks

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The events which took place ten years ago had a large impact on counter-terrorism policy of both the European Union and individual Member States. Taking the achievements of the EU in the field of countering terrorism into consideration the Presidency has proposed to summarise the changes and activities that have been undertaken in this regard. To this end, a questionnaire was sent out on 11 July 2011 in order to collect the relevant information that would form the basis for mapping out Member States' efforts to combating terrorism more effectively and for giving a broad overview of the measures taken throughout the past decade to reinforce Member States' capacity to counter terrorism.

The Presidency received answers from twenty Member States and summarised the inputs. The summary (doc. 14157/11 ADD 1 ENFOPOL 303 COTER 76 EU RESTRICTED) constitutes a good starting point for initiating a broader debate on 15 September 2011 at the TWP meeting, in which the EU Counter-Terrorism Coordinator and representatives of the US National Counterterrorism Center (NCTC), the European Commission, Europol, Eurojust and the European External Action Service, including SitCen, will participate.

### *National counter-terrorism strategy*

One of the most important issues in terms of countering terrorism is setting up a single national counter-terrorism strategy. 17 Member States have such a strategy or other similar document in place. Fifteen of them indicated that this type of a document includes specific measures and guidelines directed towards, on the one hand, preventing radicalisation and combating terrorism and, on the other hand, ensuring human rights. The implementation of the aforementioned strategy is overseen by different administrative bodies depending on national arrangements. Moreover, Member States underlined the importance of revising their national strategies regularly based on concrete needs and depending on the current situation. The relevant strategies are in line with the four primary pillars of the EU Counter-Terrorism Strategy adopted in 2005<sup>1</sup>: prevent, protect, pursue and respond.

### *Special bodies responsible for combating terrorism*

The events of 11 September 2001 and the peer evaluation mission carried out subsequently underscored the need to set up a special body responsible for combating terrorism. Member States adopted two different approaches to address this. Drawing from the replies it can be stated that:

- ten Member States created specific units within different services, i.e. the police or security services, for handling terrorism related matters;
- the other half established separate or internal departments, so-called counter-terrorism coordination centres or fusion centres with different powers and prerogatives, depending on the Member State's national arrangements.

According to Member States' inputs most of such centres are responsible for coordination, information sharing and foreign cooperation in the field of counter-terrorism. The aim of creating the centres was to ensure a comprehensive and cross-sectoral system of coordination and information sharing in counter-terrorism matters.

In terms of the structural organisation, these centres are composed of staff from different bodies i.e. the police, civil and military security services.

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<sup>1</sup> 14469/4/05 REV 4

The centres produce added value thanks to the fact that special reports are drafted for high-level decision makers based on information and intelligence gathered from different institutions into one place. These reports allow decision makers to take more informed decisions on combating different national and international terrorist threats and to streamline national counter-terrorism policies.

The choice whether to combine analytical and operational authority in CT structures depends on the legal framework of each Member State. Hence, Member States have chosen between the following options:

- in countries where most CT-related tasks are concentrated in security services such structures have both analytical and operational authority. Member States underline the fact that having both of these powers in a single body adds value to the work of these services as it is easier to cooperate between both fields;
- in countries which have relegated CT issues to a separate coordination centre, which is not located in a security service, these centres mostly, although not in all countries, have only analytical authority.

#### *Analysis and information exchange*

Analysis and information exchange between different bodies and levels of government are also significant issues in the field of countering terrorism. Proper analysis and information exchange contribute to producing prompt and timely alerts. These alerts in turn are necessary to initiate adequate measures to counter terrorist threats at the earliest possible stage. The specific systems of analysis and information exchange in Member States are mostly incomparable. Due to the fact that there are different structural and legal arrangements in each Member State there are no overarching tendencies that can be drawn from the submitted answers.

It needs to be underscored that counter terrorism coordination centres play a significant role in preparing analyses and threat assessments on terrorism related issues. Moreover, the aforementioned centres usually perform the leading role in performing oversight functions with regard to information exchange between different government bodies.

To counter and combat different facets of terrorism Member States conduct terrorism threat analysis. Fourteen Member States have secure information databases with special back-up systems in place that store information and intelligence from various fields. These databases have different criteria intended to identify and assess national terrorist threat or alert levels.

In order to gain a better understanding of the relevant threats and select the appropriate measures to prevent terrorist attacks, nine Member States have implemented changes in the way terrorism threat analysis is performed. The particular methods and tools of data analysis are continuously being modernised by i.e. the creation of new instruments focusing on terrorism, using advanced technological resources for bulk searches, etc.

### *Channels of communication*

In order to ensure well-functioning coordination and information exchange there is a need to use specific channels of communication. Twelve Member States indicated that they established special channels of communication including dedicated, secure electronic communication networks. Additionally, many countries organise special purpose meetings between competent authorities intended to exchange crucial information. It is worth noting that Member States that established counter terrorism coordination centres in their countries regard them in their entirety as special channels of communication.

### *Development of counter-terrorism policy at the EU level*

Moreover, the following significant accomplishments in the development of counter-terrorism policy at the EU level were identified in the replies:

- significant intensification of cooperation and exchange of information in the field of counter-terrorism;
- the adoption of legislative instruments with the objective of harmonising terrorist crimes i.e. Council Framework Decision on Combating Terrorism from 2002<sup>2</sup> and 2008<sup>3</sup>;

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<sup>2</sup> OJ L 164, 22.6.2002, p. 3

<sup>3</sup> OJ L 330, 9.12.2008, p. 21

- the elaboration of policy and strategic documents e.g. EU Counter-Terrorism Strategy<sup>4</sup> and EU Action Plan on combating terrorism<sup>5</sup>, EU Strategy for Combating Radicalisation and Recruitment to Terrorism<sup>6</sup>;
  - starting peer evaluations on national arrangements in the field of preventing and countering terrorism<sup>7</sup>;
  - coordination of national positions and respective legal reasoning concerning pending terrorist cases before the European Court of Justice.
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<sup>4</sup> 14469/4/05 REV 4

<sup>5</sup> 15893/1/10 REV 1

<sup>6</sup> 14781/1/05 REV 1

<sup>7</sup> 12168/3/05 REV 3, 13153/2/10 REV 2