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**NOTE**

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From: French delegation  
To: Delegations  
Subject: Combating terrorism and radicalisation:  
further strengthening the protection of the citizens of the European Union

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**Translation provided by the French delegation.**

The recent attacks in Paris constitute a challenge to the democratic values of freedom of expression, pluralism, tolerance and respect for the rule of law that Europe embodies. The intangible character of those values as well as European solidarity with the victims and their friends and family, have been expressed with the greatest possible energy in a unanimous condemnation of those acts by Europe's peoples.

That solidarity must continue to be expressed, with a rejection of divisiveness, discrimination and misleading confusions, along with a reinforcement of the resilience of our societies in the face of attempts to foment fear and hatred. It is with full respect for fundamental rights that the European Union and Member States must assert their tireless determination to combat terrorism.

Terrorism hits not only Europe. The vast majority of its victims are not European citizens but third countries nationals, often of Muslim faith. Universal values are thus flouted and here again solidarity must be forcefully expressed.

The terrorist threat can be fought effectively only by action involving cooperation between governments, relevant departments and agencies and all civil society stakeholders. Europe must contribute in this context to the protection of our citizens. The aim must be to strengthen cooperation between Member States wherever necessary and to deploy resources to support enhanced security in Europe. In this connection, the European Union's various financial instruments must be fully tapped into, notably the Internal Security Fund (ISF), including both its components, ISF Police and ISF External borders, the "Horizon 2020" programme, as well as the Instrument contributing to Stability and Peace (IcSP) and more generally external action instruments.

The United Nations, in Security Council resolutions 1377 and 2178, and the European Union, in the various strategies aimed at combating terrorism, have laid down the broad lines of the actions to be pursued in this domain. Their implementation must be accelerated and enhanced in light of the rise in the level of risk revealed in particular by the recent attacks.

The ministerial statement adopted in Paris on 11 January in the presence of the Presidency of the Council and the European Commissioner for internal security provides a basis for practical reinforcement of European counter-terrorism action.

## **I. Prevention of radicalisation and recruitment**

Prevention is essential for effectively countering radicalisation and terrorism. The broad lines of the action to be pursued on prevention, as laid down in the EU Strategy for Combating Radicalisation, must lead on to the adoption of urgent measures.

1. The use of the Internet for the purposes of hatred and violence must be prevented, within the limits set by protection of freedom of expression and while guaranteeing the protection of fundamental rights. Illicit content on the Internet must be identified more swiftly and taken down in a lasting manner where necessary.

- To this end, Member States must step up the coordination of their efforts and the resources of Europol’s “Check the Web”<sup>1</sup> platform must be substantially increased in order to assist Member States in this work.
- Dialogue with the main Internet operators needs to be rapidly structured at both European and international levels in order to prevent misuse of their services for content that promotes terrorism or incites violence and hatred. The initiatives launched by the Commission for that purpose must lead without delay to concrete commitments and results. That dialogue should aim in particular at putting in place effective arrangements for surveillance and deletion of illicit content constituting radical propaganda. A reflection should also be launched on the regulatory framework applicable to digital platforms as well as to whether it would be appropriate to have a specific status for them that goes beyond that of host and publisher of content.
- Cooperation on combating the use of the Internet by criminals and terrorists must be made more effective. Given that current instruments such as “Cyberattacks” directive 2013/40/EU (limited to exchanges of information) and mechanisms for urgent contact implemented within the framework of the G8 do not seem sufficient, procedures for international mutual legal assistance in criminal matters need to be harmonised and rationalised.
- Along the same lines as the provisions already included for child pornography in directive 2011/93/EU, the Commission should propose European legislation to ensure wherever necessary the deletion of, and/or barring of access to, content constituting promotion and encouragement of terrorism disseminated via platforms and websites.

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<sup>1</sup> “Focal Point Check the Web” set up within Europol aims at seeking out information relating to terrorism on the Internet and circulating it to Member States following a process of analysis and translation.

2. The Internet must on the other hand be mobilised as a preferred means of raising the awareness of audiences who are particularly exposed to the propaganda of terrorist organisations.
  - Member States must speed up the implementation of policies and instruments for the development of audible and attractive counter-narratives.
  - Existing experiments must be analysed and shared in the Radicalisation Awareness Network (RAN)<sup>2</sup>. With the same considerations in mind, the start-up of the SSCAT project (Syria Strategic Communication Advisory Team<sup>3</sup>) should be accelerated.
  - Member States and the European Commission must also deploy the “Safer Internet” programme and network setting up national contact points for notification of content that is illegal or contrary to human dignity. Content with terrorist aims or inciting violence needs to be identified more effectively in such schemes, and likewise in the preventive actions conducted under the programme both across the EU and in each Member State.
3. Effective prevention necessarily entails a multidisciplinary approach combining various government professionals and civil society stakeholders (law enforcement services, social workers, victims’ associations, researchers, etc.). It also requires a reflection on the various courses of action for fighting radicalisation such as the use of the Internet and the development of counter-narratives, or preventive action in prisons, as has been developed in the Radicalisation Awareness Network (RAN).
  - The Commission must pursue, strengthen and broaden RAN activities, making use of the centre of excellence currently being set up.
  - Member States must foster the creation at national level of such multidisciplinary networks, which enable exchanges of good practice and coordination of efforts.
  - Particular attention must be paid to the issue of radicalisation in prisons, and the European Union should support exchanges of experience between national heads of prison

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<sup>2</sup> RAN brings together European practitioners on the basis of a cross-cutting and multidisciplinary approach to the phenomenon of radicalisation. It comprises eight thematic groups: law enforcement, victims, counterspeech on the Internet, prevention, health, prison and probation, deradicalisation and internal/external links.

<sup>3</sup> The aim of the SSCAT project is to create at EU level a team of strategic communication advisors on Syria whose task will be to acquire expertise, exchange specialist knowledge and make this available to Member States and EU official bodies.

administrations notably with a view to establishing a best practices handbook and contribute to the funding of programmes for deradicalisation and training for officers.

4. More broadly, in order to tackle radicalisation at its deepest roots, there is a need to promote general reflection on how to ensure that all categories of the population, and especially those that feel excluded from society, share the values of tolerance, pluralism, respect for freedom of expression and conscience, and generally the fundamental rights that the European Union embodies and defends.
  - Research should be conducted with Commission support on the ways in which those values can be promoted.
  - The European Union could increase its financial support for communication programmes at national and local levels.
  - Member States should develop specific outreach to target young audiences, notably using programmes aimed at encouraging critical thinking skills including vis-à-vis the media.
  - More generally, in order to support the action taken by Member States and civil society on this issue, the Commission should identify all European financial resources that could be mobilised, including structural funds and the Creative Europe and Erasmus+ programmes.

## **II. Identification of terrorists and detection of their movements**

1. The European Union must continue to enhance the effectiveness of checks at its external borders and, in light of the foreign fighters phenomenon, it must improve the means for identifying terrorists and tracking their movements while protecting fundamental rights, in particular personal data protection.

- To this end, the European Union must immediately, within the framework of the provisions of the Schengen Borders Code:
    - Develop at EU level a common interpretation of the possibilities for border checks on individuals enjoying freedom of movement, such as to provide a substantial enhancement of those controls.
    - Establish common criteria for the effective and objective targeting of checks on individuals enjoying freedom of movement.
    - Seek to ensure their systematic implementation at national level in as uniform a manner as is possible.
  - The European Union should put in place the means to ensure systematic and mandatory consultation of relevant European (Schengen Information System) and national databases when any external border of the Schengen Area is crossed by individuals enjoying freedom of movement in that area.
    - To this end, the Commission should swiftly submit an appropriate proposal for a targeted revision of the Schengen Borders Code.
  - The Commission should also propose a revision of civil aviation security regulations to reinstate the obligation of carriers to check passengers' identity documents on intra-EU travels.
  - Meanwhile, in order to avoid harming traffic flow at border crossing points, and especially in airports, efforts should be made to find appropriate technical solutions.
  - Finally, constructive dialogue should be restarted with the European Parliament on the "Passenger Name Record" (PNR) directive with a view to its adoption in 2015.
2. Interception of electronic communications conducted under national legislation and in compliance with fundamental rights is an essential tool for effectively combating terrorism. The technical inability of certain operators providing electronic communication services to respond to requests made by the competent authorities, due for example to the encryption systems used for data, is a major obstacle in this regard.

- Operators providing electronic communication services, including those solely on the Internet, should be in a position to accede to requests for interception made by the competent authorities subject to national legislation and in compliance with fundamental rights. The Commission should submit any relevant proposals in this respect.
3. In order to avoid the use of freight for terrorist purposes, the community programme ICS (Import Control System) aimed at securing international goods flows must be enhanced.

### **III. Cooperation between law enforcement and judicial authorities**

Major progress has been made in recent years in improving information exchange and cooperation between law enforcement and judicial authorities. It is now of fundamental importance to harness the full potential of existing European instruments.

1. Member States instituted many years ago between themselves and under their responsibility cooperation and coordination between the competent departments of their governments charged with ensuring national security, and those arrangements should be enhanced.
2. The exchange of information between Member States and with EU agencies, essentially Europol and Eurojust, must be stepped up further:
  - Cooperation between law enforcement authorities must be enhanced by more systematic use of information exchange files and especially the “Focal Point Travellers”<sup>4</sup> set up at Europol level, plus an acceleration of the work of the “DUMAS group”<sup>5</sup>. Europol needs also to report regularly to the Council on progress made in this respect.
  - The whole of Interpol’s capacity for combating terrorism must also be mobilised. Specifically, Europol can report to the Council on the results of the “i-check it”<sup>6</sup> initiative conducted by Interpol.

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<sup>4</sup> “Focal Point Travellers” is a Europol database for the exchange of coded information whose content is provided by Member States relating to individuals (and their context) suspected to be engaging in travel linked to a terrorist enterprise.

<sup>5</sup> The Dumas Group is a team of experts from Member States meeting in Europol to address issues relating to foreign fighters. It comprises five sub-groups: “travellers/alert list”, “outreach”, “best practice” and “indicators”.

<sup>6</sup> The “i-check it” initiative developed by Interpol is aimed at enabling partner air carriers to check the validity of passengers’ passports by using the SLTD (Stolen and Lost Travel Documents) database.

- The competent authorities of Member States should share their knowledge of the criminal records of nationals of non-EU states, as they do in the case of their own nationals. The Commission should make no later than 2015 proposals for supplementing the so-called “ECRIS” system for information exchange on national criminal records.
  - Eurojust should ensure that the exchange of good practice between its members is systematic, especially with regard to the collection of evidence and case law practice concerning foreign fighters. Eurojust should also make more use of the data contained in ongoing cases in order most notably to detect criminal networks that may be involved. The results of such analysis could be usefully shared with Member States’ competent authorities in order to improve understanding of the phenomenon of foreign fighters and networks assisting them. Eurojust should also be encouraged to make use of the option for which provision is made in the Eurojust decision to assign liaison magistrates to non-EU countries, and in particular to countries likely to be affected by phenomena relating to travel by foreign fighters. Finally, the setting up of joint investigation teams should also be encouraged wherever necessary.
  - The exchange of information on IP addresses and service data between investigating agencies should be facilitated and simplified in order to speed up investigations, in compliance with fundamental rights.
3. The combat against illegal circulation of firearms must be intensified:
- Europol and Member States should strengthen joint operational actions between law enforcement agencies in Europe. The Standing Committee on Operational Cooperation on Internal Security (COSI) should monitor these closely.
  - The Commission should accelerate the work on revision of directive 2008/51/EC in order to improve the sharing of information on firearms, reinforce their traceability, establish common standards for the neutralisation of firearms and combat trafficking on the Internet.



- In addition, in connection with the upcoming JHA Council meeting, the Commission should report on the current status of the use by Member States of the specific files on firearms in place in the EU and propose ways in which information sharing in this area could be improved.
4. It is necessary for Member States to bring their legislative provisions closer together with regard to the definition of criminal offences relating to terrorism. Specifically, United Nations Security Council resolution 2178 (2014), the purpose of which is to make it a criminal offence to travel abroad for purposes relating to terrorism, as well as the financing, organisation and facilitation of such travelling, must be implemented.
- The Commission should submit a proposal for the revision of Council Framework Decision 2008/919/JHA on combating terrorism which defines acts punishable as criminal offences linked to terrorist activities (acts of terrorism, public provocation to commit a terrorist offence, recruitment and training for terrorism), laying down minimum penalties that must be applied. That revision would ensure a common approach to implementation of United Nations Security Council resolution 2178 (2014).
5. Information on as well as traceability of financial flows and the ability to freeze assets are crucial in combating terrorism. The European Union must consider a reinforcement of the existing tools to ensure such control, notably within the framework of the money laundering directives, along with the development of new and specific tools to counter the financing of terrorism:
- In order to ensure the rapid traceability of intra-EU financial flows and the effectiveness of cooperation between financial intelligence units (FIU), the powers of the latter need to be harmonised and enhanced.
  - The European Union should also put in place regulations specifically to cover exchanges of electronic and virtual currencies, the traceability of the most sensitive international flows to high-risk geographical areas, the identification of bank accounts by each Member State and control of physical transfers of capital.

- Additionally, in order to use the data on international fund transfers (the SWIFT system) in combating terrorism, work on the setting up of an EU Terrorist Finance Tracking System (TFTS) should resume in accordance with the agreement reached with the European Parliament to ensure long-term cooperation with the United States.
- Finally, it is important to improve the effectiveness of the European system for the detection and freezing of terrorist assets, allowing the effective administrative freezing of such assets across the European Union.

#### **IV. Cooperation with non-EU countries**

The European Union must in its neighbourhood enhance cooperation with partners in the fight against terrorism, notably by mobilising the various financial instruments for external action.

1. The EU strategy on Syria, Iraq and the combat against Daesh must be adopted definitively and the strategy for combating terrorism and foreign fighters from Europe and active in Syria and Iraq adopted at the EU Foreign Affairs Council meeting of 20 October 2014 must be implemented as soon as possible. This strategy is aimed at developing actions in the following areas:
  - The reinforcement of prevention by facilitating improved understanding of the phenomenon in the countries concerned, by supporting efforts to prevent financing and to counter recruitment groups, by providing assistance and expertise for the implementation of national anti-terrorist strategies and by encouraging the adoption of measures for deradicalisation.
  - Support for law enforcement action by impeding the activities of jihadi recruitment groups and enhancing security at borders adjacent to conflict zones.
  - Support for the adoption of protective measures (notably with regard to the security of air travel), subject to protection of fundamental rights.

2. Regular reinforced dialogue on combating terrorism must be established with the non-EU countries concerned.
  - With regard to countries of origin, dialogue should focus on enhanced technical cooperation, increasing the capacity to combat terrorism and allocation of sufficient financial resources. An overarching strategy with countries in the Middle East/North Africa zone could be implemented on the basis of the foreign fighters strategy, notably including cooperation on deradicalisation. It will be necessary to identify those countries in the zone that should have priority for reinforced operational cooperation: e.g. Tunisia, Jordan or Saudi Arabia.
  - With regard to transit countries (Turkey and the Balkans), dialogue should focus on issues relating to coordination and intelligence exchange. The relaunch of the programme to combat trafficking in firearms in the Balkans (by mobilising existing financial instruments, notably the Internal Security Fund and the European Neighbourhood Instrument) must have absolute priority in this context.
  - With regard to major partners, more consideration needs to be given to resources to be pooled and joint strategies (e.g. for deradicalisation, surveillance of the Internet).
3. The security/defence expertise of EU delegations in the small number of priority countries in the Middle East and North Africa should be enhanced, notably in order to facilitate coordination of action taken by Member States on the ground.
4. Cooperation on the integrated borders management with the Sahel, which includes a major component relating to the reinforcement of counter-terrorism capacity, must be made more effective, notably by ensuring greater use of financial instruments to equip non-EU countries.
5. The issue of air and maritime security (i.e. protection of airports and ports), notably the provision of expert assistance, and the implementation of joint patrols and protection of critical infrastructures must continue to be subject to close attention.

6. Specific cooperation with regional organisations (Gulf Cooperation Council, Arab League) should be initiated in order to support them in their efforts to organise and to implement mechanisms for cooperation with the European Union, the prevention of radicalisation, including counter-narratives, and the detection of dangerous individuals, subject to protection of fundamental rights.
  7. Finally, the European Union must increase its participation in the Global Counter-Terrorism Forum. This is because the GCTF is an important forum for consultation with its main partners, as well as with the major emerging countries and the principal Muslim countries. The EU must highlight the various European initiatives there, notably those relating to the combat against radicalisation, foreign fighters and the judicial treatment of terrorism.
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