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Research of the Policy Department for Citizens' Rights and Constitutional Affairs and the EPRS in the Fields of Responsibilities of the Special Committee on Terrorism

Counter-terrorism

EN

DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT FOR CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS

COUNTER-TERRORISM

Research of the Policy Department for Citizens' Rights and Constitutional Affairs and the EPRS in the Fields of Responsibilities of the Special Committee on Terrorism

IN-DEPTH ANALYSIS

Abstract

This paper provides a detailed analysis of the responsibilities of the Special Committee on Terrorism and the corresponding available and upcoming research of the Policy Department for Citizens' Rights and Constitutional Affairs and the EPRS.

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1. INTRODUCTION

Following the adoption of the European Parliament decision of 6 July 2017 on setting up a special committee on terrorism, its responsibilities, numerical strength and term of office, the Policy Department for Citizens' Rights and Constitutional Affairs analysed which of its available and upcoming research could be the most relevant for the Special Committee on Terrorism.

The Policy Department has also wanted to look into the available research on this subject undertaken by several departments of the EPRS, notable the Members Research Service, which among other task provides Briefings on the subjects to be debated, and the department in charge of the Impact Assessment.

Unfortunately, in the last years the series of terrorist attacks, their brutality and the variety of the *modi operandi* have created the logical alarm and increased the demands of the general population for the policy-makers to find adequate legal and other policies responses that effectively tackle with those threats. The series of recent terrorist attacks, as well as the various foiled and failed terrorist plots on European soil, have more than ever reinforced the popular awareness of the vulnerabilities that go hand-in-hand with the open democracies in the European Union. Governments, policy-makers, and politicians in most EU Member States feel the pressure of the population who call for adequate responses to these threats.

The European Union has not been of course strange to this state of play and the counter-terrorism policy architecture of the Union, mostly informal only ten years ago, has become a very institutionalised EU policy, with many, some would say too many, actors involved in the design and implementation of the constellation of policies which conform the complex web of counter-terrorism policies. Looking only at the EU level the strategies can be issued by the European Council, the Council or the European Commission with many other actors involved, including a new Commissioner for the Security Union next to the EU Counter-terrorism Coordinator. The many different areas concerned by an effective counter-terrorism policy such us countering radicalisation, return of foreign (terrorist) fighters, travel and border control, judicial and intelligence data exchange and judicial cooperation, cooperation with third countries and institutions are obviously an addition to the complexity of the subject.

The need to have an overview of the counter-terrorism architecture of the EU has been at the origin of a quite comprehensive study published recently by the Policy Department: *The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness,* which try to identify (counter-) terrorism trends, threats and policies in the EU, focussing particularly on seven themes, including database access and interoperability, measures on border security, criminal justice and prevention of radicalisation. It also analyses the coherence and effectiveness of the counter-terrorism policy (architecture), and issues of cooperation, oversight and implementation. Moreover, this study addresses future scenarios and formulates concrete policy options and recommendations.

More generally the Policy Departments and the EPRS have produced a long list of research, some of them original, other summarising the different policies involved or doing appraisal of the existing legislation.

This paper tries to bring to the Special Committee an overview of the expertise produced by the research services of the Parliament in the last three years and should allow to help identify the future needs of expertise of this Committee.

2. DETAILED ANALYSES OF THE RESPONSIBILITIES OF THE SPECIAL COMMITTEE ON TERRORISM AND CORRESPONDING AVAILABLE AND UPCOMING RESEARCH OF THE POLICY DEPARTMENT FOR CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS AND EPRS

Responsibilities of the Special Committee on Terrorism	Corresponding available and upcoming research of the Policy Department for Citizens' Rights and Constitutional Affairs
(a) to examine, analyse and evaluate with impartiality facts provided by law enforcement authorities of the Member States, competent EU agencies and recognised experts and the extent of the terrorist threat on European soil and to propose appropriate measures to enable the European Union and its Member States to help prevent, investigate and prosecute crimes related to terrorism;	**The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness** STUDY (01/2017) This study is a comprehensive study on counter-terrorism which covers most of the mandate of the Committee. It identifies (counter-) terrorism trends, threats and policies in the EU, focussing particularly on seven themes, including database access and interoperability, measures on border security, criminal justice and prevention of radicalisation. It also analyses the coherence and effectiveness of the counter-terrorism policy (architecture), and issues of cooperation, oversight and implementation, in particular of seven focus Member States: Belgium, Bulgaria, France, Germany, the Netherlands, Slovakia and Spain. Moreover, this study addresses future scenarios and formulates concrete policy options and recommendations. **National security and secret evidence in legislation and before the courts: exploring the challenges** STUDY (09/2014) This study provides a comparative analysis of the national legal regimes and practices governing the use of intelligence information as evidence in the United Kingdom, France, Germany, Spain, Italy, the Netherlands and Sweden. It explores notably how national security can be invoked to determine the classification of information and evidence as 'state secrets' in court proceedings and whether such laws and practices are fundamental rights- and rule of law compliant. The study finds that, in

the majority of Member States under investigation, the judiciary is significantly hindered in effectively adjudicating justice and guaranteeing the rights of the defence in 'national security' cases. The research also illustrates that the very term 'national security' is nebulously defined across the Member States analysed, with no national definition meeting legal certainty and "in accordance with the law" standards and a clear risk that the executive and secret services may act arbitrarily. The study argues that national and transnational intelligence community practices and cooperation need to be subject to more independent and effective judicial accountability and be brought into line with EU 'rule of law' standards.

The following Chapters of this study are particularly relevant on this point:
1. National regimes and practices in EU Member States on the use of intelligence information by courts
2. Assessing the reliance of the EU Member States' justice systems on intelligence information in courts: the issue of scrutiny

EU and Member States policies and laws on persons suspected of terrorism-related crimes
Study (Planned publishing November 2017)

The research should look into the laws and policies of MSs in relation to persons suspected of terrorism-related crimes in terms of legal definitions, decisions to list a person as suspect, authorities involved, consequences of such decisions, monitoring measures and restrictions, number of persons listed, databases and interconnections, etc.
It shall also examine whether and how such information is shared between MSs via Europol or other bodies, instruments or procedures. The study shall also evaluate the efficacy of such measures and their conformity with fundamental rights obligations, and issue recommendations for the EU and MSs to ensure they achieve the declared aims. Case studies should be presented in depth to examine gaps, loopholes and successes in the area, also taking into account the legislative framework to be implemented as per the Directive on combatting terrorism.

(b) to identify and analyse, with impartiality and according to an evidence based approach, the potential faults and malfunctions that have allowed recent terrorist attacks in different Member States to occur, in particular by collecting, compiling and analysing all information available to Member States' intelligence services or law enforcement and judicial authorities about perpetrators prior to their terrorist offence;	**The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness** STUDY (01/2017) The following Chapters of this study are particularly relevant on this point: 4.3.1. Fora, measures and tools for operational cooperation and intelligence/law enforcement and judicial information exchange 4.3.2. Data collection and database access and interoperability 5.6. Information exchange (systems and people) 6.2.1. Recommendations concerning operational cooperation and intelligence/law enforcement and judicial information exchange 6.2.2. Recommendations on data collection and database access and Interoperability Theme A: fora, measures and tools for operational cooperation and intelligence/law enforcement and judicial information exchange Theme B: data collection and database access and interoperability
(c) to examine and assess the implementation of existing measures and instruments in the fields of external border management, including the malfunction of external border checks that have allowed individuals to enter Europe with false documents, and to assess the causes for the failure by some Member States to fully implement their obligations as set out in Regulation (EC) No 1987/2006 of the European Parliament and of the Council[(1)] (the Schengen Information System Regulation); to collect and analyse information on possible Member States and Commission shortcoming in ensuring the full implementation of the related provisions of Regulation (EU) 2016/399 of the European Parliament and of the Council[(2)] (the Schengen Borders Code) and to propose appropriate measures to close the identified gaps;	**The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness** STUDY (01/2017) The following Chapters of this study are particularly relevant on this point: 4.3.3. Measures to enhance external border security Theme C: measures to enhance external border security **Internal borders in the Schengen area: is Schengen crisis-proof?** STUDY (06/2016) This study analyses the Schengen area in the wake of the European 'refugee crisis' and other recent developments. With several Member States reintroducing temporary internal border controls over recent months, the study assesses compliance with the Schengen governance framework in this context. Despite suggestions that the end of Schengen is nigh or arguments that there is a need to get 'back to Schengen', the research demonstrates that Schengen is alive and well and that border controls have, at least formally, complied with the legal framework.

	Nonetheless, better monitoring and democratic accountability are necessary. The following brief Chapter of this study is related on this point: 4.3. How well do borders work as a response to terrorism? **Cost of Non-Schengen: Civil Liberties, Justice and Home Affairs Aspects** EPRS study (09/2016) This study identifies the costs of the (temporary) reintroduction of border controls between the Schengen Member States, with a special focus on civil liberties, justice, and home affairs aspects. It recommends more concerted action at EU level, with a view to returning to a fully functioning Schengen Area.
(d) to identify deficiencies in the sharing of judicial, law enforcement and intelligence information among Member States; to investigate in particular alleged widespread failures in the collection, analysis and communication of information that could help prevent attacks, in particular by: — analysing and evaluating the performance of EU databases such as the Schengen Information System (SIS), Visa Information System (VIS) and common European Information Exchange Model (EIXM), and Member States possible failures in the implementation of existing legal instruments such as Council Decision 2008/615/JHA[3] or Council Framework Decision 2006/960/JHA[4] ; analysing in particular the causes of some Member States' failure to contribute to feeding information to these databases, notably with regard to their obligations as set out in the Schengen Information System Regulation and Council Decision 2007/533/JHA[5] ; — analysing the alleged failure of Member States to comply with the obligation imposed by Article 2(3) of Council Decision 2005/671/JHA[6] ensuring that at least the information referred to in paragraphs 4 and	**The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness** STUDY (01/2017) The following Chapters of this study are particularly relevant on this point: 4.3.1. Fora, measures and tools for operational cooperation and intelligence/law enforcement and judicial information exchange 4.3.2. Data collection and database access and interoperability 4.3.3. Measures to enhance external border security 5.6. Information exchange (systems and people) 6.2.1. Recommendations concerning operational cooperation and intelligence/law enforcement and judicial information exchange 6.2.2. Recommendations on data collection and database access and Interoperability Theme A: fora, measures and tools for operational cooperation and intelligence/law enforcement and judicial information exchange Theme B: data collection and database access and interoperability Theme C: measures to enhance external border security **Interoperability of European information systems for border management and security** EPRS briefing (06/2017)

5 of that Article gathered by the relevant authority is transmitted to Europol and Eurojust;

— collecting information on, and analysing Member States' authorities compliance with, obligation imposed by Article 3 and 7 of Framework Decision 2006/960/JHA, in particular ensuring that competent law enforcement authorities provide, to the competent law enforcement authorities of other Member States concerned, information and intelligence in cases where there are factual reasons to believe that the information and intelligence could assist in the detection, prevention or investigation of offences referred to in Article 2(2) of Council Framework Decision 2002/584/JHA[7] ;

— examining whether Europol has fully complied with its duty to notify, imposed by Article 17 of Council Decision 2009/371/JHA[8] , repealed by Regulation (EU) 2016/794 of the European Parliament and of the Council[9] ;

— examining whether Member States' national units have fully complied with the obligation imposed by Article 8(4)(a) of Decision 2009/371/JHA, repealed by Regulation (EU) 2016/794, supplying Europol on their own initiative with the information and intelligence necessary for it to carry out its tasks;

— investigating possible deficiencies in exchange of information between EU agencies, as well as legal means and need for these agencies to access the Schengen Information System and other relevant EU information systems;

— evaluating existing informal cooperation among Member States' intelligence services and assessing the level of effectiveness in terms of information exchange and practical cooperation;

— examining the relationship of the European Union with third countries and international agencies in the fight

The collection, processing and sharing of data using new technologies is becoming central to EU border management and internal security. In 2016, the European Commission launched a reflection process on how to improve and develop EU information systems for border management and security. One key dimension of this process is to make the various information systems more interoperable, so as to allow the simultaneous consultation and automatic interconnection of data.

European information systems in the area of justice and home affairs: an overview

EPRS In-depth Analysis (05/2017)

This publication provides an overview of the existing and proposed European information systems in the area of justice and home affairs. It discusses the legal basis, the purposes, the scope of data and access, the utilisation and the proposed changes for each information system, including issues of interoperability.

Interoperability of Justice and Home Affairs Information Systems
Study (Planned publishing March 2018)

There has been a recent push to get rid of the current "silo" system of databases created under Justice and Home Affairs measures, such as Eurodac, SIS, VIS, Prüm and Ecris, and to connect them more closely for operational reasons. In addition, there are a number of new databases being proposed such as the Entry-Exit System and ETIAS in relation to which interoperability with other EU databases will be or has been proposed.

The study should look at the benefits of connecting the systems more closely, the ways this connection should be done and, in particular, the fundamental rights implications especially to privacy, data protection and the presumption of innocence, and the implications to data security and systems interference this kind of an interconnection would have, considering the varying types of personal information these databases contain. The study should also look at the possible overlap between existing and proposed databases and the duplication or triplication of collection of data. Finally, the study should examine the ways different national and EU agencies use and access the databases and the merits of preserving the hit-no-hit method versus the implications a free access

against terrorism, including existing international cooperation and instruments in the fight against terrorism, including the exchange of best practice, and the effectiveness of the current level of exchange of information;	system could have in terms of tracking and monitoring an individual and predictive policing. **Brexit implications in the Area of Freedom, Security and Justice** *Study (Planned publishing November 2017)* The study shall examine the impact of Brexit on all AFSJ areas; it includes a chapter on the future of police cooperation, including counter-terrorism and shall identify areas for such cooperation as well as legal and other obstacles that might need to be overcome.
(e) to assess the impact of the EU anti-terrorism legislation and its implementation on fundamental rights;	**Implementation of the EU Charter of Fundamental Rights and its Impact on EU Home Affairs Agencies (Frontex, Europol and the European Asylum Support Office)** STUDY (08/2011) This study sets out to examine the impact and implementation of the EU Charter of Fundamental Rights with respect to three EU Home Affairs agencies: Frontex, Europol and EASO. It assesses the relevance of the EU Charter when evaluating the mandates, legal competences and practices of these agencies, particularly in the fields of external border control and the management of migration. After identifying specific fundamental rights guaranteed in the EU Charter that are potentially put at risk by the actions of these three agencies, and judicial obstacles that prevent individuals from obtaining effective legal remedies in cases of alleged fundamental rights violations, we present a set of policy recommendations for the European and national parliaments. This study does not contain specific Chapters on this point, but could serve as a general background on the issue.
(f) to assess the availability and the effectiveness of all resources allocated to competent authorities involved in the fight against terrorism (police, army, justice, budget, intelligence, surveillance, information, IT, etc.) in the Member States and at EU level; to analyse possible deficiencies in police cooperation and obstacles to practical cross-border law enforcement cooperation in investigations related to the fight	**The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness** STUDY (01/2017) The following Chapters of this study are particularly relevant on this point: 4.3.1. Fora, measures and tools for operational cooperation and intelligence/law enforcement and judicial information exchange 4.3.2. Data collection and database access and interoperability

| against terrorism, identifying technical, structural and legal limitations to investigation capacities; | 4.3.6. Criminal justice measures
5.6. Information exchange (systems and people)
6.2.1. Recommendations concerning operational cooperation and intelligence/law enforcement and judicial information exchange
6.2.2. Recommendations on data collection and database access and Interoperability
6.2.5. Recommendation on criminal justice measures
Theme A: fora, measures and tools for operational cooperation and intelligence/law enforcement and judicial information exchange
Theme B: data collection and database access and interoperability
Theme F: criminal justice measures

Review of security measures in the 7th Research framework programme FP7 2007-2013
STUDY (04/2014)
This study analyses how the public-private dialogue has been framed and shaped and examines the priorities set up in calls and projects that have received funding from the European Commission under the security theme of the 7th Research Framework Programme (FP7 2007-2013). In particular, this study addresses two main questions: to what extent is security research placed at the service of citizens? To what extent does it contribute to the development of a single area of fundamental rights and freedoms? The study finds that security research has only partly addressed the concerns of EU citizens and that security research has been mainly put at the service of industry rather than society.

This study does not contain specific Chapters on this point, but could serve as a general background on the issue.

Counter-terrorism funding in the EU budget
EPRS briefing (04/2016)
While it is not possible to calculate total EU and Member State spending on counter-terrorism with any precision, EU spending is estimated to have increased from €5.7 million in 2002 to €93.5 million in 2009. The broader 'Security and Citizenship' heading in the EU budget was increased from €2 522 million in 2015 to €4 052 million in 2016. Spending on counter-terrorism, including EU funds and operational expenses for the functioning of the institutional framework, has |

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	increased. This briefing looks into the evolution of the EU counter-terrorism strategy and related spending in the EU budget. **Internal Security Fund (ISF)** EPRS briefing (04/2016) The Internal Security Fund (ISF) supports the implementation of the renewed EU Internal Security Strategy and finances measures related to cooperation in law enforcement and the management of the EU's external borders. The Fund has two components: one deals with external borders and visa issues, while the other focuses on police cooperation, preventing and combatting crime, and on crisis management. The 2014-2020 financial envelope allocated to the ISF amounts to €3.76 billion (commitments), plus €138.7 million for information sharing mechanisms.
(g) to investigate the deficiencies in the judiciary systems and judicial cooperation at EU level, as well as cooperation on cross border investigations, notably through Eurojust, the European Judicial Network, Joint investigation teams, and the European Arrest Warrant (EAW), and the European Investigation Order; to identify technical, structural and legal limitations to investigation and prosecution capacities;	**The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness** STUDY (01/2017) The following Chapters of this study are particularly relevant on this point: 4.3.1. Fora, measures and tools for operational cooperation and intelligence/law enforcement and judicial information exchange 4.3.2. Data collection and database access and interoperability 4.3.6. Criminal justice measures 5.6. Information exchange (systems and people) 6.2.1. Recommendations concerning operational cooperation and intelligence/law enforcement and judicial information exchange 6.2.2. Recommendations on data collection and database access and Interoperability 6.2.5. Recommendation on criminal justice measures Theme A: fora, measures and tools for operational cooperation and intelligence/law enforcement and judicial information exchange Theme B: data collection and database access and interoperability Theme F: criminal justice measures **The Inter-agency cooperation and future architecture of the EU criminal justice and law enforcement area**

| | STUDY (11/2014)
This study aims at analysing the current relationship and foreseeable cooperation between several EU agencies and bodies: Europol, Eurojust, the European Anti-Fraud Office, the European Judicial Network and the future European Public Prosecutor's Office. The study reflects on their cooperation regarding the fight against serious transnational crime and the protection of the European Union's financial interests. It also identifies good practices and difficulties and suggests possible ways of improvements.

The following Chapters of this study are particularly relevant on this point:
2. Interagency cooperation in the fight against serious cross-border crime
4.1. Recommendations relating to each bilateral cooperation
4.1.1. The fight against serious transnational crime

National security and secret evidence in legislation and before the courts: exploring the challenges
STUDY (09/2014)

The following Chapters of this study are particularly relevant on this point:
1. National regimes and practices in EU Member States on the use of intelligence information by courts
2. Assessing the reliance of the EU Member States' justice systems on intelligence information in courts: the issue of scrutiny

EU and Member States policies and laws on persons suspected of terrorism-related crimes
Study (Planned publishing November 2017) |
| (h) to examine the current exchange of best practice and collaboration between national authorities and relevant EU bodies with regard to the protection of soft targets, including areas of transit, such as airports and train stations, as well as the protection of critical infrastructures as provided for in Council Directive 2008/114/EC(10) ; | |

(i) to investigate the current mechanisms available for victims of terrorism, particularly Directive 2012/29/EU of the European Parliament and of the Council[11] , identifying existing good practices to be exchanged;	**How can the EU and Member States better help the victims of terrorism?** STUDY (09/2017) This study presents a glimpse into the international and selected national responses to the raising global threat of terrorism and the consequent increase in victimisation. The study is based on the research conducted on legislation and policy responses to the needs of victims of terrorism in Belgium, France, Germany, Hungary, Spain and the United Kingdom. The research and findings focus on the two main EU instruments in this field: the Victims' Rights Directive and the Directive on Combating Terrorism. Based on the findings of adequacy of response to the victims' needs, the study proposes a set of recommendations for the EU and the Member States legislative and policy response to better ensure the needs of victims of terrorism are well taken care of.
(j) to collect information and to analyse the process of radicalisation, and the effectiveness of the de-radicalisation programmes set in a limited number of Member States; to identify existing good practices to be exchanged and to ascertain whether the Member States have taken the appropriate measures in that regard;	**The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness** STUDY (01/2017) The following Chapters of this study are particularly relevant on this point: 4.3.7. Prevention of radicalisation 6.2.6. Recommendations on policies concerning prevention against radicalisation Theme G: prevention against radicalisation **Preventing and countering youth radicalisation in the EU** STUDY (04/2014) This study focuses on the question of how to best prevent youth radicalisation in the EU. It evaluates counter-radicalisation policies, both in terms of their efficiency and their broader social and political impact. Building on a conception of radicalisation as a process of escalation, it highlights the need to take into account the relation between individuals, groups and state responses. In this light, it forefronts some of the shortcomings of current policies, such as the difficulties of reporting individuals on the grounds of uncertain assessments of danger and the problem of attributing political grievances to ethnic and religious specificities. Finally, the study highlights the ambiguous nature of pro-

	active administrative practices and exceptional counter-terrorism legislation and their potentially damaging effects in terms of fundamental rights. **Radicalisation and counter-radicalisation: A gender perspective** EPRS briefing (04/2016) From a gender perspective, women's radicalisation and involvement in violent extremist groups remains relatively under-estimated. However, recent studies indicate that around 550 Western women have travelled to ISIL/Da'esh-occupied territory. The role of women in counter-radicalisation is more widely acknowledged. Women's role in prevention goes beyond close family circles, extending to other capacities such as policy shapers, educators, community members and activists. Women's empowerment thus becomes essential for tackling the root causes of extremism and defeating radicalisation. Although a gender aspect has not been systematically applied in security strategies, several experts advise the adoption of a gendered approach to counter-radicalisation policies.
(k) to assess the efficiency of cooperation between Member States, as well as the efficiency of cooperation between competent authorities, obliged entities and law enforcement authorities, in fighting money laundering and terrorism financing under Directive 2005/60/EC of the European Parliament and of the Council[(12)] , and to exchange views with the relevant actors in the banking sector and fraud investigation and law enforcement authorities in order to identify the new forms of financing of terrorism, including its links with organised crime;	**The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness** STUDY (01/2017) The following Chapters of this study are particularly relevant on this point: 4.3.4. Combating terrorist financing 6.2.3. Recommendations on policies on countering the financing of terrorism THEME D: COMBATING TERRORIST FINANCING **Evaluation of EU measures to combat terrorist financing** IN-DEPTH ANALYSIS (04/2014) This note evaluates the EU's measures to combat terrorist financing and their societal and political impact. In response to the renewed politicization of the EU-US Terrorist Finance Tracking Programme (TFTP) and taking into account that the European Commission has announced in November 2013 its intention not to present at this stage a proposal for a European Terrorist Finance Tracking System (EU TFTS), and in the light

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	of the development of a 4th Directive on anti-money laundering and combatting terrorist financing (AML/CFT Directive), the note proposes a set of recommendations concerning possible measures to combat terrorist financing. **Europe's crime-terror nexus: links between terrorist and organised crime groups in the European Union** STUDY (10/2012) The study presents a qualitative analysis of the linkages between Organised Crime (OC) and terrorism with specific reference to the European Union. A conceptual basis of the links between OC and terrorism is outlined, and systematically used to identify how these two phenomena come together in the European theatre. The study also considers developments regarding the relationship between OC and terrorism in regions outside the E.U., that have a direct impact on how the nexus is evolving in E.U. member-states. It reveals that certain linkages between OC and terrorism exist in the E.U. Trends suggest that these linkages will continue to develop. The study concludes by assessing the impact of OC-terrorism linkages on the E.U., and providing recommendations on how to address it. It points out that the effective fight against OC and terrorism depends on an integrated approach that involves all stakeholders at both national and EU levels.
(I) to make any recommendations that it deems to be necessary in all the above-mentioned matters and, to those ends, to establish the necessary contacts, make visits and hold hearings with the EU institutions and relevant agencies and with the international and national institutions, the national parliaments and governments of the Member States and of third countries, and with officials involved in the daily fight against terrorism such as law enforcement agencies, police authorities, intelligence services, judges and magistrates and representatives of the scientific community, business and civil society, including victims' organisations;	Recommendations are available in all the above listed studies.

3. LIST OF THE MOST RELEVANT AND RECENT RESEARCH OF THE POLICY DEPARTMENT FOR CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS IN THE FIELDS OF RESPONSIBILITIES OF THE SPECIAL COMMITTEE ON TERRORISM

(The full list of supporting analyses is available:
http://www.europarl.europa.eu/committees/en/supporting-analyses-home.html)

1) The European Union's Policies on Counter-Terrorism: Relevance, Coherence and Effectiveness

STUDY (01/2017)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, identifies (counter-) terrorism trends, threats and policies in the EU, focussing particularly on seven themes, including database access and interoperability, measures on border security, criminal justice and prevention of radicalisation. It also analyses the coherence and effectiveness of the counter-terrorism policy (architecture), and issues of cooperation, oversight and implementation, in particular of seven focus Member States: Belgium, Bulgaria, France, Germany, the Netherlands, Slovakia and Spain. Moreover, this study addresses future scenarios and formulates concrete policy options and recommendations.

2) How can the EU and Member States better help the victims of terrorism?

STUDY (09/2017)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, presents a glimpse into the international and selected national responses to the raising global threat of terrorism and the consequent increase in victimisation. The study is based on the research conducted on legislation and policy responses to the needs of victims of terrorism in Belgium, France, Germany, Hungary, Spain and the United Kingdom. The research and findings focus on the two main EU instruments in this field: the Victims' Rights Directive and the Directive on Combating Terrorism. Based on the findings of adequacy of response to the victims' needs, the study proposes a set of recommendations for the EU and the Member States legislative and policy response to better ensure the needs of victims of terrorism are well taken care of.

3) European Travel Information and Authorisation System (ETIAS): Border management, fundamental rights and data protection

STUDY (04/2017)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, appraises the proposal for a Regulation of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS), adopted by the European Commission on 16 November 2016. It provides an assessment of the necessity, implications in relation to interoperability, and impact in terms of fundamental rights, including the right to personal data protection and the right to privacy. It finds that the necessity of ETIAS has not been made, that the proposal is likely to introduce interoperability through the backdoor, and that it constitutes a significant interference with fundamental rights.

4) Legal Frameworks for Hacking by Law Enforcement: Identification, Evaluation and Comparison of Practices

STUDY (03/2017)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, presents concrete policy proposals on the use of hacking techniques by law enforcement. These proposals are driven by a comparative examination of the legal frameworks for hacking by law enforcement across six EU Member States and three non-EU countries, in combination with analyses of the international and EU-level debates on the topic and the EU legal basis for intervention in the field.

5) Towards a European Public Prosecutor's Office (EPPO)
STUDY (11/2016)
This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, analyses the proposal for a Regulation establishing the EPPO. The evolution of the text is analysed through a comparison between the initial Commission proposal and the current version of the text (dated of 28 October 2016). The paper assesses whether the EPPO, as it is currently envisaged, would fit the objectives assigned to it, whether it will have some added value, and whether it will be able to function efficiently and in full respect of fundamental rights. It focuses on the main issues at stake and controversial points of discussion, namely the EPPO institutional design, some material issues, its procedural framework, and its relations with its partners.

6) Smart Borders revisited: an assessment of the Commission's revised smart border proposal
STUDY (10/2016)
This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, appraises the revised legislative proposals ('package') on EU smart borders adopted by the European Commission on 6 April 2016. It provides a general assessment of the package, focusing in particular on costs, technical feasibility and overall proportionality, and a fundamental rights check of the initiative.

7) Internal borders in the Schengen area: is Schengen crisis-proof?
STUDY (06/2016)
This study, commissioned by the European Parliament's Policy Department for Citizen's Rights and Constitutional Affairs at the request of the LIBE Committee, analyses the Schengen area in the wake of the European 'refugee crisis' and other recent developments. With several Member States reintroducing temporary internal border controls over recent months, the study assesses compliance with the Schengen governance framework in this context. Despite suggestions that the end of Schengen is nigh or arguments that there is a need to get 'back to Schengen', the research demonstrates that Schengen is alive and well and that border controls have, at least formally, complied with the legal framework. Nonetheless, better monitoring and democratic accountability are necessary.

8) The proposal for a European Border and Coast Guard: Evolution or revolution in external border management?
STUDY (03/2016)
This study, which critically examines the Commission proposal for the establishment of a European Border and Coast Guard, was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee. The proposal significantly reinforces Frontex's regulatory and operational tasks and provides the Agency with an additional supervisory role. The proposal does not amend the fundamental premise of operational cooperation at the external borders, reserving executive enforcement powers to the Member States. Nonetheless, the concept of shared responsibility in the absence of shared accountability increases existing fundamental rights concerns.

9) [The Law Enforcement Challenges of Cybercrime: are we really playing catch-up?](#)

STUDY (10/2015)

This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee. With a number of high-profile criminal cases, such as 'Silk Road', cybercrime has been very much in the spotlight in recent years, both in Europe and elsewhere. While this study shows that cybercrime poses significant challenges for law enforcement, it also argues that the key cybercrime concern for law enforcement is legal rather than technical and technological. The study further underlines that the European Parliament is largely excluded from policy development in the field of cybercrime, impeding public scrutiny and accountability.

10) [Cybersecurity in the European Union and beyond: Exploring the threats and policy responses](#)

STUDY (10/2015)

This study was commissioned by the European Parliament's Policy Department for Citizens 'Rights and Constitutional Affairs at the request of the LIBE Committee. It sets out to develop a better understanding of the main cybersecurity threats and existing cybersecurity capabilities in the European Union and the United States. The study further examines transnational cooperation and explores perceptions of the effectiveness of the EU response, pinpointing remaining challenges and suggesting avenues for improvement.

11) [A Quest for Accountability? EU and Member State Inquiries into the CIA Rendition and Secret Detention Programme](#)

STUDY (09/2015)

At the request of the LIBE Committee, this study assesses the extent to which EU Member States have delivered accountability for their complicity in the US CIA-led extraordinary rendition and secret detention programme and its serious human rights violations. It offers a scoreboard of political inquiries and judicial investigations in supranational and national arenas in relation to Italy, Lithuania, Poland, Romania and the United Kingdom. The study takes as a starting point two recent and far-reaching developments in delivering accountability and establishing the truth: the publication of the executive summary of the US Senate Intelligence Committee (Feinstein) Report and new European Court of Human Rights judgments regarding EU Member States' complicity with the CIA. The study identifies significant obstacles to further accountability in the five EU Member States under investigation: notably the lack of independent and effective official investigations and the use of the 'state secrets doctrine' to prevent disclosure of the facts, evade responsibility and hinder redress to the victims. The study puts forward a set of policy recommendations for the European Parliament to address these obstacles to effective accountability.

12) [The Inter-agency cooperation and future architecture of the EU criminal justice and law enforcement area](#)

STUDY (11/2014)

Upon request by the LIBE Committee, this study aims at analysing the current relationship and foreseeable cooperation between several EU agencies and bodies: Europol, Eurojust, the European Anti-Fraud Office, the European Judicial Network and the future European Public Prosecutor's Office. The study reflects on their cooperation regarding the fight against serious transnational crime and the protection of the European Union's financial interests. It also identifies good practices and difficulties and suggests possible ways of improvements.

13) [National security and secret evidence in legislation and before the courts: exploring the challenges](#)

STUDY (09/2014)

At the request of the LIBE committee, this study provides a comparative analysis of the national legal regimes and practices governing the use of intelligence information as evidence in the United Kingdom, France, Germany, Spain, Italy, the Netherlands and Sweden. It

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explores notably how national security can be invoked to determine the classification of information and evidence as 'state secrets' in court proceedings and whether such laws and practices are fundamental rights- and rule of law compliant. The study finds that, in the majority of Member States under investigation, the judiciary is significantly hindered in effectively adjudicating justice and guaranteeing the rights of the defence in 'national security' cases. The research also illustrates that the very term 'national security' is nebulously defined across the Member States analysed, with no national definition meeting legal certainty and "in accordance with the law" standards and a clear risk that the executive and secret services may act arbitrarily. The study argues that national and transnational intelligence community practices and cooperation need to be subject to more independent and effective judicial accountability and be brought into line with EU 'rule of law' standards.

14) [Preventing and countering youth radicalisation in the EU](#)
STUDY (04/2014)
Upon request by the LIBE Committee, this study focuses on the question of how to best prevent youth radicalisation in the EU. It evaluates counter-radicalisation policies, both in terms of their efficiency and their broader social and political impact. Building on a conception of radicalisation as a process of escalation, it highlights the need to take into account the relation between individuals, groups and state responses. In this light, it forefronts some of the shortcomings of current policies, such as the difficulties of reporting individuals on the grounds of uncertain assessments of danger and the problem of attributing political grievances to ethnic and religious specificities. Finally, the study highlights the ambiguous nature of pro-active administrative practices and exceptional counter-terrorism legislation and their potentially damaging effects in terms of fundamental rights.

15) [Evaluation of EU measures to combat terrorist financing](#)
IN-DEPTH ANALYSIS (04/2014)
Upon request by the LIBE Committee, this note evaluates the EU's measures to combat terrorist financing and their societal and political impact. In response to the renewed politicization of the EU-US Terrorist Finance Tracking Programme (TFTP) and taking into account that the European Commission has announced in November 2013 its intention not to present at this stage a proposal for a European Terrorist Finance Tracking System (EU TFTS), and in the light of the development of a 4th Directive on anti-money laundering and combatting terrorist financing (AML/CFT Directive), the note proposes a set of recommendations concerning possible measures to combat terrorist financing.

16) [Review of security measures in the 7th Research framework programme FP7 2007-2013](#)
STUDY (04/2014)
Upon request by the LIBE Committee, this study analyses how the public-private dialogue has been framed and shaped and examines the priorities set up in calls and projects that have received funding from the European Commission under the security theme of the 7th Research Framework Programme (FP7 2007-2013). In particular, this study addresses two main questions: to what extent is security research placed at the service of citizens? To what extent does it contribute to the development of a single area of fundamental rights and freedoms? The study finds that security research has only partly addressed the concerns of EU citizens and that security research has been mainly put at the service of industry rather than society.

17) [Developing a criminal justice area in the EU](#)
STUDY (01/2014)
This study addresses the development of an EU criminal justice area. By exploring key concepts and features of criminal processes in comparative perspective, it seeks to provide ideas for such an area. Because the situation in the member states is diverse, independent concepts guided by the study findings are explored.

18) [National programmes for mass surveillance of personal data in EU member states and their compatibility with EU law](#)

STUDY (10/2013)

In the wake of the disclosures surrounding PRISM and other US surveillance programmes, this study makes an assessment of the large-scale surveillance practices by a selection of EU member states: the UK, Sweden, France, Germany and the Netherlands. Given the large-scale nature of surveillance practices at stake, which represent a reconfiguration of traditional intelligence gathering, the study contends that an analysis of European surveillance programmes cannot be reduced to a question of balance between data protection versus national security, but has to be framed in terms of collective freedoms and democracy. It finds that four of the five EU member states selected for in-depth examination are engaging in some form of large-scale interception and surveillance of communication data, and identifies parallels and discrepancies between these programmes and the NSA-run operations. The study argues that these surveillance programmes do not stand outside the realm of EU intervention but can be engaged from an EU law perspective via (i) an understanding of national security in a democratic rule of law framework where fundamental human rights standards and judicial oversight constitute key standards; (ii) the risks presented to the internal security of the Union as a whole as well as the privacy of EU citizens as data owners, and (iii) the potential spill over into the activities and responsibilities of EU agencies. The study then presents a set of policy recommendations to the European Parliament.

19) [Europe's crime-terror nexus: links between terrorist and organised crime groups in the European Union](#)

STUDY (10/2012)

The study presents a qualitative analysis of the linkages between Organised Crime (OC) and terrorism with specific reference to the European Union. A conceptual basis of the links between OC and terrorism is outlined, and systematically used to identify how these two phenomena come together in the European theatre. The study also considers developments regarding the relationship between OC and terrorism in regions outside the E.U., that have a direct impact on how the nexus is evolving in E.U. member-states. It reveals that certain linkages between OC and terrorism exist in the E.U. Trends suggest that these linkages will continue to develop. The study concludes by assessing the impact of OC-terrorism linkages on the E.U., and providing recommendations on how to address it. It points out that the effective fight against OC and terrorism depends on an integrated approach that involves all stakeholders at both national and EU levels.

20) [Developing an EU Internal Security Strategy, fighting terrorism and organised crime](#)

STUDY (11/2011)

The present study examines the steps taken since the entry into force of the Lisbon Treaty in the field of internal security and assesses commitments made in the areas of fundamental rights and civil liberties. The study examines the development of the EU Internal Security Strategy, with special attention paid to fighting terrorism and organised crime. It also investigates the activities of the main EU agencies involved in internal security policies. The study finally sketches out the key challenges lying ahead for EU internal security policies, with particular consideration paid to the role that the European Parliament will be called upon to play.

21) [Implementation of the EU Charter of Fundamental Rights and its Impact on EU Home Affairs Agencies (Frontex, Europol and the European Asylum Support Office)](#)

STUDY (08/2011)

This study sets out to examine the impact and implementation of the EU Charter of Fundamental Rights with respect to three EU Home Affairs agencies: Frontex, Europol and

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EASO. It assesses the relevance of the EU Charter when evaluating the mandates, legal competences and practices of these agencies, particularly in the fields of external border control and the management of migration. After identifying specific fundamental rights guaranteed in the EU Charter that are potentially put at risk by the actions of these three agencies, and judicial obstacles that prevent individuals from obtaining effective legal remedies in cases of alleged fundamental rights violations, we present a set of policy recommendations for the European and national parliaments.

22) Parliamentary oversight of security and intelligence agencies in the European Union

STUDY (06/2011)

This study evaluates the oversight of national security and intelligence agencies by parliaments and specialised non-parliamentary oversight bodies, with a view to identifying good practices that can inform the European Parliament's approach to strengthening the oversight of Europol, Eurojust, Frontex and, to a lesser extent, Sitcen. The study puts forward a series of detailed recommendations (including in the field of access to classified information) that are formulated on the basis of in-depth assessments of: (1) the current functions and powers of these four bodies; (2) existing arrangements for the oversight of these bodies by the European Parliament, the Joint Supervisory Bodies and national parliaments; and (3) the legal and institutional frameworks for parliamentary and specialised oversight of security and intelligence agencies in EU Member States and other major democracies.

23) Estimated costs of EU counterterrorism measures

NOTE (05/2011)

This research note presents an assessment of the estimated costs incurred by the EU on Counter Terrorism (CT) measures and CT related costs borne by the private sector. Information on CT spending is scarce. This study is a first attempt to estimate these costs. The researchers assess that EU CT related spending increased from €5,7 m in 2002 to €93,5 m in 2009. Information on costs of CT measures borne by the private sector is even more scarce and has therefore been excluded from the total amount.

24) The EU internal security strategy, the EU policy cycle and the role of (AFSJ) agencies

STUDY (05/2011)

The present briefing note analyses and reflects on the EU policy cycle (within the broader context of the EU's internal security strategy), with a focus on the role of European agencies and ongoing initiatives for inter-agency cooperation. It discusses the specific approach adopted, its state of play while outlining its main promises as well as identifying potential pitfalls. A number of positive suggestions in the form of "pre-requisites" or antidotes are put forward to suggest how each of these potentially problematic issues could (and in our view should) be addressed. These issues deserve further institutional consideration and should be taken up and elaborated in follow-up measures and documents to strengthen the policy cycle and the internal security strategy in order for it to be to live up to its promise.

4. LIST OF THE MOST RELEVANT UPCOMING RESEARCH OF THE POLICY DEPARTMENT FOR CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS IN THE FIELDS OF RESPONSIBILITIES OF THE SPECIAL COMMITTEE ON TERRORISM

1) EU and Member States policies and laws on persons suspected of terrorism-related crimes
Study (Planned publishing November 2017)

The research should look into the laws and policies of MSs in relation to persons suspected of terrorism-related crimes in terms of legal definitions, decisions to list a person as suspect, authorities involved, consequences of such decisions, monitoring measures and restrictions, number of persons listed, databases and interconnections, etc.
It shall also examine whether and how such information is shared between MSs via Europol or other bodies, instruments or procedures. The study shall also evaluate the efficacy of such measures and their conformity with fundamental rights obligations, and issue recommendations for the EU and MSs to ensure they achieve the declared aims. Case studies should be presented in depth to examine gaps, loopholes and successes in the area, also taking into account the legislative framework to be implemented as per the Directive on combatting terrorism

2) Brexit implications in the Area of Freedom, Security and Justice
Study (Planned publishing November 2017)

The study shall examine the impact of Brexit on all AFSJ areas; it includes a chapter on the future of police cooperation, including counter-terrorism and shall identify areas for such cooperation as well as legal and other obstacles that might need to be overcome.

3) Need for a European narrative countering terrorism
In-depth Analysis (Planned publishing November 2017)

Multiple actions and measures to counter terrorist threats have been taken these past years on various levels and through multiple legislative initiatives and other tools. The study "The European Union's Policies on Counter-terrorism - relevance, coherence and effectiveness", commissioned by the European Parliament's Policy Department for Citizen's Rights and Constitutional Affairs at the request of the LIBE committee, identified the (counter-) terrorism trends, threats and policies in the EU.
On 8 June 2017, Europol presented its 2017 EU Terrorism Situation and Trend Report (TE-SAT 2017) in the Civil Liberties, Justice and Home Affairs Committee. This report highlighted that there is a need for a European narrative countering terrorism, and more specifically on social media.
On 7 July 2017, the G20 called for counterterrorism actions that must continue to be part of a comprehensive approach, including combatting radicalization and recruitment, hampering terrorist movements and countering terrorist propaganda. They pledged to exchange best practices on preventing and countering terrorism and violent extremism conducive to terrorism, national strategies and deradicalisation and disengagement programmes, and the promotion of strategic communications as well as robust and positive narratives to counter terrorist propaganda.
Multiple countries - including Member States - have already pledged or taken steps into this direction, the UN has expressed itself on the issue and so has the Council and the High Representative.

The purpose of this briefing is therefore to identify actions taken and projects set up by various actors (on a global level, EU level and Member State level). This briefing would provide a valuable contribution to the Security Dialogue that LIBE coordinators hold each semester with the European Commissioner for Security Union, Mr King.

4) Interoperability of Justice and Home Affairs Information Systems
Study (Planned publishing March 2018)

There has been a recent push to get rid of the current "silo" system of databases created under Justice and Home Affairs measures, such as Eurodac, SIS, VIS, Prüm and Ecris, and to connect them more closely for operational reasons. In addition, there are a number of new databases being proposed such as the Entry-Exit System and ETIAS in relation to which interoperability with other EU databases will be or has been proposed.

The study should look at the benefits of connecting the systems more closely, the ways this connection should be done and, in particular, the fundamental rights implications especially to privacy, data protection and the presumption of innocence, and the implications to data security and systems interference this kind of an interconnection would have, considering the varying types of personal information these databases contain. The study should also look at the possible overlap between existing and proposed databases and the duplication or triplication of collection of data. Finally, the study should examine the ways different national and EU agencies use and access the databases and the merits of preserving the hit-no-hit method versus the implications a free access system could have in terms of tracking and monitoring an individual and predictive policing.

5. LIST OF THE MOST RELEVANT AND RECENT EPRS PUBLICATIONS RELATED TO COUNTER-TERRORISM

General publications

Interoperability of European information systems for border management and security
EPRS briefing (06/2017)
The collection, processing and sharing of data using new technologies is becoming central to EU border management and internal security. In 2016, the European Commission launched a reflection process on how to improve and develop EU information systems for border management and security. One key dimension of this process is to make the various information systems more interoperable, so as to allow the simultaneous consultation and automatic interconnection of data.

European information systems in the area of justice and home affairs: an overview
EPRS In-depth Analysis (05/2017)
This publication provides an overview of the existing and proposed European information systems in the area of justice and home affairs. It discusses the legal basis, the purposes, the scope of data and access, the utilisation and the proposed changes for each information system, including issues of interoperability.

Counter-terrorist sanctions regimes: Legal framework and challenges at UN and EU levels
EPRS briefing (10/2016)
Targeted sanctions against individuals and entities suspected of supporting terrorism are an important part of the United Nations Security Council's counter-terrorism programme. The European Union implements all UN Security Council-imposed sanctions and has also instituted its own autonomous counter-terrorist restrictive measures regime. However, both the UN and EU sanctions regimes have been severely criticised for infringing key fundamental rights, including due process rights.

Cost of Non-Schengen: Civil Liberties, Justice and Home Affairs Aspects
EPRS study (09/2016)
This study identifies the costs of the (temporary) reintroduction of border controls between the Schengen Member States, with a special focus on civil liberties, justice, and home affairs aspects. It recommends more concerted action at EU level, with a view to returning to a fully functioning Schengen Area.

Public expectations and EU policies - Fight against terrorism
EPRS briefing (07/2016)
EU citizens show strong expectations for increased involvement of the EU in the fight against terrorism. The current EU legal framework is limited by the primary role of the Member States in this area. Nevertheless, there is still the scope and potential for increased EU involvement within the current legal framework. This briefing considers this and also covers current and potential relevant financing at EU level. Financial instruments that tackle counter-terrorism directly, indirectly or partially are spread across the EU budget and are increasing.

ISIL/Da'esh and 'non-conventional' weapons of terror
EPRS briefing (05/2016)
The European Union and its Member States must prepare for the possibility of a chemical or biological attack on their territory by the self-styled 'Islamic State' in Iraq and the Levant (known variously as IS, ISIS or ISIL, and by the Arabic acronym 'Da'esh'). European governments and EU institutions need to be on alert, and should consider publicly addressing the possibility of a terrorist attack using chemical, biological, radiological or even nuclear materials. The EU institutions have devoted considerable efforts to preventing a CBRN attack

and is closely connected to the notion of extremism. Religious fundamentalism, a belief in an absolute religious ideology with no tolerance for differing interpretations, is a contributing factor to the development of radical opinions. Radicalisation is a dynamic process cutting across social and demographic strata. It is a serious threat to internal security in EU Member States, who retain the main competence in this matter. The measures taken at EU level contribute to the fight against radicalisation by offering common strategies, EU-wide cooperation networks and coordination of Member States' efforts.

Legislation in progress series

EU Legislation in progress: European Travel Information and Authorisation System (ETIAS)
EPRS briefing (last updated 10/2017)
While the existing border management information systems do address some of the information gaps concerning non-EU citizens coming into the EU, there is a lack of information related to visa-exempt third-country nationals arriving at the Schengen external borders. The European Commission has therefore proposed to set up an automated system that would gather information on visa-exempt travellers prior to their arrival, in order to determine any irregular migration, security or public-health risks associated with them.

EU Legislation in progress: Directive on combating terrorism
EPRS briefing (last updated 09/2017)
The Directive on combating terrorism, which entered into force in April 2017, extends the current framework for criminalisation of terrorist offences. This briefing looks into the background, the preparation of the proposal, the legislative process leading to its adoption, as well as various stakeholders' views on it.

EU Legislation in progress: Control of the acquisition and possession of weapons
EPRS briefing (last updated 06/2017)
The new firearms directive, which entered into force on 13 June 2017, reduces the number of weapons categories and changes the classification of certain types of weapons, while strictly defining exceptions for civilian use of the most dangerous weapons. This briefing looks into its background, stakeholders' positions and the legislative process leading to its adoption.

EU legislation in progress: Smart Borders: EU Entry/Exit System
EPRS briefing (last updated 06/2017)
In anticipation of increased traveller flows and in response to security concerns regarding the control of EU external borders, on 6 April 2016, the Commission presented a revised proposal for establishing an Entry/Exit System for recording the border-crossings of all non-EU nationals. The system would be interconnected with the Visa Information System (VIS) database and used by the same authorities: border control and consular posts. Moreover, it would allow law enforcement authorities to perform restricted queries in the database for criminal identification and intelligence to prevent serious crime and terrorism.

EU Legislation in progress: Revision of the Fourth Anti-Money-Laundering Directive
EPRS briefing (06/2017)
Directive (EU) 2015/849, which forms part of the EU regulatory framework to combat financial crime, has shown gaps in the light of recent terrorist attacks and the 'Panama papers' revelations. In this context, the European Commission proposed to amend the directive, along with Directive 2009/101/EC, to broaden their scope, lower thresholds benefiting from exemptions and provide for the creation of automated centralised mechanisms. This briefing looks into the details of the Commission proposal and modifications put forward by the Parliament and the Council.

EU Legislation in progress: Revision of the Schengen Information System for law enforcement
EPRS briefing (03/2017)

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on European soil and preparing worst-case scenarios. However, some gaps remain, in particular with regard to information-sharing among Member States.

Counter-terrorism funding in the EU budget
EPRS briefing (04/2016)
While it is not possible to calculate total EU and Member State spending on counter-terrorism with any precision, EU spending is estimated to have increased from €5.7 million in 2002 to €93.5 million in 2009. Spending on counter-terrorism, including EU funds and operational expenses for the functioning of the institutional framework, has increased. This briefing looks into the evolution of the EU counter-terrorism strategy and related spending in the EU budget.

Internal Security Fund (ISF)
EPRS briefing (04/2016)
The ISF supports the implementation of the renewed EU Internal Security Strategy and finances measures related to cooperation in law enforcement and the management of the EU's external borders. The Fund has two components: one deals with external borders and visa issues, while the other focuses on police cooperation, preventing and combatting crime, and on crisis management. The 2014-2020 financial envelope allocated to the ISF amounts to €3.76 billion (commitments), plus €138.7 million for information sharing mechanisms.

Radicalisation and counter-radicalisation: A gender perspective
EPRS briefing (04/2016)
From a gender perspective, women's radicalisation and involvement in violent extremist groups remains relatively under-estimated. However, recent studies indicate that around 550 Western women have travelled to ISIL/Da'esh-occupied territory. The role of women in counter-radicalisation is more widely acknowledged. Women's role in prevention goes beyond close family circles, extending to other capacities such as policy shapers, educators, community members and activists. Women's empowerment thus becomes essential for tackling the root causes of extremism and defeating radicalisation. Although a gender aspect has not been systematically applied in security strategies, several experts advise the adoption of a gendered approach to counter-radicalisation policies.

Foreign fighters – Member State responses and EU action
EPRS briefing (03/2016)
Within the EU, security in general, and counter-terrorism in particular, have traditionally remained within the Member States' remit. The EU has, however, coordinated Member State activities regarding the prevention of radicalisation, the detection of travel for suspicious purposes, the criminal justice response, and cooperation with third countries. Individual Member States have stepped up their efforts to address the problem of foreign fighters, using various tools including criminal law, administrative measures and 'soft tools', such as counter-radicalisation campaigns. The Member States most affected have also cooperated with each other outside the EU framework.

The proposed EU passenger name records (PNR) directive: Revived in the new security context
EPRS briefing (04/2015)
Following the January 2015 terrorist attacks, the European Parliament committed to work towards the finalisation of an EU PNR directive. Nevertheless, not everybody is convinced by the efficacy of the proposed measure, and many stakeholders question its necessity and proportionality, whilst highlighting the different fundamental-rights risks inherent in any PNR scheme. Privacy and civil liberties activists warn against the measure's intrusive nature, and see it as another step on the road to a surveillance society.

Religious fundamentalism and radicalisation
EPRS briefing (03/2015)
Radicalisation is a complex matter that has not been defined uniformly in the social sciences. It can be seen as a phenomenon of people embracing views which could lead to terrorism,

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In December 2016, the Commission adopted a package of proposals to respond more effectively to new migration and security challenges. One of these is focused on improving and extending the use of the SIS in the field of police cooperation and judicial cooperation in criminal matters. The package also includes a proposal to revise the rules of the SIS in the field of border checks, and another concerning a new role for the SIS in the return of illegally staying third-country nationals.

[EU Legislation in progress: Revision of the Schengen Information System for border checks](#)
EPRS briefing (03/2017)
The proposal focusing on improving and extending the use of the SIS in the field of border checks provides for more effective use of fingerprints and facial images in the SIS and would oblige Member States to record all entry bans issued to third-country nationals staying illegally in their territory.

Implementation appraisals and appraisals of impact assessments

[Mutual recognition of freezing and confiscation orders - Initial Appraisal of a European Commission Impact Assessment](#)
EPRS briefing (06/2017)
This briefing seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's impact assessment (IA) accompanying the proposal for a regulation on the mutual recognition of freezing and confiscation orders, submitted on 21 December 2016 and referred to Parliament's Committee on Civil Liberties, Justice and Home Affairs.

[Controls of cash entering or leaving the European Union - Initial Appraisal of a European Commission Impact Assessment](#)
EPRS briefing (06/2017)
This briefing seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's impact assessment (IA) accompanying the proposal for a regulation on controls of cash entering or leaving the Union, adopted on 21 December 2016 and currently referred to Parliament's Committee on Civil Liberties, Justice and Home Affairs.

[Controls of cash movements - Implementation appraisal](#)
EPRS briefing (12/2016)
This briefing is one in a series of 'Implementation Appraisals' on the operation of existing EU legislation in practice. It focuses on the implementation of the Regulation (EC) No 1889/2005 on controls of cash entering or leaving the European Community, currently under review.

[Framework Decision 2002/475/JHA on combating terrorism - Implementation Appraisal](#)
EPRS briefing (05/2016)
This briefing is one in a series of 'Implementation Appraisals' on the operation of existing EU legislation in practice. It focuses on the implementation of the Framework Decision 2002/475/JHA as amended by Decision 2008/919/JHA on combatting terrorism and provides a succinct overview of material publicly available on its application and effectiveness.

[Directive 91/477 on control of the acquisition and possession of weapons – Implementation Appraisal](#)
EPRS briefing (01/2016)
This briefing is one in a series of 'Implementation Appraisals' on the operation of existing EU legislation in practice. It focuses on the implementation of the Council Directive 91/477/EEC as amended by Directive 2008/51/EC on control of the acquisition and possession of weapons. This Implementation Appraisal pays particular attention to the Commission's evaluation of the existing legislation.

This paper provides a detailed analysis of the responsibilities of the Special Committee on Terrorism and the corresponding available and upcoming research of the Policy Department for Citizens' Rights and Constitutional Affairs and the EPRS.