

**12685/04**

**LIMITE**

**JAI 336  
ENFOPOL 120**

**TRANSLATION PROVIDED BY PRESIDENCY**

**NOTE**

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from :            Presidency

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Subject :        Fight against terrorism

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**Objective**

Within the area of freedom, security and justice, the efforts of the Member States must be directed towards not only their own security, but also that of the Union as a whole.

This will ultimately mean ensuring that:

- Member States can use the powers of their intelligence and security services not only to counter threats to internal security within their own territories, but also, where necessary, to protect the internal security of the other Member States;
- information that is available to services of the Member States concerning threats to the internal security of another Member State is immediately brought to the attention of that Member State;
- in cases where persons are under surveillance by security services in connection with terrorist threats, no gaps occur in their surveillance as a result of their crossing a border; and
- a number of specific measures are taken in the short term.

### **Short-term measures**

1. All the elements of the European Council declaration of 25 March 2004, including the EU Counter-Terrorism Coordinator's action plan, must continue to be implemented in full.
2. Already by 1 July 2005, exchange of information between security services must be based on the principle of availability (for an explanation of that principle, see the 'Exchange of information' fiche).
3. With effect from 1 July 2005, SITCEN and Europol, in collaboration with the Member States, should regularly draw up an EU threat assessment describing potential terrorist threats. In the light of these threats, the JHA Council will receive advisory reports on any necessary action through appropriate channels. The reports will cover the broad range of internal security and survey the fields of activity of services in the areas of intelligence, security, investigation, border surveillance and crisis management. Once the Constitutional Treaty enters into force, the reports will be submitted to the Article III-162/III-261 Committee.
4. With effect from 1 January 2006 there should be an EU strategy on radicalisation and recruitment.
5. All the instruments available to the EU must be used in a consistent manner so that the key concern - the fight against terrorism - is fully addressed.

## Propositions:

### Long-term:

1. Member States must be willing to seek ways of bringing (or helping to bring) the protection of the internal security of other Member States to the same level as the protection of their own internal security.

### Short-term:

2. In connection with the fight against terrorism, a number of multiyear work programmes have recently been presented, such as the European Council declaration of 25 March 2004 and the Roadmap. The multiannual programme must once again emphasise the urgent need to implement the JHA aspects and examine some of them in greater detail.
3. For further information on the principle of availability, see the 'Exchange of information' fiche. The fight against terrorism immediately requires more far-reaching measures, especially those mentioned here.
4. SITCEN and Europol, in collaboration with the Member States, must produce an analysis describing terrorist threats and giving advice on possible preparatory action by the services concerned with internal security. The Article III-162/Article III/261 Committee will play a coordinating role here once the Constitutional Treaty enters into force.
5. In order to prevent terrorism, it is vital to draw up, as quickly as possible, an EU strategy on radicalisation and recruitment, linking such aspects as integration, education, ordinary policing and security.
6. An integrated approach to the fight against terrorism means, that where necessary Community law will be adapted to measures adopted with a view to combat terrorism.

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