



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : the Presidency
to : the Council

Subject : EU Action plan on fight against terrorism: state of play

Within the framework of the EU Action Plan against terrorism, the Spanish Presidency has proposed to develop an ambitious programme on fighting terrorism, based on the results of the Laeken Council.

These particular efforts in fighting terrorism can be tracked by the regular update of the roadmap, which allows Coreper/Council to regularly assess the measures adopted and under preparation in this field.

Briefly, these efforts concern the following set of measures:

1- Applying in all its aspects UN Security Council Resolution 1373, in particular by combating the financing of terrorism and by developing the judicial criminal co-operation and the police co-operation.

2-The Council (Justice and Home Affairs) has reached on 28 February 2002 a common understanding on the draft Framework Decision on the execution in the European Union of orders freezing property or evidence. The purpose of the Framework Decision is to establish the rules under which a Member State shall recognise and execute in its territory a freezing order issued by a judicial authority of another Member State.

3- Increasing mutual assistance in preventing and combating terrorist acts through police and judicial co-operation with regard to persons, groups and entities. To this end, Spain has tabled a draft Decision with a view to ensuring that each Member State designates a contact point within its police services, which will have access to and collect the information concerning and resulting from criminal investigations conducted by its law enforcement authorities with respect to terrorist offences involving any of the listed persons, groups or entities. A similar procedure is envisaged within the judiciary, whereby the contact point might be the Eurojust national correspondent for terrorism matters in those Member States in which such a contact point has been designated.

4- In the bilateral relations with the United States, at least two topics are worth being mentioned. In the first place, there is room for improving the co-operation between Europol on the one hand and the US law enforcement agencies on the other hand. One of the issues at stake is related to data protection. The US rules on data protection are different from those which are compulsory for the European Union and, thus, for Europol. It is therefore necessary to perform a deeper study into one another's data protection rules. The US side has provided the Spanish Presidency with a descriptive document of the applicable rules. These rules are currently under study and a discussion will start soon between EU/US experts to clarify some issues.

The second topic concerns the negotiation of an Agreement on Extradition and on Mutual Legal Assistance between the EU and the US. EU/US co-operation in the fight against terrorism would be facilitated by an agreement easing the legal assistance and the extradition. This might include direct contacts between central authorities instead of using exclusively diplomatic channels, as well as video conferencing and joint investigative teams. The Presidency seeks to have a mandate for starting the negotiation approved at the next Council meeting, at the end of April 2002.

5. The Council has agreed to systematically introduce a clause on terrorism in agreements with third countries, be it in the text of the agreements, in a separate declaration or by means of an exchange of letters. The Council has also agreed on the content of such a clause. This understanding has already been applied in two agreements, with Lebanon and Algeria.

6. Consideration is given to improving co-operation between Europol and Eurojust in the fight against terrorism. Actually, negotiations on drawing up an agreement between Europol and Eurojust will begin immediately.

7. The lists of persons, groups and entities involved in terrorist activities as set up by the Common Position 2001/931/CFSP is being reviewed and will be updated in the coming weeks.

8. Bioterrorism. Work is progressing on bioterrorism within the Civil Protection Working Party (which is preparing a Council Resolution aimed at improving cooperation within the Union against bacteriological, chemical and nuclear terrorist attacks), the Military Committee and the Committee for Civilian Aspects of Crisis Management.

9. SIS: The Schengen Information System could be a useful tool in fighting terrorism. Since work is under way on the future requirements of SIS II (the next generation), consideration is given to several improvements such as a new, simpler consultation procedure, in the context of combating terrorism, for alerts issued pursuant to Article 99 of the Schengen Convention, the possibility of running searches on the basis of incomplete data, access for public authorities responsible for vehicle registration, extended access for the authorities which issue residence permits to alerts on issued documents, access for Eurojust and for Europol, and improved access to the SIS by security services in relation to fighting terrorism.

10. Co-operation with Russia: The Presidency has intensified the discussions with Russia on fighting (organised) crime in general and fighting terrorism in particular. Europol is involved in this process. Discussions are under way on a possible agreement between Europol and Russia. This agreement might include technical co-operation and the secondment of a Russian Liaison officer to The Hague. A Russian answer to the draft-Agreement proposed by Europol is expected at the Ministerial JHA Meeting on 25 April in Luxembourg.

11. The fight against terrorism is systematically discussed in the external relations of the Union. This includes other important partners than the ones already mentioned, in the first place the Candidate countries; a seminar will be dedicated to this topic in April 2002. Co-operation is also intensive with partners such as Canada and Ukraine.

Finally, the Council is invited to agree on 15 April 2002 on concrete measures with regard to the implications of the terrorist threat on the non-proliferation, disarmament and arms control policy of the EU.
