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THE EUROPEAN UNION**

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**NOTE**

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from : General Secretariat of the Council

to : Coreper

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Subject : Draft Council conclusions on Prevention, Preparedness and Response to Terrorist  
Attacks

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1. In the wake of the terrorist attacks on Madrid on 11 March 2004, the European Council agreed, on 25 March 2004, a set of strategic objectives which, since then, have directed the Union's fight against terrorism<sup>1</sup>.

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<sup>1</sup> 7906/04.

2. At its meeting on 17-18 June 2004, the European Council endorsed the revised *EU Plan of Action on Combating Terrorism*<sup>2</sup> and identified a number of priority issues which should be addressed before the end of 2004: prevention and consequence management of terrorist attacks, protection of critical infrastructures, finance of terrorism and external relations.<sup>3</sup>
3. On 22 October 2004, the Commission submitted to the Council an overall communication and three communications on the areas referred to above<sup>4</sup>.
4. With a view to preparing the Council's response to the invitations of the European Council regarding the prevention and consequence management and critical infrastructures<sup>5</sup>, the Civil Protection Working Party established, at its meeting at 16 November 2004, the draft Council Conclusions as contained in the Annex. The questions outstanding are the following:
  - a general scrutiny reservation by DE/SI/FI and a parliamentary scrutiny reservation by DK;
  - a reservation by DE/IT on paragraph 4, which "welcomes" the recent Commission contributions on terrorism;
  - a scrutiny reservation by all delegations and a reservation by DE on paragraph 15 concerning the Law Enforcement Network (LEN).

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<sup>2</sup> 10586/04.

<sup>3</sup> 10679/2/04 REV 2.

<sup>4</sup> Commission communications on

- Prevention, preparedness and response to terrorist attacks, doc. 13978/04 - COM(2004) 698 final;
- Critical Infrastructure Protection in the fight against terrorism, doc. 13979/04 - COM(2004) 702 final;
- Preparedness and consequence management in the fight against terrorism, doc. 13980/04 - COM(2004) 701 final;
- Prevention of an fight against terrorist financing through measures to improve the exchange of information, to strengthen transparency and enhance the traceability of financial transactions, doc. 13982/04 - COM(2004) 700 final.

<sup>5</sup> Other Council bodies are preparing a separate document on the fight against terrorist financing (doc. 14180/04) and on the ESDP dimension (13234/4/04 REV 4).

This draft will be further examined by the Committee of Article 36 (CATS) on 22 November, especially regarding point 15. Any changes to the present text which may result from this examination will be reflected in a new document.

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**DRAFT**  
**COUNCIL CONCLUSIONS**  
**ON PREVENTION, PREPAREDNESS AND RESPONSE**  
**TO TERRORIST ATTACKS <sup>6</sup>**

THE COUNCIL OF THE EUROPEAN UNION,

1. HAVING REGARD TO:

- the conclusions of the European Council of 25 March 2004, including the Declaration on Solidarity, and the conclusions of the European Council of 17-18 June 2004, including the report to the European Council on the implementation of the Declaration on combating Terrorism and the EU Plan of Action on Combating Terrorism <sup>7</sup>;
- the conclusions of the Council of 4 October 2004 on strengthening the overall Civil Protection Capacity in the European Union <sup>8</sup>;
- the joint Council and Commission programme of 20 December 2002 to improve co-operation in the European Union for preventing and limiting the consequences of chemical, biological, radiological or nuclear terrorist threats (the 2002 CBRN-programme) <sup>9</sup> and the draft EU Solidarity programme on the consequences of terrorist threats and attacks (EU Solidarity Programme) <sup>10</sup>;
- the Communications from the Commission on Prevention, preparedness and response to terrorist attacks, on Preparedness and consequence management in the fight against terrorism and on Critical Infrastructure Protection in the fight against terrorism <sup>11</sup>;
- the Hague Programme on strengthening freedom, security and justice in the European Union adopted by the European Council of 5 November 2004 (the Hague Programme) <sup>12</sup>.

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<sup>6</sup> Scrutiny reservation by DE/SI/FI. Parliamentary scrutiny reservation by DK.

<sup>7</sup> 7906/04, 10586/04, 10679/2/04 REV 2 + ADD 1 and 10585/04.

<sup>8</sup> 11549/04.

<sup>9</sup> 14627/02.

<sup>10</sup> 13941/1/04 REV 1.

<sup>11</sup> Docs 13978/04 - COM(2004) 698 final, 13980/04 - COM(2004) 701 final and 13979/04 - COM(2004) 702 final.

<sup>12</sup> 14292/04.

## On the EU Solidarity Programme

2. WELCOMES the *EU Solidarity Programme on the consequences of terrorist threats and attacks (EU Solidarity Programme)*, which contains a revision of the 2002 CBRN programme and its widening to all terrorist threats, as well as its adaptation to the other requests from the European Council, as laid down in the EU Plan of Action on combating terrorism.<sup>13</sup>

The *EU Solidarity Programme on the consequences of terrorist threats and attacks* is a further major contribution to strengthening and facilitating co-operation at EU level.

The Programme includes Community activities, which the Commission will coordinate, implement and monitor, as well as activities to be carried out by Council and Member States in order to convert their solidarity commitment into concrete action.

The implementation of the actions to be carried out by Council and Member States will be ensured by the introduction into the Programme of a strengthened implementation system, based upon the EU Plan of Action for combating Terrorism and involving regular review by COREPER and Council with the assistance of the Counter-Terrorism Coordinator (CTC).

3. HIGHLIGHTS the importance of achieving the main goals and activities of the programme:
- a) enhancing the quality of risk assessment and analysis by making a better use of [ ] threat assessments and by improving the methodological quality and the information on cross border risks;
  - b) improving the protection of critical infrastructure;
  - c) improving and interlinking the mechanisms for the detection and identification of terrorist threats and for alerting the professionals and the public;
  - d) strengthening the political and operational preparedness and capability for consequence management by improved mutual assistance, increased learning, **training and exercises** and better co-ordination;
  - e) encouraging Research & Development-activities relevant for civil protection;
  - f) improving international co-operation.

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<sup>13</sup> 10586/04.

## On prevention, preparedness and response to terrorist attacks

4. WELCOMES<sup>14</sup> the Communications from the Commission on Prevention, preparedness and response to terrorist attacks, on Preparedness and consequence management as well as on Critical Infrastructure Protection in the fight against terrorism as relevant contributions to the EU actions combating terrorism;
5. IS CONVINCED that the European institutions must honour the solidarity with victims of the 11 March 2004 terrorist attacks in Madrid and show that acts of terrorism are attacks against the values on which the Union is founded; ENDORSES the Commission proposal to make 11 March, declared by the European Parliament to be a European Day on commemorating the victims of terrorism, also a day of civic and democratic debate on securing freedom;
6. WELCOMES the initiative by the Commission to engage the private sector in the development of new solutions towards the security enhancement of goods and services in order not to disrupt their circulation, building upon previous work in this field and on existing partnerships;
7. In this context, WELCOMES the Communication from the Commission “*Security Research: The Next Steps*”<sup>15</sup> as an important step towards the development of a European Security Programme aimed at improving civil security and the strengthening of an industrial base in security research;
8. NOTES the Commission's **intention to contribute** to the Council's work in the area of defending fundamental rights against violent radicalisation, including its **intended** input into the development of a long term strategy to address the factors which contribute to radicalisation and recruitment of terrorists;

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<sup>14</sup> Reservation by DE/IT who suggest ‘NOTES’.

<sup>15</sup> 12368/04.

9. NOTES the Commissions work regarding financial support to the victims of terrorism and sharing the economic burden of an event causing extreme damages;
10. UNDERLINES the necessity of good communications with the public and therefore **INVITES** the Commission to develop, **together with the Member States**, appropriate initiatives for an optimal coordination of the public information by the Member States during cross border crises; ENDORSES the initiative of the Commission to facilitate, together with the Member States, a permanent dialogue between emergency service operators and authorities on interoperable systems for emergency handling and on new concepts for public warning systems and procedures;
11. HIGHLIGHTS the contribution of the Commission to ensure greater security of firearms, explosives, bomb-making equipment and the technologies that contribute to the perpetration of terrorist outrages, and INVITES the Commission to present proposals for that purpose;

#### **On preparedness and consequence management**

12. RECALLS that, following the adoption of the Hague Programme, **the European Council has called upon the Council and Commission to** set up within the existing structures, while fully respecting national competences, integrated **and coordinated** EU crisis management arrangements for crises with cross border effects within the EU [ ] to be implemented at the latest by 1 July 2006;
13. NOTES with interest the intention of the Commission to interlink all its existing specialised rapid alert systems for emergencies that require action at European level so as to create [ ] a secure general rapid alert system called ARGUS, which would ensure that relevant information is shared forthwith with all Commission services and national authorities concerned, **as well as the possible role of ARGUS** in the event of a major crisis as a new Commission central entry point in addition to the existing Commission rapid alert systems;

14. **NOTES with interest** the intention of the Commission to establish, together with ARGUS, a central Crisis Centre, which would bring representatives of all relevant Commission services together during an emergency and co-ordinate efforts to evaluate the best practicable options for action and propose appropriate response measures; **CALLS UPON** the Commission to develop [ ], in the framework of the Crisis Centre, a [ ] risk analysis system to realise, **at Community level**, a uniform approach to risk analysis associated with each degree of risk, and to come forward with proposals, taking national competences into account; <sup>16</sup>
15. **NOTES** the proposal by the Commission with respect to the establishment of a law enforcement alert mechanism (the Law Enforcement Network, LEN) to be hosted by Europol and connected with other European rapid alert and rapid response systems managed by the Commission [ ], **and LOOKS FORWARD to** further proposals **by the Commission** on the establishment of such a Law Enforcement Network (LEN) <sup>17</sup>;
16. Once ARGUS and the Crisis Centre have been established, the **feasibility of the establishment of** links with Council Services and other European bodies **could be examined**;

### **On Critical Infrastructure Protection**

17. **SUPPORTS** the intention of the Commission, by applying the subsidiarity principle, to concentrate its efforts on the protection of infrastructure with potential transboundary effects; **WELCOMES** the Commission intention to make annual progress reports on infrastructure and **SUPPORTS** the intention of the Commission to propose, in the near future, a European Programme for Critical Infrastructure Protection (EPCIP) which will contain horizontal organisational measures such as the identification of critical infrastructures having a transboundary effect, the analysis of vulnerabilities and interdependencies, and the outlining of protective solutions, all this being done in the framework of an ongoing dynamic partnership among EU Institutions, infrastructure owners/operators and Member States [ ];

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<sup>16</sup> Reservation by DE.

<sup>17</sup> To be discussed by CATS.



18. AGREES to the creation by the Commission of a Critical Infrastructure Warning Information Network (CIWIN) assembling EU Member States Critical Infrastructure Protection specialists to assist the Commission in drawing up the ECPIC programme and to be set up as soon as possible. The main purpose of this network shall be to exchange information on threats and vulnerabilities of transboundary critical infrastructures and to formulate appropriate measures and strategies to mitigate risk in support of critical infrastructure protection;

### **On Capabilities for mutual assistance**

19. RECALLS the commitment of the June 2004 European Council to assess the capabilities of Member States both in preventing and coping with the consequences of any type of terrorist attack which can be made available to other Member States in the case of a major crisis and to that end INVITES the Member States to contribute, **as far as possible**, to:<sup>18</sup>
- assessing the capabilities available at European level for assistance to countries affected by a major terrorist attack on the basis of scenarios of response to terrorist attacks;
  - the upgrading of the existing database of civil protection means and experts [ ];
  - obtaining and sharing, on a restricted basis, information on relevant vaccines, sera and other necessary medical resources that **might** be made available in the event of a major terrorist attack.
20. INVITES the Commission to examine the issue of interoperability of, i.a., equipment in the context of training and exercises, building also on experience gained by Member States in this area to date; to undertake further research on interoperability; and to make proposals to enhance it if necessary;

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<sup>18</sup> It is recalled that the Council has, on 4 October 2004, invited the Member States to expand and deepen the content of the database of military assets and capabilities relevant to the protection of the civilian populations against the effects of terrorist attacks, on the basis of their voluntary contributions (doc. 11549/04).

21. INVITES the Commission, **within the Community framework**, to revise the course types and contents, learning from experience – including experience from terrorism incidents –, to continue organising training, and in particular to continue joint exercises so as to enable teams to work efficiently together, to create a Community culture and to form a good basis for future contacts; CALLS for consideration of more organised training for chosen national intervention team members as well as team leaders, experts and co-ordinators; CALLS on the Commission to develop further the organisation of training and exercises including facilitation of joint training and exercises with relevant international organisations;
22. INVITES the Commission to take further measures to facilitate transport of resources for assistance intervention and other support action.

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23. UNDERLINES [the adoption of] the Conceptual Framework on the ESDP dimension of the fight against terrorism.<sup>19</sup>

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<sup>19</sup> 13234/4/04 REV 4.