



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 18 May 2006 (22.05)
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"I/A" NOTE

from: Presidency
to: COREPER/Council

Subject : Conclusions of the first High Level Political Dialogue on Counter-Terrorism,
between the Council, the Commission, and the European Parliament

Delegations will find in annex the Conclusions of the first High Level Political Dialogue on Counter-Terrorism, bringing together the European Parliament, the Council and the European Commission.

COREPER is requested to invite the Council to take note of the annexed conclusions.

Conclusions of the first High Level Political Dialogue on Counter-Terrorism, bringing together the European Parliament, the Council and the European Commission

Brussels, 10 May 2006

Background information:

The EU Counter Terrorism Strategy, adopted by the European Council in December 2005, provides in point 40 that:

"Once per Presidency, and ahead of the European Council's review of progress, a High Level Political Dialogue on Counter-Terrorism, bringing together the Council, European Commission, and European Parliament, will meet to allow the three Institutions to consider progress together and promote transparency and balance in the EU's approach."

On this basis the Presidency of the Council called the first High Level meeting which was hosted by the European Commission. Below please find a summary of the proceeding of the High Level Meeting.

Participants^[1]

The European Parliament delegation was led by Mr. Jean Marie Cavada, president of the LIBE committee.

The Council Delegation was led by Mrs. Liese Prokop, Minister of Interior of the incumbent Austrian presidency and the Finish incoming Presidency as well as the Counter terrorism Coordinator, Ms. Gijs de Vries.

^[1] Full list of participants enclosed in attachment 1:

The European Commission was represented by its Vice-President, Commissioner for Justice Security and Freedom, Mr Franco Frattini.

Agenda:

1. Opening of the meeting and adoption of the agenda
2. Introductory words by the Presidency of the Council:
 - a) Minister of Interior
 - b) EU Counter Terrorism Coordinator
3. Introductory intervention by the President of the European Parliament
4. Introductory remarks by the Vice-President of the European Commission / Commissioner for JLS
5. Exchange of views
6. Follow-up and planning of the next meeting
7. Any other business

Documents discussed:

- a) EU Counter Terrorism Strategy
- b) EU Counter Terrorism Action Plan
- c) EU Strategy on Radicalisation and Recruitment

Summary of the debate

1. The Council Presidency highlighted the importance of democratic accountability. One of the steps in order to improve accountability is the creation of the High Level Meeting, bringing together the main European Institutions involved in the fight against terrorism. The good experience of the institutional cooperation which resulted in the adoption of the Directive 2006/24/EC of the European Parliament and the Council on the retention of data (OJ L 105, 13.4.2006 p 54) is an example for the importance of such a dialog.

The Council Presidency subsequently outlined the activities of the Council in the field of counter terrorism as from 1 January 2006:

- a) The Joint Situation Centre (SitCen) has produced a number of assessments, which have been presented to relevant Council bodies. On the basis of these papers the Council is in the process of drawing up policy recommendations.
- b) The Council has confirmed its commitment to define priorities on the basis of a yearly open assessment regarding the terrorist situation in Europe, produced by Europol. Once agreed, the document will be transmitted to the European Parliament.
- c) The Council intends to improve the process for the communication of classified information to the Member States.
- d) The implementation of the recommendations contained in the final report of the peer evaluation of national anti terrorism measures as well as the respective national reports is ongoing and will be finalised by the end of the year.
- e) The Presidency will bring forward the implementation of the EU Strategy on Radicalisation and Recruitment.
- f) In parallel other proposals in the field of judicial cooperation that have a bearing on the fight against terrorism are being brought forward.
- g) Particular attention was devoted to the proposals for the second generation of the Schengen Information System, as well as the future of Europol.
- h) The Presidency reported the main results of a number of seminars organised during the Austrian Presidency.

i) The Presidency affirmed her best endeavours to structure and to promote the debate in the Council bodies on the proposal for a Framework Decision on data protection in the third pillar and on the proposal for a Framework Decision on certain procedural rights in criminal proceedings throughout the EU.

j) Finally issues related to civil protection and preparedness were highlighted.

2. The EU Counter Terrorism Coordinator reported on the implementation of the various action plans and strategies adopted by the (European) Council. He stressed the importance of a full and correct implementation of the measures agreed at political level.

3. In its intervention the European Parliament delegation stressed:

a) que la stratégie contre le terrorisme affecte plusieurs politiques de l'Union et de la Communauté dont, plusieurs relèvent de la co-décision. Il a mis en exergue aussi le rôle majeur de la Commission dans le développement et la mise de en œuvre des différents domaines de la stratégie, dès la prévention et la préparation jusqu'à la poursuite de terroristes et à la gestion de crise. Il est donc essentiel que Parlement, le Conseil et la Commission recherchent un accord sur l'analyse et la stratégie générale pour contrecarrer ce phénomène et œuvrent ensemble pour maintenir l'engagement de l'Union dans cette lutte.

b) qu'il est nécessaire que le Conseil européen suive la proposition du Parlement, de la Commission et de plusieurs Etats membres d'activer la clause "passerelle" prévue par le Traité de Maastricht (art. 42 TUE) en intégrant dans le cadre communautaire l'essentiel de la coopération judiciaire et policière actuellement dans le III^e pilier.

c) que les limites aux libertés et aux droits individuels doivent être exceptionnelles et limitées aux seuls cas où ils sont indispensables, proportionnées et compatibles dans une société démocratique. Le Parlement regrette que au nom de la lutte contre le terrorisme on ait adopté depuis le 11 septembre 2001 plus des normes sécuritaires que des normes garantissant un niveau élevé de protection des personnes au sein de l'Union. Le PE regrette d'ailleurs qu'il depuis des années le Conseil ne soit pas capable d'adopter des garanties minimales dans le procès pénal ou de assurer la protection des données dans le domaine de la coopération policière et judiciaire. Faute de progrès dans ces domaines peuvent affecter aussi l'adoption de mesures de portée plus générale comme la mise en place du Système SISII du Système VIS ou la mise en œuvre du principe de disponibilité;

d) que partager les responsabilités implique le partage au niveau des parlements nationaux et du Parlement européen des informations liées à la mise en œuvre des politiques liées à la lutte contre le terrorisme y compris celles liées aux travaux des services d'intelligence. Le Conseil de l'Europe va proposer le renforcement de la législation nationale ; il devrait en être de même pour la législation européenne en matière de traitement des informations confidentielles (révision et amendement du Règlement CE/1049/01).

e) que la coopération avec des Etats Tiers et les alliées en particulier (voir le cas de l'accord UE/USA en matière de coopération judiciaire et policière ou en matière de transfert des données des passagers) ne doit pas affecter les standards de protection des droits des personnes au sein de l'Union.

f) l'importance accordée par le Parlement à ce que l'Union Européenne dispose des ressources budgétaires nécessaires a la mise en œuvre des politiques faisant objet de sa stratégie contre le terrorisme. Le Parlement à pris l'initiative en proposant l'établissement en 2004 et 2005 de projets pilotes pour la lutte anti-terrorisme et l'appuy aux victimes, renforcés et complétés - en matière de gestion de crise - en 2006. Le Parlement considère impératif que les programmes européens de sécurité et de préparation et gestion de crise disposent dès 2007 des ressources nécessaires et appuie les propositions de la Commission en ce sens.

4. The Vice President of the Commission summarized the initiatives in the field of counterterrorism undertaken by the European Commission since the adoption of the European Counter Terrorism Strategy. Mr. Frattini conveyed to the Parliament and Council delegations a letter outlining such initiatives and activities of the European Commission (enclosed). Vice President Frattini referred inter alia measures to reduce terrorist access to financial resources, to enhance security in explosives and to combat violent radicalisation and recruitment to terrorism. Measures taken to increase the protection of European citizens were highlighted, including the development of a European programme for critical infrastructure protection, which will strengthen the protection of key European and national infrastructures. He referred initiatives for new instruments improving the EU's ability to prosecute terrorists, as frameworks for the exchange of information and tools for identifying and pursuing terrorists. Finally, the work of the Commission to respond in the aftermath of terrorist attacks by means of the Community Civil Protection Mechanism was also highlighted.

Mr. Frattini thanked once again Parliament for having taken the initiative in late 2004 of establishing budget article 18 05 06 – Pilot Project Terrorism. The 7 mio € made available in that budget article have played a crucial role in starting up numerous activities already underway – from the launching of the European Programme on Critical Infrastructure Protection to the establishment of a network of experts on violent radicalisation. Studies are being realised on subjects as varied as the implementation of the FATF recommendations on fighting the financing of terrorism and the motivational factors playing into the recruitment of terrorists. In the area of crisis management this funds have enabled the Commission to build a new rapid alert and information network for critical infrastructure protection as well as to launch the establishment of a secure crisis management facility enabling it to play its part in the European crisis management system in the event of a crisis created by terrorism.

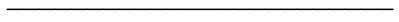
Mr. Frattini considered that the allocation of an additional budget of 10 mio€ under the 2006 budget – articles 18 05 06 and 18 05 07 - will enable the Commission to finance important activities such as the all important support to the Atlas network of special forces which constitutes a prime and concrete example of what can be achieved when there is will. Moreover, it will enable it to initiate activities in preparation of very important future programmes inter alia on bio terrorism, radiological risk reduction and Prevention and response to violent radicalisation. The Commission will adopt in the coming weeks a Financing Decision on to the 9Mio€ of budget article Pilot Project Terrorism to be followed by a second decision related on its counter terrorism specific crisis management facilities and systems as soon as the budget authority agrees to lift the reserve on the 1 Mio€ of budget art 18 05 07. These Decisions will enable the Commission to pave the way for the very significant new financial programmes under the financial perspectives, notably the "security" programme and the "preparedness and crisis management" one which should enable us to dispose of some 40 mio € yearly for the fight against terrorism from 2007 onwards.

The VP also stressed the relevance in this field of the proposals already mentioned by the Presidency which deal with the protection of fundamental rights of the European citizens. These proposals, as already indicated also at the highest political level should be finalised as soon as possible by the Council.

Finally, Vice President Frattini highlighted the great importance of the proposals just made by the Commission regarding the mobilisation of the "passerelle" clause established by the Maastricht Treaty (art. 42 TUE) with a view to an added effectiveness for the action of the Union, inter alia in the fight against terrorism.

5. The EU Counter Terrorism Strategy and its four priorities – PREVENT, PROTECT, PURSUE, RESPOND – as well as the corresponding Action Plan, were outlined as an ambitious and highly effective compilation of methods and measures throughout all fields of combating terrorism.

6. Finally all participants undertook to keep each other informed of all important developments in the field of counter terrorism. The incoming Presidency announced that the second High Level Meeting will most likely take place in November 2006.



High Level Dialogue on Counter-Terrorism

10.05.2006, 13h00-14h30

List of Participants

Presidency

Mrs. Liese PROKOP, Federal Minister

Mr. Hans Winkler, State Secretary

Mr. Gregor Woschnagg, Permanent Representative

Mr. Phillip ITA, Head of Cabinet

Mr. Martin Hojni, Member of Cabinet

Mr. Kurt HAGER, Chair Art. 36 Committee

Mr. Gerhard ZIEGLER, HoU Home Affairs Brussels

Mr. Martin WEISS, JHA Counselor

Mr. Christian MANQUÉ, Judge

Ms. Ingrid WÖRGÖTTER, Judge

Ms. Gertraud EPPICH, JHA Counselor

Incoming Presidency - Finland

Mr. Kari SALMI, State Secretary

Mr. Antti PELTTARI, Director General

Mr. Kari RANTAMA, National Police Commissioner

Mr. Sebastian SASS, EU-Coordinator, Justice

Mr. Eikka KOSONEN, Permanent Representative

Ms. Hannele TAAVILA, Counselor

European Parliament

Mr. Jean Marie CAVADA, President LIBE-Committee

Mr. Antoine CAHEN, temp. HoU LIBE-Secretariat

European Commission

Mr. Franco FRATTINI, Vice President

Mr. Carlo PRESENTI, Head of Cabinet

Mr. Lorenzo SALAZAR, Member of Cabinet

Mr. Jonathan FAULL, Director General

Mrs. Denise SORASIO, Director

Mr. Joaquim NUNES DE ALMEIDA, Head of Unit

M Jorge Manuel BENTO SILVA, Principle Administrator

Council Secretariat

Mr. Gijs DE VRIES, Counter Terrorism Coordinator

Mr. Ivan BIZIJAK, General Director

Mr. Gilles DE KERCHOVE D'OUSSELGHEM, Director

Brussels

DG JLS/D1 D(2006) 5837

DRAFT

VP's LETTER ON TERRORISM TO JHA MINISTERS AND THE PRESIDENT OF THE LIBE
COMMITTEE MAY 06

The protection of freedom and security of all persons living in or visiting the EU, as an area without frontiers, is one of the Union's main priorities. Terrorism is a challenge to this freedom and security. We have, through a joint effort of all the citizens, Member States and EU Institutions, achieved a lot in the fight against terrorism. However, this should not make us less active or vigilant! In March this year we commemorated the second European Day of the Victims of Terrorism. Soon we will remember in silence the attacks in London. However, terrorists may still be hiding in our countries and plotting against our citizens, allies and partners. Hence, we have to strive relentlessly to deliver what we promised in the EU Counter Terrorism Strategy as well as in the Action Plan on combating terrorism. We must continue to prevent terrorism, protect our citizens and infrastructures, and bring terrorists to justice. Unfortunately, all these measures can fail. Therefore, we have to be ready to respond adequately to terrorist attacks and to save as many innocent lives as possible. The Commission is strongly committed to deliver its part of the task.

One of the core actions, I am personally strongly committed to, is to prevent terrorism. We need to better understand the processes which drive people to turn to terrorism. Therefore the Commission devotes resources to encourage researchers to adopt multi-disciplinary and comparative approaches to analysing the phenomenon. In this context, the Commission has just adopted a decision setting up an Expert Group on Violent Radicalisation.

A careful analysis is also being carried out as to whether the provisions relating to incitement under the Framework Decision on Combating Terrorism and other EU instruments are adequate in stemming terrorist propaganda, particularly on the Internet and satellite television. Furthermore, the possibility of controlling the transmission of bomb-making or other terrorist expertise is another issue under consideration. However, in view of the nature of the Internet, the issue of enforceability is clearly crucial to any assessment we will make. Close cooperation and interaction with the industry, and in particular, internet service providers is absolutely necessary in order to find solutions that are not only juridically sound but also technically achievable.

We are also working on reducing terrorist access to financial resources that enable them to hide, to travel, and to purchase or produce the means to cause destruction and carnage. The Commission has proposed measures to tighten controls on money transfers which it is hoped will be finally adopted in June of this year. We have launched a Study of EU performance in the context of the nine Special Recommendations of the Financial Action Task Force (FATF) which should contribute to updating the EU Strategy on counter financing of terrorism (“CFT”). The Commission is also setting up a contact group to help develop activities targeted at reducing the vulnerability of the non-profit sector to financial abuse. I believe that it is important to underline that a dialogue between the public and the non-profit sector on this issue is essential.

Given the deadly role of explosives in terrorist attacks, it is crucial to get all the interested parties from the public and the private sector together to decide on a structured plan. A conference involving producers, users, transporters and public sector actors is under preparation. In March 2006 the Commission adopted a proposal for modification of the Directive on control of the acquisition and possession of weapons. This proposal aims at facilitating the tracing of civil arms and strengthens the security of trade in these arms. It also clearly demonstrates our commitment to effective multilateralism and the UN because it integrates the appropriate provisions required by the UN Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunitions.

Measures taken to increase the protection of European citizens include the development of a European programme for critical infrastructure protection, which will strengthen the protection of key European and national infrastructures. A proposal for this programme will be presented soon. Although a significant preparatory work and numerous consultations with all potential stakeholders have already been carried out, it is not an easy process. However, it is crucial to “get it right” from the beginning. Complementary to the program will be the Critical Infrastructure Warning Information Network (CIWIN), which will equip Member States with a rapid alert capacity concerning threats to their critical infrastructure, and which will facilitate the exchange of best practices.

In the coming weeks, it is envisaged to launch a Green Paper on detection technologies in the work of law enforcement, customs and other security authorities. The Paper seeks to contribute to the transformation of the results from security related research into practical and affordable detection tools and equipment for police or customs. This paper also aims at identifying ways forward in making the protection of mass events such as Olympic Games or World Cup safer and cheaper.

Instruments improving our ability to prosecute terrorists are developed, as are frameworks for the exchange of information and tools for identifying and pursuing terrorists. In 2005 Europol has already contributed to more than 20 ongoing investigations. Nevertheless the flow of information is still insufficient. Furthermore, I have recently written a letter to some of you whose countries have not yet ratified the protocols amending the Europol convention to urge you to speed up the process. These protocols are necessary for Europol to become more efficient in its daily work and in the coordination of international investigations.

Eurojust also has a key role to play in an effective fight against terrorism. However, it is unfortunate that only a few Member States regularly exchange information on terrorism matters with Eurojust. All of them should ensure that Eurojust is provided with all relevant and updated information concerning prosecutions for terrorist offences. Additionally, despite the agreement concluded on 9 June 2004, the exchange of information with Europol is limited by its current legal framework. Further efforts should be made in this regard.

Concerning the Commission proposal for a Framework Decision on the exchange of information under the “principle of availability”, I am somewhat disappointed by the approach of the Council which risks being not in line with the deadlines and policy targets set by the Hague Programme. I hope the issue will get adequate attention and rapid progress will be made.

At the same time, legislation to introduce a common framework for the protection of personal data processed for law enforcement purposes should ensure that wider possibilities to access such information is compatible with the protection of fundamental rights. We need to understand quickly that we will not make progress on any file advancing access to information without there being progress on data protection; you cannot have one without the other.

In this regard it is relevant to underline that, at trial, people suspected of terrorist acts have the same rights as other accused persons and that they must be considered as innocent until they have been convicted. The Commission has just issued a green paper on presumption of innocence and its proposal for a Framework decision on certain procedural rights in criminal proceedings is currently being discussed in the Council.

Our ability to respond in the aftermath of terrorist attacks is also increased by the Community Civil Protection Mechanism. Progress has been made on the assessment of the civil protection assistance available through the Community Civil Protection Mechanism in the event of major terrorist attacks, as requested by the European Council in 2004 and 2005. In November 2005 the Commission presented a report, entitled 'Building Solidarity through Mutual Assistance', which sets out the results of the assessment and identifies several fields in which further work is needed. These include the availability of vaccines and other specific medical facilities, detection and decontamination capabilities, transport and logistical resources. So far the Council has not given a specific follow-up to this report. Member States are invited to take the necessary political steps to ensure that sufficient assistance is available also in these fields.

The Commission has created a secure general rapid alert system —ARGUS. ARGUS interconnects all of its specialised rapid alert systems for emergencies that require action at European level and provides for a specific coordination process within the Commission.

Our readiness to tackle terrorism effectively is also dependent on how much we invest in our future, for example in security related research. Such investment can help us not only fight terrorism, but also to offer European solutions for security in the world market. The latest call for proposals of the Preparatory Action for Security Research from February 2006 will also focus on strengthening capacities in areas such as critical infrastructure protection, crisis management and border control. We envisage to invest €15 million. Next year the funding will be further increased and we expect to invest approximately €2.8 billion over the next 7 years in Security and Space. While the amount has not yet been set, I strongly believe that it will not be lower.

To conclude, I have to stress that in all our work, we seek to promote that the fight against terrorism goes alongside the full protection of all fundamental rights. Terrorism is viewed by the EU as a major assault on our basic values, democracy, tolerance, freedom, the rule of law and the protection of fundamental rights.

In general we can be proud of what has already been achieved to reach the aim of a more secure Europe. However, this is still not enough. I understand that it is not easy 10 work with twenty five Member States, and EU institutional and legal structures. Nevertheless, jointly we can still achieve much more than we could individually.

Prepared: TS & LH

Contributions: JLS Units and other COM Services

