



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 May 2007

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"I/A" ITEM NOTE

from: Article 36 Committee
to: COREPER / Council
Subject : Conclusions of the second High Level Political Dialogue on Counter-Terrorism,
between the Council, the Commission, and the European Parliament

1. Delegations will find in the Annex the Conclusions of the second High Level Political Dialogue on Counter-Terrorism, bringing together the European Parliament, the Council and the European Commission.
2. At its meeting of 22-23 May 2007 the Article 36 Committee took note of the Conclusions.
3. On this basis, COREPER is requested to forward the Conclusions to the Council for notation.

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

Brussels, 16 May 2007

A. 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 second High Level meeting which was hosted by the European Parliament. Below please find a summary of the proceeding of the High Level Meeting.

Participants^[1]

The European Parliament delegation was led by Mr. Stavros Lambrinidis, Vice-Chairman of the LIBE Committee.

The Council Delegation was led by Mr. Wolfgang Schäuble, Minister of Interior of the incumbent German presidency and Mr Rafael Fernández-Pita y González, Deputy Director-General of the General Secretariat of the Council.

^[1] Full list of participants enclosed in attachment

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. Progress report by the Presidency of the Council
3. Report by the Chairman of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament
4. Report by the Vice-President and EU Commissioner responsible for Justice, Freedom and Security
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
- d) EU Action Plan on Radicalisation and Recruitment
- e) EU Media Communication Strategy

B. Summary of the debate

1. As in the first High Level Dialogue, the Council Presidency highlighted the importance of democratic accountability and the transparency of political action. One of the steps in order to improve these is the creation of the High Level Meeting, bringing together the main European Union institutions involved in the fight against terrorism. The good experience of the institutional cooperation which resulted in an agreement on access to the visa information system by security authorities and Europol is an example for the importance of such a dialogue.

After presenting the terrorist threat situation in Europe, the Council Presidency outlined the activities of the Council in the field of counter-terrorism as from 1 July 2006:

Prevent

- a) With the adoption of the EU strategy and the EU Action Plan on Radicalisation and Recruitment, the Council put this issue into the focus of its attention. This is confirmed by the first implementation report, of which the Council took note in December 2006.
- b) In August 2006 the Council increasingly directed its attention towards the phenomenon of “home-grown” terrorism. The German Presidency has held a first seminar on this issue.
- c) With a view to strengthening cooperation of the Member States in monitoring and assessing the terrorist use of the internet, the German Presidency has launched the “check the web“ project. On 8 May 2007 an information portal was released at Europol as a platform of cooperation; in addition, regular meetings of experts were started.
- d) In June 2006 the Council adopted a Media Communication Strategy, which provides representatives of the EU and the Member States with guidelines for communication within the EU and towards third countries.

- e) The Presidency will continue to bring forward the implementation of the EU Strategy on Radicalisation and Recruitment.

Protect

- f) The Council discussed the “European Programme for the Protection of Critical Infrastructures” presented by the Commission in December 2006. On 19 April 2007 it reached agreement on conclusions providing for further common action at European level.
- g) After plans for attacks against aircraft in London by means of liquid explosives were uncovered in August 2006, the EU reacted rapidly and restricted the possibilities of carrying liquids in hand luggage.
- h) The Member States are currently implementing biometric standards, in particular for the storage of the facial image in passports, adopted at European level.

Pursue

- i) The Council has reached political agreement about the transposition of the Treaty of Prüm into the legal framework of the EU. Thus, the basis for a modern police information network in Europe will be created. In addition, the Council thus implements the mandate of the Hague Programme to organise a better information exchange under the principle of availability.
- j) Agreement was reached between the Council and the European Parliament on access to the Visa Information System by security authorities and Europol. This proved not least that Europe is capable to act - as is urgently required – to protect its citizens.
- k) Particular attention was devoted to the proposals for the second generation of the Schengen Information System. In December 2006 the Council decided, as an interim solution, to involve nine new Member States in the information system SISone4all. The system will be technically ready by 31 August 2007.

- l) The EU's security competences were improved further by strengthening Europol's operational capabilities through the entry into force of three protocols of March and April 2007 amending the Europol Convention.
- m) The Council agreed on information exchange about the expulsion of persons involved in terrorist activities or of those who incite others to violence or racial hatred.
- n) Since 2007 fund transfers to finance terrorism can be fully traced back and the original client be identified. As from mid-June 2007 the monitoring of cash transfers brought into or out of the Community will be harmonised and the relevant exchange of information strengthened.

Respond

- o) The national reporting regarding the implementation of the recommendations contained in the final report of the counter terrorism peer evaluation as well as the national reports have been concluded. In April 2007 the Council took note of a progress report on the implementation of relevant recommendations.
- p) The field of crisis management is scheduled for the second round of peer evaluation.

Cooperation with partner countries

- q) The German Presidency has maintained a particularly close exchange at all levels with the USA and with Russia. In this context it was decided to strengthen cooperation in the fight against terrorism. The importance of cooperation between the EU and partner countries was stressed.

2. In its intervention the European Parliament delegation stressed:

- a) The Vice-Chairman of the LIBE Committee, Mr Lambrinidis, noted that this dialogue should complement the formal EP consultation mechanism foreseen in the TEU and TEC Treaties, notably on the general strategy of preventing and fighting terrorism, whether this is at the European Council (art. 4 TEU) or at JHA Council level. He stressed the willingness of the EP to become a strong political partner in these matters but he requested the Council to inform the Parliament on the above mentioned issues and if necessary, even on the classified information.

As far as the future of the EU anti-terrorism strategy is concerned, he put forward a suggestion to the Council and to the Commission to, in the future, make a more consistent use of the community competencies as these imply the EP co decision and a wider control by the CJ and by the citizens.

- b) Mr Lambrinidis pointed out the matters of high political priority for the European Parliament in the framework of justice and home affairs.
- There is a need, when improving the judicial and police cooperation, to also raise the protection of fundamental rights in the MS so as to improve mutual trust. He considered it frustrating that, five years after the European arrest warrant, there is still no agreement on minimum procedural guarantees for prisoners.
 - The Council should discuss the European Parliament's recommendations on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners (report adopted 14 February 2007).
 - He expressed his concern about the negotiations with the US on PNR and Swift , especially regarding the lack of factual information on the fulfilment of the necessity and proportionality tests when collecting and treating personal data.

- Furthermore, he doubted whether the measures considered in the ECC, European Union funded pilot project OpTag (a Combined Panoramic Photogrammetric and Radio Frequency Tagging System for Monitoring Passenger Movements in Airports) would be necessary and called for a discussion to determine whether suitable alternatives exist to improve airport efficiency, security and passenger flow. In his opinion the new technology should only be used with appropriate human rights safeguards.

3. The Vice President of the European Commission summarized the initiatives in the field of counter-terrorism undertaken by the European Commission since the adoption of the European Counter Terrorism Strategy. He focussed on those issues on which the Commission is aiming to deliver concrete results over the coming months. These are the following:

Protection of critical infrastructure

- a) Negotiations on the EPCIP package are currently underway in the Council's Civil Protection Working Party. Council Conclusions on Critical Infrastructure Protection were adopted on 19 April. The Commission is looking forward to closer cooperation with the Parliament on this issue.

Enhancing the security of explosives and detonators

- b) An EU conference on "Enhancing the Security of explosives" took place on 9-10 October 2006, tackling areas such as components of explosives including liquids, detection, traceability and storage.
- c) In the follow-up to this conference the Commission has created a task force of experts, including public and private partners, which will submit a report to the Commission in June 2007.

- d) The report will provide the basis for an EU Action Plan for the Enhancement of Security of Explosives which will present the Commission's recommendations and plans on precursors, the supply chain, detection and public security aspects. The Action Plan will take into account what type of EU action is appropriate and necessary.

The use of the internet for terrorist purposes

- e) In 2006 the Commission launched a wide stock-taking exercise to analyse whether a revision of the Framework Decision on combating terrorism is needed to address the use of the internet for terrorist purposes. This has reinforced the awareness of the need to find the right balance between freedom of speech and devising feasible technical solutions.
- f) The Commission believes that the EU should make a step forward so that the use of the internet for terrorist purposes is clearly covered by the Framework Decision on combating terrorism and that EU legislation is consistent with international developments in this field.
- g) Non-legislative complementary measures have also been considered, such as strengthening the ability of police forces and intelligence services to monitor terrorist content on the internet by improving their technical resources or reinforcing their training.
- h) The Commission believes enhancing the coordinated action of Member States through the existing channels of Europol and Eurojust might prove extremely useful and, in this respect, fully supports the German initiative Check the Web.

Radicalisation and Recruitment

- i) The Commission is working on the follow-up to its 2006 Communication as well as on implementing the actions under its responsibility in the EU Strategy and Action Plan on Radicalisation and Recruitment.
- j) This work included awarding three contracts for studies in the fields of violent radicalisation, the creation of an expert group, exploring initiatives to find innovative ways of collaborating with teachers and schools in Europe to identify and address violent predispositions in youth that might lead to terrorism in the future.
- k) €750 000 worth of grants will soon be awarded for projects on tackling violent radicalisations on specified themes.

Bio-terrorism

- l) The Commission believes that risks from dangerous biological materials and pathogens have to be reduced and preparedness fostered in Europe from a biological all-hazards approach.
- m) A draft Green Paper on bio-preparedness will be adopted shortly. It is hoped that the following consultation will lead to an EU Bio-Preparedness Programme supported by a European bio-expertise network and that a policy package could be put forward in 2008.

Terrorist financing

- n) The Commission is engaged in the Counter Terrorism Action Plan and reinforcing the efforts of the Union to reduce the financial resources available to terrorists. The emphasis has been on legislative measures.

- o) The Commission remarked, however, that it is clear that often only a small amount of money is necessary to launch an attack and so efforts should not just concentrate on reducing financial means available to terrorists but also ensure that information about financing is exploited in terrorist investigations.

Victims of terrorism

- p) The Commission is committed to assisting victims of terrorism and their families. It ran a pilot project in 2004 and 2005 to support such activities and twelve projects have benefited from funding. In July 2006, the Commission adopted a preparatory action aimed at promoting European cooperation between victim support organisations. The overall funding accounts to EUR 2 million and the projects should come to fruition in the course of 2007 and 2008.

Vice-President Frattini also commented on how cooperation between institutions can help to produce more concrete results, for example the Visa Information System, and the Commission will continue to consult the European Parliament.

4. 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.
5. Finally all participants underlined the importance of good cooperation between the institutions for the EU citizens security and liberty and undertook to keep each other informed of all important developments in the field of counter terrorism. The incoming Presidency announced that it will continue the High Level Meeting.

High Level Political Dialogue on Counter-Terrorism

14.05.2007, 17.30-18.30

List of Participants

Presidency

Mr Wolfgang Schäuble, Federal Minister

Mrs Cornelia Rogall-Grothe, Director General

Mr Matthias Oel, EU-Coordinator

Mr Rudolf Roy, Head of Unit Police-Cooperation Civil-Protection, German Permanent Representation to the EU

Mrs Martina Wenske, JAI Counsellor, German Permanent Representation to the EU

Mrs Andrea Schumacher, Head of Unit International Cooperation in Counter Terrorism

Mrs Ulrike Hornung, Counsellor

Incoming Presidency - Portugal

Mr Alberto Costa, Minister of Justice

Mr José Magalhães, Secretary of State Assistant and of Internal Administration

Mr Alípio Ribeiro, National Director of the Judiciary Police

Mr Miguel Romão, Director of the International Relations Office, Ministry of Justice

Mr Paulo Cunha Alves, JAI Counsellor, Portuguese Permanent Representation to the EU

Ms Ana Isabel Pinto, member of the cabinet of the Minister of Justice

European Parliament

Mr Stavros Lambrinidis, Vice-Chairman of the LIBE Committee

Mr Emilio De Capitani, LIBE-Secretariat

European Commission

Mr Franco FRATTINI, Vice President

Mr Lorenzo SALAZAR, Member of Cabinet

Mr Joaquim NUNES DE ALMEIDA, Head of Unit D1, DG JLS

Council General Secretariat

Mr Rafael Fernández-Pita y González, Deputy Director-General of DG H

Mr Wouter van de Rijt, DG H

Ms Ivica Stehlikova, DG H

Ms Ave Poom, DG H
