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Subject: Draft Council conclusions on enhancing the links between internal and external aspects of counter-terrorism

1. On the basis of discussions on enhancing the links between internal and external aspects of counter-terrorism held at the Terrorism Working Party (TWP) on 26 January 2011¹ and 15 March 2011 as well as at the joint meeting of the TWP and COTER on 16 March 2011², the Presidency drafted the abovementioned draft Council conclusions.

¹ 5152/11

² 7619/11

2. The Council conclusions, aiming to strengthen the interaction between the internal and external dimensions of the EU counter-terrorism policy, have been discussed at the TWP meeting on 28 April 2011, by the JHA Counsellors at their meetings on 20 April and 6 May 2011 and at the CATS meeting on 17 May 2011 where a broad agreement was reached on the text subject to a few amendments.
3. Coreper agreed in its meeting of 1 June 2011 to submit the draft Council conclusions, as set out in Annex, to the Council.
4. Council is therefore invited to agree on the conclusions as set out in annex.

Draft Council Conclusions on enhancing the links between internal and external aspects of counter-terrorism

HAVING REGARD to the need for ensuring consistency between the different areas of EU external action and other policies, in particular the area of freedom, security and justice;

RECALLING that the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), as amended by the Lisbon Treaty, have put an end to the pillar structure, creating the European External Action Service (EEAS) and empowering the High Representative with the task of representing the Union for matters relating to the Common Foreign and Security Policy;

RECALLING that the TEU assigns the Council and the Commission, assisted by the High Representative, to the duty of ensuring consistency and coherence between the EU's external action and its other policies;

REALISING that in order to achieve these objectives effective coordination, between all relevant actors of the EU's counter-terrorism (hereinafter referred to as CT) policy including EU Member States, the Council, the High Representative assisted by the EEAS, the Commission and the Counter-Terrorism Coordinator (CTC) is crucial;

WELCOMES the establishment by the PSC and COSI of a working method¹ to guide closer cooperation and coordination in the field of EU security, which is expected to enhance ties between the common foreign and security policy and the area of freedom, security and justice, as well as the initiative enhancing relations between civilian CSDP missions and justice and home affairs actions²;

¹ 9125/2/11 REV 2

² 9878/11

HAVING REGARD to the European Union Counter-Terrorism Strategy¹ and the EU Action Plan on combating terrorism², the Internal Security Strategy for the European Union "Towards a European Security Model"³, the Internal Security Strategy⁴ and the related Council conclusions adopted by the Council in February 2011⁵, as well as the UN Global CT Strategy of 2006;

REFERRING to the Stockholm Programme - an open and secure Europe serving and protecting citizens⁶ which states that threat from terrorism remains significant and is a constantly evolving phenomenon and that respect for the rule of law, fundamental rights and freedoms forms the basis of the Union's overall CT work;

RECALLING the work initiated by the European Council on 16 September 2010 on the EU's relations with strategic partners⁷, and noting that CT considerations play a crucial role in international relations;

RECOGNISING that with the global reach of communications and international travel, and the cross border nature of aviation, amongst other issues, the current threat from terrorism and measures to counter the threat cannot clearly be separated into internal and external aspects;

BEARING IN MIND that improving stability in third countries will improve the security of the EU as a whole;

WELCOMING the Strategy prepared by the High Representative and the European Commission on the Sahel⁸, as well as the report on EU aviation and cargo security⁹ as illustrations of an integrated approach creating synergies between internal and external aspects of CT;

¹ 14469/4/05
² 5771/1/06 REV 1
³ 7120/10
⁴ 16797/10 JAI 990
⁵ 6699/11
⁶ OJ C 115, 4.5.2010, p. 1
⁷ EUCO 21/1/10 REV 1
⁸ 7569/11
⁹ 16271/1/10 REV 1

CONSCIOUS of the importance of increasing coordination at European level involving national bodies having different and complementary competences for the purpose of preventing, detecting and investigating crimes having cross border nature, such as terrorism;

RECALLING that Article 72 TFEU stipulates that Member States are responsible for maintaining law and order and safeguarding internal security, as well as Article 4 TEU that recognises that national security remains the sole responsibility of each Member State;

RECOGNISING the achievements of Member States in countering terrorism both at strategic and operational level;

RECOGNISING that the delivery of EU external assistance in the CT area requires specific capabilities and that the EU as a global player should increase its capacity to coordinate and deliver such assistance in cooperation with relevant international organisations;

ACKNOWLEDGING that strengthening the capacity of competent authorities and relevant non-governmental organisations involved in the fight against terrorism in third countries is an important aspect of improving good governance and the rule of law through EU external instruments.

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CONFIRMS its commitment to build on the achievements of existing working structures dealing with CT, while further developing synergies, avoiding duplication of roles and tasks in order to produce a coordinated, coherent and effective EU CT policy;

UNDERTAKES to ensure effective coordination among relevant Council preparatory bodies as well as with the Member States, Commission, EEAS and the CTC to attain maximum synergies between and among relevant stakeholders;

RECOGNISING the importance of EU SitCen in providing assessments both on the internal and external aspects of CT, serving Member States, Commission, EEAS, and other EU bodies, recalls the Presidency Report to the European Council on the EEAS of 23 October 2009 (paragraph 7), which underlines the importance of SITCEN's continued provision of relevant services to the European Council, Council and the Commission, notably in the CT field, and encourages the EU SitCen together with the Presidency to share their work programme with the relevant preparatory bodies of the Council;

ENCOURAGES EU SitCen and Europol to work together, in a complementary manner, to comprehensively analyse the terrorist threat to the EU, bearing in mind the work already being undertaken by these bodies in this area and that such an overview is an important step to counter terrorism and ensure effective policymaking;

UNDERLINES that allocation of EU external assistance resources is crucial for delivering the EU's priorities in the fight against terrorism, therefore actions at the EU level must dovetail with and complement Member States' activities and should target areas from which the threat emanates;

UNDERTAKES in close cooperation with all relevant actors, including the EEAS and the Commission, and with the support of the Counter Terrorism Coordinator, to review on a regular basis the progress of the scope and effectiveness of the joint internal/external CT initiatives and processes developed as a result of these Council conclusions, the first report being delivered 18 months after the adoption of these conclusions.

CALLS UPON THE EU COUNTER TERRORISM COORDINATOR

consistent with his or her existing mandate, to continue to contribute to ensuring the implementation and evaluation of the EU Counter Terrorism Strategy as well as coordination and coherence between the various policy strands in the implementation of the Strategy, to support, in close cooperation with the Member States, the EEAS and the Commission, coordination and coherence between the EU's internal and external CT policies, and to foster better communication between the Union and third countries;

in order to assist in ensuring that threat analysis is better translated into policy making, consistent with his or her mandate, to present policy recommendations and propose priority areas for action to the Council, based on threat analysis and reports produced by EU SitCen and Europol;

to continue to coordinate closely with the relevant preparatory bodies of the Council, including the Terrorism Working Party and COTER, as well as with the Commission and the EEAS, and to share information on his or her activities, in particular on all the activities towards third countries and international organisations and all policy recommendations with them;

to ensure that the EU Member States' positions are fully taken into account in CTC's meetings and consultations with third countries and international organisations on issues relating to CT.

CALLS UPON THE MEMBER STATES, THE COMMISSION AND THE HIGH REPRESENTATIVE ASSISTED BY THE EUROPEAN EXTERNAL ACTION SERVICE

to work together to obtain tangible results on CT capacity building efforts focused on countries and regions that are of particular priority to the EU and to ensure that EU's internal and external CT priorities are consistent;

to regularly evaluate the effectiveness of their CT related assistance to key third countries and regional organisations;

to improve the mechanisms for the integration of relevant reporting on CT related issues and, on the basis of threat analyses, to work together to identify cross-cutting issues where the links between internal and external aspects of CT should be reinforced as a priority;

to cooperate closely with the CTC to make use of CTC's experience and contacts, including the analyses and proposals regarding priority areas for CT action and the findings in the CTC's reports;

to review internal CT (including counter-radicalisation) policies and projects in order to determine whether these are suitable for exchange with third countries and regional organisations in order to support them in their attempts to counter terrorism.

CALLS UPON THE HIGH REPRESENTATIVE ASSISTED BY THE EUROPEAN EXTERNAL ACTION SERVICE

in order to address effectively key regional security issues, including terrorism, to ensure the consistency and coherence of the EU's external strategies and actions;

to give proper consideration to the strengthening of the capacity of the competent authorities involved in the fight against terrorism in third countries in the strategic programming of the Instrument for Stability and to further develop CT action;

to assist in the conduct and further developing of the EU CT activities as part of the political dialogue with third countries and international organisations by the High Representative;

to ensure that the EU Member States' positions are fully taken into account while conducting and further developing political dialogues with third countries and international organisations on issues relating to CT and that the EU Member States are informed about the developments and achievements of such dialogues;

to ensure that the external aspects of CT are integrated into the overall external policy of the European Union in cooperation with EU Member States, the Commission and the CTC;

to ensure, within the budgetary means, appropriate security policy expertise in general and CT expertise in EU delegations in third countries and regions that are of priority to the EU, such as Afghanistan, Pakistan, Yemen, Central Asia¹, Southeast Asia², the Horn of Africa, Maghreb and the Sahel, and in particular ensure that EU delegations have the capacity to play an active role in coordinating and delivering assistance in third countries;

to arrange that EU delegations coordinate their activities with those of the EU Member States, identifying areas of synergy and overlap.

¹ Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan

² Brunei Darussalam, Burma/Myanmar, Cambodia, Indonesia, Lao PDR, Malaysia, the Philippines, Singapore, Thailand, Vietnam and East Timor

CALLS UPON THE EUROPEAN EXTERNAL ACTION SERVICE AND THE EUROPEAN COMMISSION

in order to guarantee the best possible coherence in programming capacity building actions and ensure efficient in-country coordination, take into consideration the possibility that drug trafficking could be a source of terrorist funding;

to ensure that priorities related to external and internal security are aligned, and to present appropriate policies to that end;

in order to support EU's CT aims, while respecting specific regional needs, to take a coordinated and coherent approach towards the strategic and multiannual indicative programming of the EU external assistance instruments such as the Development Cooperation Instrument (DCI) and the European Development Fund (EDF); and to take into consideration the assessment of the terrorist threat when planning the allocation of funding from the European Neighbourhood Policy Instrument (ENPI);

to cooperate with the Council to ensure that threat analysis is better incorporated in the EU CT activities.

CALLS UPON THE EUROPEAN COMMISSION

in order to support EU's CT aims, while respecting specific regional needs, to ensure proper coordination regarding the implementation of the EU external assistance instruments;

in order to support EU's CT aims, to take a coordinated and coherent approach towards the strategic and multiannual indicative programming of the Instrument for Pre-Accession Assistance (IPA).