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**NOTE**

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from: EU Counter-Terrorism Coordinator (CTC)  
to: Council/European Council

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Subject: EU Action Plan on combating terrorism

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*The European Council requested regular reporting on ongoing activities in the field of combating terrorism in the EU by Member States and supporting EU institutions and the implementation of the EU Action Plan on combating terrorism. This is the update of the last report, issued in the end of 2010.*

This year marked the 10th Anniversary of the 9/11 attacks on the United States. As with the anniversary of any traumatic event, this was the occasion for us above all to remember the victims of that day, and with them the victims of all terrorist attacks. It was also the occasion for us to reflect on what we have done over the last decade to make our world safer, and on the solidarity our societies have shown in the face of the terrorist threat. The last decade has shown up more than anything the fundamental failure of terrorism to achieve anything more than localised death and destruction.

The EU marked the 10<sup>th</sup> Anniversary of 9/11 in a number of ways. An extensive “lessons learned” exercise was mounted by the Polish Presidency to analyse counter terrorism measures taken over the last decade, and on 12 September the Council adopted formal conclusions.

The death of Osama Bin Laden was also a symbolic moment, which marked the degree to which the core of Al Qaeda has been depleted by military and resource pressures. No terrorist organisation now has anything close to the capabilities that were available to Al Qaeda on 9/11. However, this should not blind us to the fact that the terrorist threat remains significant and is becoming more diverse.<sup>1</sup> Radicalisation continues to take place, both through personal contact and via the Internet. Terrorist groups are changing in composition and leadership. Lone actors with EU citizenship are getting involved in terrorist activities<sup>2</sup>. EU nationals are travelling to conflict zones for training. Some are joining groups in Afghanistan or Somalia to fight there, others are returning to live in Europe.

The developments in the Arab world have shown that it is possible to achieve real political change in Arab societies other than through terrorism. This was a clear political defeat for Al Qaeda along with the military disasters it has suffered. In the long term, more democracy and stability will mean less room for terrorism, and we need to work with the reformed governments of the countries in transition to support reform. We have a duty to help the newly emerging democracies to reconstruct

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<sup>1</sup> see Europol TE-SAT 2011 (EU Terrorism Situation and Trend Report).

<sup>2</sup> TE-SAT 2011.

their law enforcement and counter-terrorism capabilities, so that they can assure the security of their societies without recourse to the repression of the past as they face up themselves to the challenges which terrorist groups continue to pose. We must be aware also of the risk that disappointment about the expected improvement in the situation in the Arab world might lead to an increase in radicalisation. The flow of immigrants from North Africa might also have an effect on the EU's internal security situation<sup>1</sup>, and arms trafficking out of conflict areas could create risks for European interests in the EU and abroad.

Counter-terrorism activities are not about Al-Qaeda and its affiliates alone. The terrorist attacks in Norway in July 2011 were just one more terrible reminder of that. The EU rejects and fights violence regardless of the motivation - be it right wing or left wing extremist, separatist or AQ-related terrorism.

The Member States and the European institutions have continued to implement the EU Counter-Terrorism Strategy and have made great efforts to fight terrorism under the four main pillars of the European Union Counter-Terrorism Strategy: prevent (1.), protect (2.), pursue (3.) and respond (4.). They have also increased their international cooperation in the fight against terrorism (5.). The Commissioner for Home Affairs has also just presented her first report on the implementation of the Commission Communication "Internal Security in Action" (ISS AP)<sup>2</sup>. The Commission has also, on 21 November, launched a Proposal for establishing, as part of the Internal Security Fund, an instrument for financial support for police cooperation, preventing and combating crime, and crisis management<sup>3</sup>. For the next period of the Multiannual Financial Framework (2014-2020), the Commission has proposed an overall Home Affairs budget of €10.7 billion (an increase of almost 40% compared to the period 2007-2013). While the amount of funding will increase, the number of funds will be reduced from six to two: A new Asylum and Migration fund with an overall budget of €3,869 million and a new Internal Security fund worth €4,648 million to make the funding easier and more transparent.

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<sup>1</sup> TE-SAT 2011.

<sup>2</sup> COM(2010) 673 final.

<sup>3</sup> 17287/11

The current report will not repeat the findings of the Commission's implementation report, but will update the reporting on the implementation of the overall European Union Counter-Terrorism Strategy<sup>1</sup> in the last 12 months.

## **1. PREVENT**

Since the adoption of the specific EU Strategy for Combating Radicalisation and Recruitment in 2005, revised in November 2008, addressing violent radicalisation has been at the heart of EU counter terrorism policy.

Under the Polish Presidency, the Council Conclusions on Counter-Terrorism of 12 September underlined once again the importance of continuing to tackle extremism and radicalisation in all its forms, regardless of motivation, and terrorist modus operandi, dealing with the spreading of extremist propaganda via the Internet, recruitment and incitement to commit terrorist acts.

### *Work streams*

Denmark, in the lead on de-radicalisation and disengagement, published in October 2010 the results of a survey on the mapping of de-radicalisation initiatives in the EU Member States, with a particular focus on intervention programmes. Out of the 18 countries that participated in the survey, 17 have developed, or are developing, strategies to prevent radicalisation and extremism. Most of the strategies are broad initiatives on early prevention of radicalisation and extremism. 5 countries have specific initiatives on deradicalisation and disengagement. The results are described in the report: The Challenge of extremism.

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<sup>1</sup> 14469/4/05.

Besides its ongoing project "De-radicalisation - targeted intervention", mentioned in last year's report, the Danish Ministry of Refugee, Immigration and Integration Affairs launched in May 2011 another EU project that will contribute to knowledge and development within the field of de-radicalisation. This new EU-funded "Back on track" project will focus on de-radicalisation in prisons. The project will run for three years. The aim is partly to reduce the risk of inmates who are either convicted under the Danish anti-terror legislation or involved in extremist environments, to relapse into illegal behaviour or re-establish the contact to extremist networks. In order to reduce the long term risks, individual support will be offered to inmates through mentoring schemes as well as involvement of families and social networks in the reintegration into society.

Also on the subject of de-radicalisation, Denmark intends to organise an international conference on de-radicalisation during the Danish EU Presidency in May 2012.

In order to strengthen knowledge and share experiences on the prevention efforts, Denmark composed a handbook containing tools and information for frontline staff on how to handle radicalisation among young people.

As a follow-up to COPPRA I (Community Policing and Prevention of Radicalisation) that ended in December 2010, the European Commission approved in June 2011 **Belgium's** project proposal for COPPRA II. COPPRA II has three main goals: 1. updating and further developing of the COPPRA tools, 2. creating an E-learning module bases on the COPPRA training manual, and 3. organising 5 train-the-trainers programs of one week each. The first meeting was held on 15 September 2011.

The **Spanish**-led work on imam-training has resulted in the adoption of two action plans, one dedicated to current and another to future imams. Both programs involve teaching Spanish and providing knowledge on the Spanish society. As from 2012 onwards, it will be possible to obtain a university degree in religious sciences (with a specialisation either in Islam, Protestantism, Judaism or religious diversity). This initiative should prevent the imams, rabbis or pastors from going to non-European countries to get the necessary training.

In 2011 the **Netherlands** continued its focus on the role of local authorities in countering radicalisation. In total 148 local governments received central government funding for projects and plans to counter radicalisation and polarisation in the context of the implementation of the Dutch Action Plan. Also training for frontline workers (schoolteachers, police-officers and youth workers) were being developed and given all throughout the Netherlands. About 3.500 people were trained in 2011.

### *Check the Web*

The Check the Web portal, a project within the **German**-led work stream to counter the terrorist use of the internet, has further enhanced its relations not only with EU Member States, but also with third countries. Australia and Switzerland recently associated to the project and joined the Analytical Work Files. Australia is now technically able to connect itself to the Check the Web portal. In total, there are now 44 points of contact from 24 different countries. 10 Member States are contributing actively. 75 percent of all Check the Web data is coming from the Member States. Since March 2011, there was a 21 % increase of data. The number of user accounts has increased from 5 accounts per EU Member State to 200. A fourth version of the Check the Web portal is in preparation, but the development has not yet started because of the involvement of the Check the Web team in several police operations in some of the Member States. The main modifications of the fourth version will focus on speeding up the uploading process and an automatic upload to the Analytical Work Files.

### *Clean IT project*

Clean IT, a Dutch-led (NCT6) project within the internet work stream, aims at initiating a public-private partnership in order to develop a non-legislative framework that consists of general principles to counter the illegal use of Internet (from a CT perspective). Other project partners are DE, UK, BE, ES and EUROPOL. The EC is providing financial support via the ISEC fund.

The project builds on the results of the EC funded and German-led project "Exploring the Islamist extremist Web of Europe - Analysis and Preventive Approaches" that was finalised in October 2009.

The first out of four workshops was held on 24-25 October 2011 in Amsterdam. Representatives from the public and private sector agreed to further develop and fine-tune a first set of common principles and approaches. The workshop-results will later on be presented in 2 conferences.

### *Radicalisation Awareness Network*

On 9 September 2011, Cecilia Malmström, Commissioner for Home Affairs, inaugurated the Radicalisation Awareness Network (RAN), an EU-wide umbrella network of practitioners involved in countering violent radicalisation and extremism. The initiative stems from the Commission Communication on the EU Internal Security Strategy (ISS). In addition, the ENER-generated (European Network of Experts on Radicalisation) knowledge and studies have substantially contributed to the establishment of the RAN.

The RAN will be an EU-wide multiple actors' umbrella organisation set up on a voluntary basis. As a 'network of networks' it will include as members the key stakeholder groups involved in countering violent radicalisation and extremism, such as practitioners, field experts and local actors, youth leaders, civil society organisations, including victims' groups, as well as academics, policy makers, law enforcement and security officials.

The purpose of the network is to identify good practices and to promote the cross-fertilisation and exchange of information and experiences in different fields of countering violent radicalisation and extremism. The network will also contribute to policy processes at national and European level and support the European Commission and the Member States in their work and provide them with adequate instruments for preventing terrorism.

The network will be supported by an online forum and EU-wide conferences to pool experiences and knowledge. Technical assistance and support to the radicalisation awareness network (RAN-TAS) will be established following a public tender by the European Commission.

## *Policy Planners Network on Countering Radicalisation and Polarisation*

In 2011, the Policy Planners Network on Countering Radicalisation and Polarisation (PPN) has met twice: once in Stockholm in June 2011 on Internet and Radicalisation and once in London in November 2011 on Evaluating and updating Prevent strategies and on Somalia and its Diaspora in the West. Working papers on these subjects were produced for each of these meetings and are available from the Institute for Strategic Dialogue (ISD). 2012 will see three more PPN meetings across Europe.

In 2011, PPN has launched [www.counterextremism.org](http://www.counterextremism.org), an online repository of case studies, policy documents and research papers in the area of radicalisation, funded by the European Commission. The site also includes an expert finder facility and online forums for the exchange of best practice between practitioners. The first practitioner exchange (for prison and probation officers) will take place in Dec 2011 bringing together representatives from the Netherlands, Denmark, Sweden, the United Kingdom and Germany to exchange practice in working with prisoners convicted of offences related to violent extremism.

ISD conducted a cross country evaluation of projects on the theme of ‘Government communication and engagement with communities’, the results of which will be made public early in 2012. A second cross country evaluation will take place on the subject of ‘Counter and De-radicalisation in key sectors’.

## *Alliance of Civilisations*

The Alliance of Civilisations (AoC) has in its 6 years of existence worked actively to improve relations between nations, communities and people across cultures and religions. Some of these efforts are also relevant in the prevention of violent radicalisation. The Alliance has led a number of successful cross-cultural activities, such as its Media Program that continues to feed many different projects of which some deserve a special mention. The first is a six week online training for Tunisian, Egyptian, French and US journalists in partnership with the New York Times Knowledge Network. As these countries will enter election periods in 2011 and 2012, efforts were made to design a course that covers the most common practical problems and ethical considerations involved in reporting on elections.

The second project is a video project of 100 short 1-2 minute interviews on "100 questions about Islam", with approximately 25 scholars, journalists and policymakers from a diversity of geographical and professional backgrounds on social, foreign policy, and historical questions related to Islam. The project aimed at helping the wider public gain understanding of often polarized issues.

The AoC also continues running a number of non-media related projects with a cross-cultural focus. One example is the Alliance Fellowship Programme that brings young leaders from Europe and the US to the Arab world and young leaders from the Arab world to Europe and the US for a 2-3 week tour. The recent events of the Arab Spring have highlighted the emergence of a new generation of leaders, their aspiration for exchanges with the rest of the world and the need to develop exchange programs among emerging leaders from different parts of the world.

## **2. PROTECT**

The protection of the citizens and of our infrastructure is the second objective of the Counter-Terrorism Strategy. The aim is to reduce the vulnerability to terrorist attacks through different measures and means, for instance border control, transport security measures, critical infrastructure protection or in the field of cyber security.

The exchange of information and external border controls are essential to guarantee free movement of citizens within the external borders. For that reason the Visa Information Systems and the Schengen Information System are vital elements to ensure an area of freedom, security and justice.

The Commission aims at an entry into operation of the second generation of the Schengen Information System (SIS II) in the first quarter of 2013.

## *FRONTEX:*

New rules for FRONTEX, the European Agency for the management of operational cooperation at the external borders of the EU, have been adopted by Council and Parliament in October 2011. This regulation has given FRONTEX for instance the possibility to get its own equipment (cars, vessels, helicopters etc.), to have a co-leading role regarding joint operations, reinforced tasks for the agency as regards risk analysis, specific provisions on processing of personal data, including the possibility to transfer personal data to Europol or other EU law enforcement agencies or the possibility to deploy liaison officers in third countries.

## *EUROSUR*

The aim of EUROSUR is to reinforce the control of the Schengen external borders, especially at the southern maritime and eastern land borders in order to prevent irregular migration and cross-border crime. EUROSUR establishes a mechanism for Member States' authorities responsible for border surveillance (border guards, coast guards, police, customs and navies) to exchange operational information and cooperate with each other, with FRONTEX and with neighbouring third countries. The priority given to the European Border Surveillance System (EUROSUR) was confirmed by the European Council in June 2011. A proposal for a Regulation regarding the establishment of EUROSUR is foreseen for December 2011.

In order to make EUROSUR operational by 2013, the development, testing and implementation phases of EUROSUR are being carried out in parallel on the basis of a roadmap presented by the Commission in 2008<sup>1</sup>, which are for instance that

- 16 out of 18 Member States located at the eastern land and southern maritime borders will have established National Coordination Centres by the end of 2011, but several still need to be adapted to the EUROSUR requirements in 2012-2013.
- a service for the common application of surveillance tools. A concept of operations has been finalised in June 2011, making a distinction between initial services (e.g. ship reporting systems, satellite imagery), which shall become operational in 2013, and extended services (e.g. aerostats, unmanned aerial vehicles), which could become operational as of 2015.

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<sup>1</sup> COM (2008) 68 final

The general legal framework to be applied by Member States in cases where an application for a short-stay visa (90 days in the Schengen area) has been lodged is the Visa Code<sup>1</sup>.

Pursuant to Art.22 of the Visa Code, any Member State can ask in advance that, when an application is lodged with another Member State by a national from a certain third-country, it has to be consulted prior to the issuing of a visa via VISION (the Schengen consultation network). This has been supplemented by the possibility of an information given ex-post by the Member State that issued the visa (Art. 31 of the Visa Code).

The legislation on the VIS (Visa Information System) includes the introduction of biometrics (digital facial image and digital fingerprints) in the visa application procedure for persons 12 years of age and older, the introduction of visa files into a common database and the use of this data for the purpose of border control at the external borders. Provision has also been made for access to the VIS by designated authorities of the Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences. The VIS went live successfully on 11 October 2011 in the first region of deployment (6 North-African countries: Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia). It will then be deployed in the second (Middle East) and in the third (Afghanistan, Iran and Arabic countries) regions at a date still to be settled.

Persons travelling from Europe to terrorist hotspots to receive training or to join combat and returning to the EU remain a key problem that can only be addressed in a comprehensive manner. In this context Germany organised a follow up conference on terrorist travel movements in Berlin in June 2011 building on Germany's initiative of 2010 to discuss the security aspects of the consultation procedure. EU Member States, the Commission, the EEAS and the CTC discussed potential tools of the Member States' security authorities for early identification and prevention of terrorist attacks in the context of travel movements, scope and sufficiency of existing legal instruments and the cooperation of European security authorities. One conclusion was that existing instruments should be used in a more efficient way, an example was the use of VIS for the purpose to unveil and counter terrorist travel activities.

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<sup>1</sup> Regulation 810/2009.

## *Critical infrastructure protection*

Attacks and foiled plans to hit against critical infrastructures in 2012 have again underlined, that coordinated activities in this field have to be a central element of the implementation of the Counter-Terrorism Strategy.

Since 2006 the European Programme for Critical Infrastructure Protection (EPCIP) constitutes a framework to raise critical infrastructure protection capability across all EU Member States and in all relevant sectors of economic activity. In 2011 a review has been launched as part of EPCIP and currently covering the transport and energy sectors, the Directive on European Critical Infrastructures<sup>1</sup> sets the conditions for identifying and designating European Critical Infrastructures, and establishes the minimum requirements for their protection. The implementation phase ended by 12 January 2011. With very few exceptions all Member States have notified full transposition and have reported on the first results of its application. The review of the Directive is going to start in early 2012 and is likely to lead to recommendations for amendments to the Directive (proposal foreseen in late 2012 at the earliest, together with a Commission Communication).

Work has advanced on the establishment of the Critical Infrastructure Warning and Information Network (CIWIN), which will facilitate the exchange of information concerning EU trans-boundary critical infrastructures (successful completion of the pilot phase in 2011). The Commission seeks to move to the production phase of the fully operating system in late 2011/ early 2012.

In 2011 a road map for the creation of a European Reference Network for Critical Infrastructure Protection (ERN-CIP) was developed. ERN-CIP aims at linking together existing laboratories and facilities in Europe in order to carry out CIP related security experiments as well as tests of new technology, such as detection equipment.

The Commission is currently working on a first EU risk assessment for critical infrastructures. First steps towards such a risk assessment will be an analysis of dependencies and interdependencies, the assessment of methodologies to evaluate vulnerabilities, and an assessment of resilience measures.

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<sup>1</sup> 2008/114/EC

In the external dimension of EPCIP in 2011 the Council adopted conclusions on the development of the external dimension<sup>1</sup>. The conclusions invite Commission and Member States to step up cooperation with third countries (exchange of good practices, identification of critical infrastructures in third countries, which would potentially affect them).

On 9-10 June the 2<sup>nd</sup> EU-US Expert meeting was held in Budapest. To ensure continuity of the progress of EU-US cooperation in this field, possibilities are currently explored for developing a global infrastructure security toolkit.

### *Cyber Security*

The use of new technologies by various malicious actors remains an issue of concern. The number of cyber attacks by various actors in the field of cyber crime or espionage has been rising significantly in 2011. Recent reporting of a modified version of the Stuxnet worm demonstrates, that IT infrastructures and Critical infrastructures in general remain highly vulnerable. Terrorists might exploit this in the future addressing again Supervisory Control and Data Acquisition systems (SCADA). This underlines once more the also physical dimension of a cyber threat. This challenge has been addressed by the EU through a series of measures and initiatives. Work is ongoing under the Polish Presidency on the specific issue of Cyber Terrorism, and was reported to TWG on 1 December.

Under the Hungarian Presidency, a Ministerial conference on Critical Information infrastructure Protection was held in April in Ballatonfüred which culminated in the adoption of Council Conclusions on Critical Information Infrastructure Protection (CIIP) in May 2011. The US participation in the conference underlined our commitment to close international cooperation on this phenomenon.

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<sup>1</sup> 10679/11

The Council Conclusions were intended to take up the initiative by the Commission as outlined in its Communication of 31 March 2011 on Critical Information Infrastructure Protection "Achievements and next steps: towards global cyber-security"<sup>1</sup>, where it took stock of the results achieved since the adoption of the CIIP action plan in 2009<sup>2</sup> and described the next steps for action at both European and international level. A central element to enhance cyber security is the increased cooperation with Third States.

Member States are working on a future pan-European exercise to take place in 2012 and the EU and the US are working on a roadmap towards joint/synchronised trans-continental cyber exercises in 2013.

The EU has supported the initiative by the UK Secretary of State for Foreign & Commonwealth Affairs to work on appropriate principles of behaviour in cyber space at the "London Conference on Cyberspace" in November 2011.

The EU-US Working Group on Cyber-security and Cyber-crime (EU-US WG), established after the Lisbon summit in 2010, has taken up its work in four working groups: Cyber Incident Management; Public-Private Partnerships (PPP); Awareness Raising and Cybercrime. It presented its results at the EU-US summit in November 2011. In particular, a joint EU-US exercise on cyber security was to be held by the end of 2011. This "Cyber Atlantic 2011" took place on the 3 and 4 November 2011.

The EU and India agreed at the 11th EU-India summit in December 2010 to enhance cooperation in the security field, with a focus on counter terrorism, cyber security, and counterpiracy<sup>3</sup>, and have started more detailed consultation at expert level.

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<sup>1</sup> 8548/11  
<sup>2</sup> COM (2009) 149 final.  
<sup>3</sup> 18036/10 PRESSE 352

A central element of cyber security is also to build more robust structures for the EU institutions. For this purpose the EU institutions have set up in June 2011 a Computer Emergency Response pre-configuration Team (CERT). This team is made up of IT security experts from the EU institutions. At the end of one year's preparatory work by the team, an assessment will be made leading to a decision on the conditions for establishing a full-scale CERT for the EU institutions.

The European Parliament and Council decided to extend ENISA's mandate to 13th September 2013<sup>1</sup> so that the European Network and Information Security Agency can continue its work to help the EU institutions, the Member States and the business community to address, respond and especially to prevent Network and Information Security problems. Meanwhile the legislative procedure on a proposal for the modernisation of ENISA is progressing.

In addition the Commission will launch the review of the European Critical Infrastructure Directive 2008/114/EC in 2012. The need to include other sectors within its scope - inter alia the Information and Communication Technology (ICT) sector will be particularly assessed.

Following the Council Conclusions adopted on an Action Plan to implement a concerted strategy to combat cyber crime<sup>2</sup> the Commission has initiated a feasibility study for the creation of a European Cybercrime Centre (ECC) and integrated the fight against cyber crime also into its Internal Security Strategy. The ECC should start in 2013. The results of the study are to be expected end 2011/early 2012.

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<sup>1</sup> [Regulation 580/2011](#) of the European Parliament and of the Council of 8th June 2011 amending Regulation (EC) No 460/2004 - OJ L 165 of 24.6.2011, p. 3

<sup>2</sup> 5957/2/10 REV 2 CRIMORG 22 ENFOPOL 32

On Cybercrime the Council adopted in June 2011 a general approach on a draft directive on attacks against information systems<sup>1</sup>. On this basis it will enter into negotiations with the European Parliament on the Commission proposal in the context of the ordinary legislative procedure, as provided under the Treaties.

### *Transport Security*

The threat to transport security remains a key challenge in the fight against terrorism. The risk continues to include all sectors of transport – aviation, maritime and land. In January 2011 terrorists attacked the public area of Domodedovo airport in Moscow, killing 37. In March 2011 an attacker killed two persons in the access area of Frankfurt airport. In October a series of bombs were planted on railway infrastructure occurred in and around Berlin – fortunately all were detected before exploding. The eminence of this threat was underlined by reports on evidence found in Abbottabad that Al Qaeda planned to hit against land transport facilities in the US.

In the field of transport security, the European Commission continued its work on maritime and aviation transport security, in close association with Member State experts. The main elements were the work of Regulatory committees (AVSEC and MARSEC), which met approximately every two months, as well as the ongoing program of inspections (primarily of airports and sea ports). A number of ad-hoc meetings also took place in relation to land transport security, aimed at defining and disseminating best practices.

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<sup>1</sup> Interinstitutional File: 2010/0273 (COD); the proposal builds upon the 2005 Framework Decision (2005/222/JHA) addressing at the same time some new challenges the EU is facing as regards strengthening the legal and institutional responses in relation to the growing number of large-scale attacks conducted through advanced technological tools, such as botnets. It establishes minimum rules for the definition of criminal offences and the relevant penalty levels in the area of attacks against IT systems. The proposal addresses the issue of aggravating circumstances (e.g. when the attack has affected a significant number of information systems or caused serious damage). It also aims to improve the cooperation between Member States' authorities in this field.

During the first half of 2011 the Commission and Member States were extensively involved in making air cargo and mail carried into the EU from foreign airports more secure, in response to the Yemen parcel incidents late October 2010. A progress report describes the developments during the first six months in taking or preparing the actions required by the *High Level Report on Strengthening air Cargo Security* from December 2010.

New rules for EU-inbound cargo and mail including the securing of high risk cargo were adopted during the summer<sup>1</sup>. By February 2012 any EU or foreign air carrier will have to register if transporting cargo or mail into the EU from a foreign airport. The registration shall demonstrate the carrier's commitment to apply basic security measures according to a carrier security programme that covers all air cargo operations into the EU including relations with agents from which the carrier receives cargo or mail.

As concerns high risk cargo the EU follows a risk based approach and applies a newly developed process - the EU Risk Assessment. As a general principle, cargo originating from locations where there is an EU focused threat and with insufficient compliance with ICAO rules is considered high risk. Additional controls apply to cargo or mail having been identified through the risk assessment. Risk may also relate to the nature of the cargo or other risk elements identified by future assessments.

A further debate on the issue of air cargo security is taking place in respect of new customs rules in a further attempting to render EU-bound air cargo and mail more secure.

While air cargo remains high on the agenda progress was also made in other areas of aviation security. By mid-November the Commission had adopted legislation allowing airports the option of voluntary deployment of security scanners as an additional means to screen persons. The proposal met considerable debate in the EP because of fundamental rights (images) and health issues that led to the non-authorisation of X-ray based technology and standards to operate the equipment in line with privacy principles.

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<sup>1</sup> OJ L 220 of 26.08.2011, p. 9.

The Commission and Member State have launched a wide initiative to prepare the removal of the liquids ban in 2013<sup>1</sup>. Several trials and pilot projects will take place between late 2011 and mid-2012 in order to test airport operations in respect of liquid screening.

The EU continued to actively build international relations that focus on improving aviation security. Close cooperation with international partners as well as in ICAO continued and a High Level Aviation Security Conference was organised under the Polish Presidency that brought together key actors in the field. A wide European and international participation from regulators as well as industry allowed a vivid debate on all aspects and challenges of aviation security. Requirements for a more risk based security approach and even deeper international cooperation were concluded. The conference fed well into the EU's own debate on the future agenda for aviation security and its strive for more effective and sustainable ways to improve aviation security. Several initiatives by individual Member States as well as the aviation industry are being analysed and discussed. All seem to attempt higher degrees of risk based and outcome focused security measures that are both sustainable and of high security relevance.

### *Maritime Security*

In the maritime sector the main security issue continues to be piracy, particularly in the Horn of Africa region. The Commission worked closely with Member States to ensure that EU-flagged ships were applying in full the Best Management Practices (BMP) on measures for self-protection and the prevention of piracy and armed robbery against ships (as laid down in Commission Recommendation 2010/159/EU<sup>2</sup>). This was achieved by means of EU NAVFOR identifying and informing the Commission of non-compliant ships, and this information was transmitted to the individual Member States. As a result, application of the Best Management Practices rose.

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<sup>1</sup> Commission Regulation (EU) No 720/2011 of 22 July 2011 amending Regulation (EC) No 272/2009 supplementing the common basic standards on civil aviation security as regards the phasing-in of the screening of liquids, aerosols and gels at EU airports, OJ L 193 of 23.7.2011, p. 19.

<sup>2</sup> OJ L 67 of 17.3.2010, p.13

## *Supply Chain*

In May 2011 the Commission and the US Department of Homeland Security agreed on greater bilateral cooperation aimed at meeting the aspirations of citizens for prosperity and security. It was agreed to aim at improving the resilience of the supply chain whilst eliminating costly duplication of security and recognise the high standards that each party performs for cargo security. If achieved this should address the long-running issue of 100% scanning of containers bound for US ports.

## *Land Transport*

On land transport security the Commission had announced in its Communication "Internal Security in Action" (ISS AP) that it intends to extend existing work on urban transport security to cover local and regional rail and high-speed rail, including related infrastructure. It expressed its will to consider to explore the establishment of a standing committee on land transport security. A Communication on Transport Security Policy is also forthcoming.

## *Security of explosives*

Strengthening the security of explosives is an essential part in the prevent strand. The use of explosives remains the main threat when it comes to possible terrorist *modus operandi* within the EU.

Since the adoption of the EU Action Plan on Enhancing the Security of Explosives<sup>1</sup>, Europol has been working actively to implement the Action Plan.

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<sup>1</sup> 8311/08 (adopted by the Council in April 2008).

The Early Warning System (EWS) on Explosives, CBRN and Weapons, as foreseen in the action 1.1.1 of the EU Action Plan on Enhancing the Security of Explosives, is being extended to all EU Member States. The System allows immediate information exchange on incidents involving theft, disappearance or lack of control of firearms, explosives, precursors and CBRN substances and/or agents, when a terrorist involvement is suspected or when it cannot be discarded in the initial investigation stages. The project for developing the system was co-funded by the Commission under the ISEC Programme, and it became operational at the end of 2010. It has already been used for circulating several warning messages from different nodes (user groups). A second phase of the project will also be co-funded under the ISEC Programme, with a duration of 36 months, covering three years of maintenance, user training, promotion and extension of its use and development of new enhancements and functionalities.

The rollout of the EU European Bomb Data System (EBDS), as set out in the EU Action Plan on Enhancing the Security of Explosives - a system for the storage and exchange of information on incidents related to explosives, improvised explosive devices (IEDs), improvised incendiary devices (IIDs) and CBRN substances - took place in October 2010. This multilingual System, available through the Europol Secure Network, includes two incident databases (European Ordnance Disposal (EOD) and CBRN), libraries for storing documentation and files of interest for the user community, and discussions fora for a better interaction among the experts. The EBDS also has powerful searching capabilities, which allow multilingual searches. It will improve the exchange of information and intelligence between experts in the fields of explosives and CBRN. The project is led by Europol and co-funded by the Commission under the ISEC Programme. After one year of its operation (October 2011), 20 EU MS are already connected to the system.

The European Explosive Ordnance Disposal Network (EEODN) was established according to the EU Action Plan on Enhancing the Security of Explosives and started its activities in May 2008. Its development was co-financed from the Commission's "Prevention of and Fight against crime 2009" programme, and its annual activities have been awarded with EC grants ever since. According to the EEODN Protocol amended in October 2011, Europol operates as the permanent secretariat of the Network. The main goals of the network are to implement the relevant actions included both in the EU Action Plan on enhancing the Security of Explosives and the EU CBRN Action Plan, organise conferences and trainings which started 2010 (in Spain, Belgium and The Netherlands), continued in 2011 (Hungary and Poland) and are planned for 2012 (Denmark, Cyprus and Spain, to be confirmed).

The EU CBRN Law Enforcement Network (action H34 of the EU CBRN Action Plan) should be integrated in the EEODN, which amended its protocol to reflect this. The Network facilitates information sharing through promotion of existing systems (EBDS, EWS), contributes to the identification of best practices, keeps EOD and CBRN units up to date on latest developments and pursues harmonisation of procedures and techniques by training the network members.

The third EU-US explosives experts seminar was organised on 22-23 March 2011 in Brussels. The experts discussed improving information exchange, reducing the misuse of chemicals as precursors to explosives, detection of explosives and threats to air cargo, research and development, and the seminar also included a session on civil-military cooperation. The discussion confirmed that the EU and US share the same explosives security concerns and have very similar detection objectives. Further coordination should be undertaken between technical experts by organising follow-up seminars and workshops dedicated to specific subjects, and an annual comprehensive seminar.

With a view to implementing the EU CBRN Action Plan<sup>1</sup>, on 9-10 June 2011 the Council adopted conclusions on the creation of a European network of specialised CBRN law enforcement units<sup>2</sup>, dealing with response to possible terrorist attacks involving chemical, biological, radiological or nuclear materials. The conclusions invite Member States to set up such a network (Action H. 38 of the CBRN Action Plan), together with the Commission and Europol, in order to facilitate the exchange of information and good practices, organise joint training exercises and provide updates on the latest developments in this field, and thus enhance Member States' capacity to respond to emergencies arising as a result of possible terrorist attacks involving CBRN materials.

Further progress has also been made in work on enhancing the security of precursors for the manufacture of explosives, the importance of which was confirmed following the tragic events in Norway in July 2011. Following the submission by the Commission of a proposal for a Regulation on the marketing and use of explosives precursors<sup>3</sup> in September 2010, the Working Party on Technical Harmonisation (Dangerous Substances) has started examining the proposal in 2011.

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<sup>1</sup> 15505/1/09 REV 1

<sup>2</sup> 10338/11

<sup>3</sup> 14376/10

The Working Party on Terrorism was informed about the progress in negotiations. The licensing system that would allow members of the general public to use restricted substances under certain conditions has been widely discussed. The proposal foresees measures relating to the import, marketing and use of explosive precursors with regard to the general public. In addition, for a number of other chemicals a system of reporting of suspicious transactions is included in the proposal.

### *Nuclear Security*

After the Fukushima disaster, the March European Council decided that "the safety of all EU nuclear plants should be reviewed, on the basis of a comprehensive and transparent risk and safety assessment ("stress tests")".

In May 2011 the European Nuclear Safety Regulators Group (ENSREG) and the Commission agreed that a two-track process should be put in place to cover the safety and the security. The scope and modalities of the safety track were agreed and the tests officially started on 1 June 2011. To take forward the security track, a new Ad Hoc Group on Nuclear Security (AHGNS) chaired by the Polish Presidency, was created on 21 July 2011. The AHGNS finalised its interim report on 18 November 2011. It was noted by COREPER on 23 November. The Interim report is structured around the presentation of good practices which contribute to effective nuclear security arrangements in the EU. The identified good practices are related to 1) the national legal and regulatory framework, 2) the national security framework, 3) design based threat, 4) nuclear security culture, and 5) contingency planning. The interim report is summed up and referred to in the communication through which the European Commission will report to the European council on the stress tests. Regarding the continuation of its work in 2012 the AHGNS will 1) identify good practices in the interim report which are not currently elaborated upon in Implementing/Technical Guides in the IAEA Nuclear Security series, but which could in due course serve as a basis for such the IAEA documents, and 2) as foreseen by the mandate, envisage how to associate EU neighbouring states having or planning nuclear power plants. The AHGNS final report is due for June 2012, under the Danish Presidency.

## *Security related research*

In 2011 the 7th EU Framework Programme for Research and Technological Development (FP 7) continued to "support<sup>1</sup> the implementation of Community policies and initiatives relevant to security such as the establishment of an area of freedom, security and justice, transport, health (including the EU Health Security Programme), civil protection (including natural and industrial disasters), energy, environment and external policies". The FP7 Security theme was attributed a budget of 1.4 million Euros for the period 2007-2013.

The Security theme received a clear mandate for delivering mission-oriented results to reduce security gaps. It is structured around four missions: Security of the citizen (that includes the fight against terrorism and crime), Security of infrastructures and utilities, Intelligent surveillance and border security, Restoring security and safety in case of crisis.

After four years of existence, the Commission has committed over EUR 800 million spread over 203 projects, bringing together more than 1500 participants, coming from large industries, SMEs, research centres, universities and also participants from the user side such as firemen, border guards, law enforcement agencies, and airport authorities.

In addition, a number of workshops have been organised by the FP7 Security research team since 2010 in order to disseminate among relevant users results from ongoing research projects and to collect recommendations and requirements for future research topics. In 2011 the following Workshops have taken place <sup>2</sup>:

- Europol Related Intelligence from 17 to 18 March in The Hague
- Preparatory Workshop on the future large CBRNE Demonstration project on 7 June in Brussels
- Societal Needs in Security R&D on 8 June in Oslo
- Security Industrial Policy on 18 October in Brussels

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<sup>1</sup> FP7 Specific Programme  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:400:0086:0242:EN:PDF>

<sup>2</sup> Updated information available on <http://ec.europa.eu/enterprise/policies/security/>

The Workshop on Security Industrial Policy was part of an ongoing initiative by the Commission to launch a dedicated industrial policy for the security sector. The aim was to confirm and validate the results of a public consultation from March to May 2011, on the possible policy measures for this industrial Policy.<sup>1</sup> The Workshop was divided in four thematic sessions: certification and standardisation, pre-operational validation/pre-commercial procurement, civil military synergies and third party limited liability.

The thematic sessions of the workshop targeted some of main policy areas which will be addressed by the Commission in the subsequent Communication on a "Security Industrial Policy", scheduled for the first half of 2012.

The Commission also launched a number of studies, namely: Competitiveness of the EU Security Industry, Regulatory Framework and Certification/Conformity Assessment Procedures in the Security Sector, Pre-commercial Procurement in the field of Security and finally a study on civil-military synergies.<sup>2</sup>

### *Security Research Conference*

The Polish presidency and the Commission co-organised in September 2011 in Warsaw the sixth edition of the annual Security Research Conference, SRC 11.<sup>3</sup> It focussed on the following topics:

- Innovative forensic technologies - including readiness building for CBRN scenarios in Europe;
- Capacities of satellite technologies in security domain - crisis management support experiences from floods in Poland in 2010;

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<sup>1</sup> The results of this Public Consultation can be found on the Homepage of the security research theme:  
[HTTP://EC.EUROPA.EU/ENTERPRISE/POLICIES/SECURITY/FILES/DOC/PUBLIC\\_CONSULTATION/RESULTS\\_OF\\_THE\\_PUBLIC\\_CONSULTATION\\_ON\\_AN\\_INDUSTRIAL\\_POLICY\\_FOR\\_THE\\_SECURITY\\_INDUSTRY\\_EN.PDF](http://ec.europa.eu/enterprise/policies/security/files/doc/public_consultation/results_of_the_public_consultation_on_an_industrial_policy_for_the_security_industry_en.pdf)

<sup>2</sup> The studies will be available shortly on the website of the FP7 security research theme:  
[http://ec.europa.eu/enterprise/policies/security/documents/index\\_en.htm](http://ec.europa.eu/enterprise/policies/security/documents/index_en.htm).

<sup>3</sup> <http://www.src11.eu/> -

- Border Security - technology transfer to border security authorities and their input as a key driver for product development;
- Advanced technologies for penal procedure covering developments of IT tools for clear and fair presentation of evidences in complex e.g.: money-laundering cases as a factor of raising security of financial operations;
- Dual use technologies for security. CBRN threats detection, protection and response. Looking for synergies in the EDA–EC FP7 cooperation;
- Integration of societal aspects into EU research in security.

### *Standardisation*

In the first half of 2011, the EC/EFTA mandated a horizontal study to analyse the current standardisation 'landscape' in the field of security standards and subsequently, the development of a proposed work programme, to the European Standards Organizations CEN, CENELEC and ETSI.

Phase 1 (inventory of market/stakeholders' needs and a set of recommendations on priorities and proposals for the range of standards that will fulfil those needs) is expected early 2012. The kick-off meeting was in September 2011 in Brussels, including Commission, national standardisation bodies, European associations and several national stakeholders.

In 2012 Phase 2 will include establishing a set of in-depth standardisation roadmaps in selected priority fields.

### **3. PURSUE**

To pursue and investigate terrorists across Europe and outside is the third pillar of the European strategy combating terrorism. We have to continue and increase our efforts to uncover terrorist networks, to impede communication, travel and planning activities of terrorists and their supporters; to cut off funding and access to attack materials, and to file them in court.

### *Implementation of the Framework Decision*

The Framework Decision on combating terrorism (2002/475/JHA)<sup>1</sup> defines what acts should be considered terrorist offences by the Member States. It was amended to deal with more specific aspects of prevention<sup>2</sup> including public provocation to commit a terrorist offence; recruitment and training for terrorism. The transposition deadlines ended on 9 December 2010. The Commission financed a conference about the impact of the framework decisions on the national legislation and case-law, organized by ECLAN.

### *National Structures for Counter Terrorism Coordination*

Member States continued their activities for better cooperation among counter terrorism structures at national level. More than half Member States have National Structures for Counter Terrorism Coordination.

The Netherlands have followed up the initiative to enhance the dialogue between the Member States by organising meetings at the level of the directors of these structures. In June 2011 the leaders of coordination structures in EU Member States came together in The Hague and discussed their assessment of the terrorist threat and current items of common interest.

### *Information sharing on threat/alert levels*

Following a travel alert by the US in respect of some Member States in autumn 2010 the Council approved on 2-3 December 2010 conclusions on an information sharing mechanism on changes in the national threat level, using SitCen as the central point for gathering and distributing the information that the threat level in a Member State was adapted. SitCen has established a mechanism with the Member States accordingly, which was applied for the first time in July 2011, when UK reduced its international terrorism threat level from severe to substantial.

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<sup>1</sup> OJ L 164, 22.6.2002, p.3.

<sup>2</sup> Framework Decision 2008/919/JHA, adopted on 28 November 2008. OJ L 330, 9.12.2008, p. 21.

## *Data sharing*

On 10 June the Council took note of a Commission presentation on its evaluation of the EU data retention directive, published in April 2011.

Data sharing and information management remain a core challenge in the fight against terrorism. This includes the exchange of Passenger Name Records, the processing and transfer of Financial Messaging Data and the exchange of data within the Schengen area. All these aspects have been of great importance to combat terrorism.

In November 2010 the Commission presented its Communication on "A comprehensive approach on personal data protection in the European Union", where it announced to also "consider the extension of the application of the general data protection rules to the areas of police and judicial cooperation in criminal matters, ... and to examine the need to introduce specific and harmonised provisions in the new general data protection framework...in the area of police cooperation and judicial cooperation in criminal matters". The Commission will present its legislative proposals at the beginning of 2012.

## *Prüm*

The "Prüm decisions" (Council Decisions 2008/615/JHA and 2008/616/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime) aim to provide Member States' law enforcement agencies with additional tools for fighting serious crime and terrorism, in particular by enhancing automated data exchange regarding DNA, fingerprints and vehicle registration data (VRD). Their implementation is monitored by the Council on an ongoing basis: the Council adopted conclusions on the implementation of the "Prüm decisions" (10653/11), taking stock of the situation and, by raising awareness at national level, inciting Member States to take appropriate measures in order to speed up this process.

At expert level, efforts have continued to prepare for the full implementation of the automated exchange of DNA, fingerprint and vehicle registration data, notably by organising and examining the evaluations and providing for support mechanisms. While a number of decisions were taken in 2011 to start the automated exchange for some more Member States, it should be noted that some weeks after the implementation deadline of 26 August 2011, only about half of the Member States

have started the DNA exchange, and about 10 participate in the fingerprint and VRD exchange respectively. Evaluations are still on-going and more are planned but it should be borne in mind that even after starting these data exchanges, sustained efforts will be necessary in the Member States for some time to come in order to ensure connections with all other Member States. The Mobile Competence Team (MCT) that started working in 2011 should provide the necessary support, especially for the technical difficulties that prove to be the main obstacle to a successful and timely implementation.

### *EU-US data protection Agreement*

Taking up the findings of the EU-US High Level Contact Group on data protection and data sharing, in December 2010 the EU and the US have started negotiations on an EU-US data protection agreement on the exchange of information in the field of law enforcement. Such an Agreement should provide sound data protection principles to be applied on both sides of the Atlantic, thus strengthening the data protection framework, and thereby creating a legal environment conducive to enhanced information sharing, including in the field of counter terrorism.

### *PNR*

Passenger Name Records (PNR) are a key element in the fight against international terrorism. It has been and remains a valuable tool to detect terrorist networks and movements.

Given the threat posed by terrorists travelling from and into the EU and within the EU, an EU system for collecting and processing PNR data by the Member States would be of great value. The Ministers of the Interior in their Toledo summit in January 2010 asked Commission to present a proposal for an EU PNR. The Commission presented its proposal for an EU PNR Directive on 3 February 2011<sup>1</sup>.

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<sup>1</sup> 6007/11

The European Union had concluded PNR Agreements in the past with Canada (2005), the United States of America (2007) and Australia (2008). The European Parliament, on 5 May 2010, adopted a resolution on the launch of negotiations for new passenger name record (PNR) Agreements with these countries. In this resolution, the Parliament decides to postpone the vote on the request for consent on the agreements with the US and Australia until the Commission “has explored the options for arrangements for the use of PNR that are in line with EU law and meet the concerns expressed by Parliament in earlier resolutions on PNR”.

On 2 December 2010, the Council adopted three negotiation mandates for a PNR Agreement with the three countries. Pending the negotiations and signing/conclusion of the new Agreements, the old PNR Agreements are still being applied provisionally.

Further to the Council decision of 22 September 2011 on the signing of the EU-Australia Agreement, the Agreement was signed on 29 September 2011. On 27 October the EP gave its consent to the Agreement, which is expected to enter into force in 2011.

Regarding the new EU-US PNR Agreement, the Council is invited to adopt the decision on the signing of this Agreement at its meeting on 13 December 2011. The new EU-Canada PNR Agreement is still being negotiated.

#### *TFTP*

On 1 August 2010 the EU-US Agreement on the Terrorist Finance Tracking Programme entered into force. The Agreement allows the transfer to US Treasury - under strict data protection conditions - of certain categories of data regarding bank operations stored in the territory of the European Union by a designated provider of financial payment messaging services. Each US request has to be verified by Europol as to its necessity for fighting terrorism. The data transferred to the US Treasury can be accessed only for counter terrorist purposes. Extraction from the TFTP database has to be justified by evidence of a terrorist threat. Independent overseers, one of whom is

appointed by the EU, have direct on-the-spot oversight of the data searches within the TFTP database and monitor compliance with privacy provisions under the Agreement. EU citizens have access to administrative and judicial redress. Evaluation of the functioning of the agreement, including Europol's role, have taken place. The first Joint Review foreseen in the agreement took place in February 2011 in Washington DC, the Commission published its report on the joint review on 16 March 2011. On 1 March 2011, the Report on the Inspection of Europol's implementation of the TFTP Agreement was published by the Europol Joint Supervisory Body<sup>1</sup>. On 8 April 2011, Europol published an information note to the European Parliament on "Europol Activities in Relation to the TFTP Agreement"<sup>2</sup>.

The Agreement provides for a Commission study into an equivalent EU system. From the CTC's perspective the establishment of such a system is highly desirable and would allow the EU to conduct its own terrorist finance tracking. On 13 July 2011, exactly 1 year after the adoption of the Council decision on the conclusion of the second EU-US TFTP Agreement, the Commission has issued Communication on the options available as regards the setting up of a Terrorist Finance Tracking System (TFTS) in the European Union. This Communication is a response to Article 2 of the Council Decision of 13 July 2010 on concluding the TFTP Agreement, in which the Council, at the request of the European Parliament, instructed the Commission to study a "legal and technical framework for extraction of data on EU territory". The Parliament requested such study because it had serious doubts about the bulk transfer of personal data to a third country. The Parliament's objections were aimed both at the transfer to a third country and the storage of bulk data of personal data of innocent individuals. Initial reactions from MEPs have shown that at least some of the LIBE Committee members are not happy with the Commission Communication. The Commission communication has been discussed both at technical and ministerial level. Most delegations are of the opinion that the Commission needs to provide further legal, operational and financial details in the impact assessment it has announced for the beginning of 2012 before any position can be taken regarding the expediency a TFTS.

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<sup>1</sup> Report No. JSB/Ins. 11/07

<sup>2</sup> File no. 2566-566

## *Europol and Eurojust*

Counter terrorism action remains part of all major fields of Europol activities - from data exchange and information sharing (on CBRN, Check the Web and cybercrime), through operational analysis (e.g. Joint Investigation Teams) and strategic analysis to operational support in case of a terrorist attack. This support was also delivered in the framework of the EU First Response Team which was established after the Norway attacks and which produced a number of operational reports.

Europol was transformed into an EU agency on 1 January 2010. Under its new legal framework Europol will be able to respond more rapidly to trends in serious crime, also covering terrorism.

Europol in consultation with MS is working on the merger of the Analytical Work Files (AWF) for non-Islamist terrorism and Islamist terrorism to ensure a more flexible approach towards emerging threats and new trends as well as a more flexible allocation of resources in this merged File and to reflect the administrative set-up and division of work concerning these topics in Member States. During its annual counter terrorism week (held this year from 3 to 6 October), Europol provided an overview to Member States of its work in the CT field.

Processing and analysis of information within the single AWF will be done on the basis of focal points and case related target groups to be set up according to specific terrorist organisations, geographical areas or phenomena.

The Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime was amended by the Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust. The new legal framework of Eurojust further enhances its operational effectiveness. Elements with potential for immediate impact on core business are those requiring Member States to exchange certain casework information with Eurojust and the 24/7 availability of Eurojust's assistance to practitioners in Member States.

The fight against terrorism is a primary focus area for Eurojust. Since 2005, the Council Decision of 20 September obliges all Member States to designate National Correspondents for Terrorism. They must inform Eurojust of all terrorist activities happening in their respective countries, from the first stages. The Counter-Terrorism Team of Eurojust, supported by the Case Analysis Unit, regularly processes the information received through this channel and through open sources. The Eurojust Terrorism Convictions Monitor is issued quarterly and provides an overview of the terrorism related judicial developments in the Member States, as well as judicial analysis on selected cases. In addition, annually, Eurojust contributes to Europol's Terrorism Situation and Trend Report (TESAT) with a report based on a quantitative analysis of data collected by Eurojust on the basis of the Council Decision on the Exchange of information and Cooperation concerning Terrorist Offences (2005/671/JHA), as well as a qualitative analysis produced from the analysis of the judgments and information received.

Eurojust's Counter-Terrorism Team regularly updates its Memorandum on Terrorism Financing, which provides a wide overview of the existing international and EU instruments to counter terrorism financing and Eurojust's added-value in this field, including summaries of relevant Eurojust terrorism financing cases.

Also, Eurojust is currently in the process of drafting a Handbook on chemical, radiological, radioactive and nuclear (CBRN) terrorism. The Counter-Terrorism Team is focusing on the legal aspect of the topic and aims to provide EU practitioners with specialist legal support for investigations and prosecutions related to CBRN transnational crimes.

Eurojust's Counter-Terrorism Team and Europol's Counter-Terrorism Unit take advantage of their location in The Hague by mutually reinforcing common projects. Regular exchange visits are currently taking place in order to closely monitor the practical methodology of the US Terrorism Financing Tracking Program (TFTP) and the EU version under consideration, the Terrorism Financing Tracking System (TFTS). Their legal requirements are being carefully considered, as well as the role to be played by Eurojust and Europol in their execution. Eurojust is negotiating its accession to Europol's Analytical Work Files for non-Islamist terrorism and Islamist terrorism, as well as its access to the portal Check the Web.

The past year, Eurojust developed further on the issue of the use of VoIP technology for terrorist purposes and the need for lawful interception. In a tactical meeting on Violent Single Issue Extremism / Terrorism (VSIE/T) held in April 2011 the answers of the Members States to a previously disseminated Eurojust questionnaire on VSIE/T matters were analysed. The annual Strategic Meeting on Terrorism focussed on the use of the internet by Islamist extremists. On the same occasion, the implementation of the Framework Decision 2008/919/JHA introducing the offences of public provocation to commit a terrorist offence, recruitment for terrorism and training for terrorism was closely monitored.

### *Joint investigation teams*

Under the Spanish Presidency the Council approved a resolution on the setting up of ad hoc multinational teams with third countries, which stresses that since terrorists operate on a transnational scale, effective cooperation between competent authorities from EU MS and third countries should be ensured. Joint efforts in preventing terrorist attacks should be strengthened, focusing in particular on the initial stage, i.e. the planning and preparing of an attack.

Joint investigation teams (JITs) are increasingly recognised as an effective instrument in the judicial fight against cross-border crime. Eurojust is entrusted with evaluating and making grants to JITs with Commission funds. The revised Eurojust Decision provides for Member States to notify Eurojust of the setting up and results of a JIT, for National Members to participate in JITs and for the Secretariat of the JITs Experts Network to form part of the staff of Eurojust. In 2010, Eurojust appointed a coordinator for the JITs Network.

Based on the Framework Decision from February 2009 on the exchange of information extracted from criminal records between EU Member States<sup>1</sup> the Council adopted a Decision in April 2009 to set up a European Criminal Records Information System (ECRIS). Further discussions on the implementation of the Council Decision by setting out the Technical Specifications of the exchange are currently being carried out in Cooperation in Criminal Matters Working Party. In accordance with the Council Framework Decision and the Council Decision Member States should be able to transmit information via ESCRIS by April 2012.

*Judicial dimension of the fight against terrorism*

At the JHA Council on 8 October 2010, the CTC presented 22 recommendations for action regarding the Judicial dimension of the fight against terrorism, which had been drawn from a series of five meetings held in the framework of a high-level training project on the fight against terrorism and the judicial response (doc 13318/1/10 Rev 1)<sup>2</sup> organised by the French *Ecole Nationale de la Magistrature*. The recommendations centre around the following themes: judicial organisation, special investigation techniques and terrorist financing, rights of defence, judicial cooperation, international perspective, strategy for EU prosecutions and criminal policy. Since then, the relevant bodies in the EU (CATS and COSI) have agreed a way forward procedurally for the recommendations and have identified for each recommendation whether follow-up may be given through either legislative or operational action or even both, and have listed the relevant institutions and working groups (5764/1/11 REV 1). Work will now start on the substance to further discuss how the recommendations could be implemented.

**Recommendation 1:** Eurojust has already started to increase its collaboration with the European Judicial Training Network (EJTN). In the framework of a pilot project on short term placements, seven EJTN trainees will be hosted by diverse Eurojust National Desks for a week in November this year. Also, Eurojust is currently actively supporting the establishment of the Eurojust National Coordination System in the Member States (ENCS). Among other objectives, the ENCS aims to coordinate the work of the national correspondents for Eurojust for terrorism matters.

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<sup>1</sup> OJ L 93 of 7.4.2009 pp, 23 and 33.

<sup>2</sup> 13318/1/10 REV 1.

**Recommendation 2:** The Eurojust Counter-Terrorism Team aims to become a proactive centre of expertise on counter-terrorism. Therefore, it regularly organises tactical and strategic meetings on terrorism trends, where leading EU magistrates and experts in terrorism law share their expertise on concrete matters. Common issues are identified, as well as best practices. This relevant knowledge is later disseminated to the EU decision makers, underlining possible ways to make counter-terrorism coordination more effective. The 2010 annual strategic meeting on terrorism developed on the use of VoIP technology for terrorist purposes and the need for lawful interception, while the 2011 one focused on the use on the Internet by Islamist extremists. The issue of Violent Single Issue Extremism / Terrorism was examined in a tactical meeting held in the spring of 2011.

**Recommendation 17 :** Eurojust actively supports JITs and encourages their setting up by providing information and advice to practitioners. By virtue of Article 9f of the new Eurojust Decision, the Eurojust National Members can participate in JITs, acting either on behalf of Eurojust or in their capacity as national competent authorities for terrorism. For instance, in a Danish case related to terrorist activities, where a request for the establishment of a JIT has been forwarded to the Belgian authorities, the Danish and Belgian desks at Eurojust were involved in setting up the JIT between the two competent national authorities.

**Recommendation 16:** Eurojust also provides financial and logistical assistance to JITs operations. In 2010, on the basis of two successful applications submitted to the European Commission, Eurojust received funds for two JITs Funding Projects. Under the project “Supporting the Greater usage of JITs”, Eurojust supported in 2010 12 JITs in 15 member States.

**Recommendation 20 :** Recent EU legislation provides that Eurojust may post Liaison Magistrates to third States. Eurojust is in the process of drawing up rules on the posting of these Liaison Magistrates and adopting the necessary implementing arrangement, in collaboration with the European Commission and the Member States.

**Recommendation 23:** The Chair of Eurojust's Counter-Terrorism Team regularly participates in the meetings of the COSI, the CATS and the Terrorism Working Party. Information is shared on the Team's evaluation of the impact of the 2002 and 2008 Framework Decisions on terrorism. The Eurojust's quarterly Terrorism Convictions Monitor (TCM) provides this information by compiling the terrorism related judicial developments in the Member States, as well as judicial analysis on selected cases. Three editions of the TCM were issued in 2010 and so far three editions have been issued in 2011.

#### *Procedural Rights:*

In November 2009 the Council agreed on a roadmap for strengthening procedural rights of suspected and accused persons in criminal proceedings<sup>1</sup> The roadmap identifies six main areas on which legislative or other initiatives are desirable

over the coming months or years:

- translation and interpretation,
- information on rights and information about charges,
- legal advice and legal aid,
- communication with relatives, employers and consular authorities,
- special safeguards for suspected or accused persons who are vulnerable, and
- a green paper on pre-trial detention.

The proposal concerning information on rights and information about charges ('letter of rights') has been tabled by the Commission in July 2010 and is currently under discussion.

On 7 October 2010, implementing this roadmap the Council adopted wide rights to interpretation and translation in criminal proceedings<sup>2</sup>. This directive sets common minimum standards for the rights of the defence in criminal matters. The law guarantees the right of suspects to obtain interpretation throughout criminal proceedings, including when receiving legal advice, in their own language in all courts in the EU. This directive will have to be implemented in national law within three years.

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<sup>1</sup> OJ C 295, 4.12.2009, p. 1.

<sup>2</sup> Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings - OJ L 280 of 26.10.2010, p. 1.

On 23-24 March 2011 a Conference was organized jointly by the Hungarian Presidency and by the Fundamental Rights Agency of the EU on "Protecting Victims in the EU: the Road Ahead".

The Presidency presented to the Council a proposal for a Resolution on a "Roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings". This document is intended to outline the priorities of the Council on the question of strengthening the protection of victims of crime, as stated by the Stockholm Programme (point 2.3.4.). The Presidency presented the conclusions from this conference to the Council (JHA) on 11-12 April 2011. The Commission tabled on 18 May 2011 a comprehensive initiative (a "package") of legislative measure in this regard, comprising initially an initiative for the revision of Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings, the content of which is as follows:

- it addresses the needs of victims of crime in general, including indirect victims;
- it is based on the issues already dealt with under FD 2001/220/JHA, aiming at improving the content of this by imposing concrete obligations on MS and eliminating certain drafting ambiguities;
- it aims at establishing by law minimum standards throughout the EU on recognition of victims, treatment, protection, access to victim support services, access to justice, restoration and compensation.

The Commission "package" also contains a proposal for a Regulation on the mutual recognition of protection measures for victims taken in the context of civil proceedings, which should complement the Member States proposal for a Directive on the European Protection Order, currently still under discussion.

In November 2011, the European Parliament and the Council finalized negotiations in first reading on the measure regarding the right to information<sup>1</sup>. In application of this measure, persons who are suspected or accused of having committed a criminal offence will be provided promptly, through a letter of rights, with information on their rights, including on the right of access to a lawyer, any entitlement to legal advice free of charge, the right to be informed of the accusation, the right to interpretation and translation; and the right to remain silent. It is expected that the Directive will be formally adopted in Spring 2012; it should be implemented by the Member States within a period of two years after entry into force.

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<sup>1</sup> 16342/11

## *Customs*

In the framework of the Customs Cooperation Working Party counter-terrorism work has been taken forward through a Counter Terrorism Project Group since May 2004. The UK has chaired the Project Group since that time, having led many successful actions to deliver the group's objective, which is to identify and promote ways that enable Customs administrations to make a positive contribution to the fight against terrorism.

The meeting of the Customs Cooperation Working Party on 4 April 2011 decided to handle counter-terrorism matters in the framework of the Working Party's plenary meetings, thus abolishing the Project Group. The meeting also took note of the report, prepared by the UK delegation on behalf of the Counter Terrorism Project Group, on the implementation of the Fifth action plan to take forward customs counter- terrorism initiatives (doc. 8590/11 ENFOCUSTOM 25 ENFOPOL 95 COTER 34 UD 86).

In the first half of 2011 Member States' customs and police authorities participated in an operation Global Shield, coordinated by the World Customs Organisation, aiming to counter the smuggling of chemical precursors that could be used by terrorists and other criminals to manufacture explosive devices. The results from the operation include 22 seizures of explosive precursors, over 33,000 kilograms of chemicals seized, primarily ammonium nitrate, and 18 arrests. The Programme Global Shield is fully supported by INTERPOL and the United Nations Office on Drugs and Crime (UNODC).

## *Terrorist financing*

In October 2011 the CTC issued his third report<sup>1</sup> on the implementation of the Revised Strategy on Terrorist Financing<sup>2</sup>. This report provides an overview over the legislative initiatives and actions that have been undertaken and the progress that has been achieved within the EU as well as other international fora since the second implementation report<sup>3</sup> had been released in June 2010.

Although it can undoubtedly be noted that progress has been made, several areas of action remain where better and swifter implementation of existing legal instruments in the Member States, an enhanced coordination between the public entities that share or have overlapping responsibilities and an increase of the dialogue between public and private stakeholders could lead to a greater efficiency and effectiveness in achieving the goal to counter terrorist financing activities.

The Stockholm Programme calls upon the Commission to promote further instruments against terrorist financing, e.g. increased transparency and responsibility for charitable organisations with a view to ensuring compliance with Special Recommendation VIII [*Non-profit organisations*] of the Financial Action Task Force (FATF). In its Action Programme for the Stockholm Programme, the Commission envisaged a Communication on voluntary anti-terrorist financing guidelines for EU-based non-profit organisations (NPO) until the end of 2011. Following the circulation of a discussion paper with concrete guidelines prior to the third conference with the NPO sector the Commission has upheld its close dialogue with relevant stakeholders in this context to promote further transparency and accountability. In addition, it has initiated a feasibility study on an EU observatory for NPOs that is expected to be finalised in 2012.

Terrorist financing workshops involving experts from Member States and EU institutions took place with the US (6-7 June 2011 in Budapest) and the Gulf Cooperation Council (22-23 November 2011 in Warsaw).

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<sup>1</sup> 15062/11  
<sup>2</sup> 11778/1/08 REV 1  
<sup>3</sup> 10128/10

#### 4. RESPONSE

##### *Solidarity Clause*

The Commission and the High Representative for the External Policy will present in 2012 a joint proposal to debate the implementation of the solidarity clause laid down in art. 222 TFEU in order to respond to EU citizens' expectations in the event of terrorist attacks or natural or man-made disasters. An orientation debate took place in the Article 36 Committee in October 2011. The Commission informed about the plan and Member States gave their view on the mechanism.

##### *Victims of terrorism*

The voices of victims have to be better heard and victims need our full support. First it is a question of respect and dignity - the perspective, ideas and propaganda of terrorists finds wide-spread echo in the media, in new and old media - often without taking into account appropriately victims' perspectives. Second the voice of victims play a crucial role to prevent terrorism by using their discourse of suffering to deglamourise the fundamentalist and violent narratives which drive terrorism and to promote democratic values. There are credible messengers that can use their voices to really reach people and youngsters susceptible to turn into violence, and to deliver a strong message of peace.

In this sense the European Commission has commemorated in Brussels on 11 March 2011 the 7th day of victims and the remembrance of victims and to give them a public audience was a central element of the events on the 10th anniversary of 9/11.

Victims organisations also play a role in the new set up RAN network by the Commission, especially as regards the initiatives aiming at challenging the violent extremists' narratives. Finally, the Commission has adopted on 18 May 2011 a comprehensive package of measures, including legislation, aimed at improving the existing victims' rights. This package addresses the quality of treatment that all victims receive in the aftermath of crime and during the criminal proceedings that follow, including the victims of terrorism. The Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, which forms part of a legislative package aimed at strengthening the rights of victims in the EU.

The Directive aims to amend and expand the provisions of Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings (including victims of terrorism). It is currently being discussed within DROIPEN; an orientation debate held at the JHA-Council on 28 October, hoping to agree at least a partial general approach at the December JHA Council.

*Chemical, biological, radiological and nuclear threats and risks*

On 30 November 2009 the Council approved the EU CBRN Action Plan<sup>1</sup> and called on the Commission and the Member States to undertake its implementation in order to enhance preventive, detection and response measures in the field of CBRN threats and risks, giving special attention to the implementation of the key actions identified in the Action Plan. The Action Plan focuses on three main strands:

- Prevention - ensuring that unauthorised access to CBRN materials of concern is as difficult as possible;
- Detection - having the capability to detect CBRN materials in order to prevent or respond to CBRN incidents;
- Preparedness and response - being able to efficiently respond to incidents involving CBRN materials and recover from them as quickly as possible.

Under the overall framework of the EU CBRN Action Plan, the Commission is implementing the EU CBRN Resilience Programme, which aims at improving the CBRN work undertaken within the framework of the Civil Protection Mechanism. The objective is to have better linkages between the different civil protection activities in the field of CBRN and to tackle identified gaps in a streamlined way.

Since the adoption of the Action Plan, the Commission has established the CBRN Advisory Group and a number of sub-groups to support its implementation. Progress has been made with respect to the key actions identified by the Council, in particular with respect to the establishment of the lists of most high-risk substances. A detailed implementation report is in preparation and will be presented to the Council by February 2011.

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<sup>1</sup> 15505/1/09 REV 1 + COR 1 + COR 2.

Within the field of civil protection, work is taking place within the framework of the Community Civil Protection Mechanism. In this respect the Civil Protection Mechanism with its all-hazard approach, covering prevention, preparedness and response, provides an effective and visible demonstration of European solidarity.

In addition the Commission has presented on 26 October a communication on disaster response<sup>1</sup>. Based on this communication, the Council adopted on 14 December a set of Council conclusions (17455/1/10 REV 1) in which the Commission was invited to present legislative proposals in this regard. The Commission envisages presenting legislative proposals in the civil protection Mechanism and on the civil protection Financial Instrument at the end of this year (probably on 13 December 2011).

Work is ongoing on further enhancing the EU's disaster response capability. As of October 2011, a total of 128 (up from 94 last year) modules and 8 technical and assistance teams (TAST) have been registered covering different areas, e.g. water purification, high capacity pumping, urban search and rescue, aerial and ground forest fire fighting, CBRN detection and sampling, medium and heavy urban search and rescue in CBRN conditions, forest fire fighting, and medical assistance (advanced medical post with surgery and medical aerial evacuation of disaster victims, field hospital), flood containment, flood rescue, temporary shelters.

To enhance the preparedness of civil protection and other emergency relief actors, the Commission is also in the process of developing Disaster Management Training Arrangements, which would include a network of EU Disaster Management Training Centres.

In October 2009 the combined internal and external working groups on Counter Terrorism in the Council structures held a mini-seminar on multiple attacks. Four Member States gave an overview of their findings on the Mumbai attacks and shared lessons learnt with the other partners.

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<sup>1</sup> COM (2010) 600, 15614/10

## 5. THE EXTERNAL DIMENSION

The commitment of the European Union to tackling the global challenges posed by terrorism within a multi-lateral framework based on the international rule of law was demonstrated in particular by the personal intervention of the High Representative at the event held in New York to mark the 10<sup>th</sup> Anniversary of the UN Global Counter Terrorism Strategy, as well as the separate event held to inaugurate the Global Counter Terrorism Forum (see below).

European External Action Service became fully operational on 1 January 2011. This marked a significant change in the way in which the EU handles its international relationships, and has significant potential to improve the overall coherence between the EU's internal and external policies, taking advantages of the reforms introduced under the Lisbon Treaty. Terrorism is a subject which cannot clearly be separated into internal and external aspects, and the Council recognised this in adopting conclusions on enhancing the links between internal and external aspects of counter-terrorism<sup>1</sup>, which set out a series of detailed recommendations for the Council itself, the EEAS, the Commission and the EU CTC. The COTER group dealing with external counter terrorism remains under the chairmanship of the rotating Presidency, which facilitates communication between this group and the formations of the Council dealing with Justice and Home Affairs.

The Conclusions recognise, among other things, the importance of the EU Sitcen, now a part of the EEAS, in providing assessments both on the internal and external aspects of CT, which are essential to the risk assessment methodology described above. The progress achieved in implementing these conclusions will be the subject of a specific review by the Council at the end of next year. In addition to this, work has been continuing in the COSI and the PSC to promote potential synergies between CSDP Missions and Freedom Security and Justice objectives, which has obvious potential relevance to countering terrorism. This has been discussed by both committees separately and in their joint meetings. Discussion is also underway in the JAIEX group on developing a complementarity approach by the Union and its Member States to the external dimension of the JHA policy of the EU.

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<sup>1</sup> 11075/11 of 6 June

## *Political Dialogues*

Political Dialogues, now under the leadership of the EEAS, have been maintained with key partners, and now expanded to include for the first time meetings with the UN system. In addition to the UN, during 2011 meetings have been held with the United States (twice), with Turkey and with Saudi Arabia. In addition, the Polish Presidency organised in Warsaw on 22/23 November 2010 the workshop with the GCC countries on terrorism financing which the EU and GCC are committed to holding annually under the EU-GCC joint plan of action, but which has not been held since the last session in Riyadh in 2009. Given its obvious relevance to other international security issues and transnational crime, terrorism is also discussed in a range of other EU dialogue meetings including foreign policy security dialogues and JHA sub committees.

## *The Transatlantic Relationship*

This continues to be an essential part of assuring Europe's security, and there is fruitful cooperation with the United States in almost all aspects of implementing the EU CT strategy, as recorded frequently above, and in all major terrorist investigations within the EU. The successful conclusion of the negotiations on a new PNR Agreement, initialled on 17 November marks a major step forward in protecting Europe's citizens who fly on transatlantic routes while improving the protection given to their personal data.

Given its overall importance it is fitting that terrorism has been discussed at the highest level between the EU and US, with the summit on 28 November concluding that we would continue to work closely together, including with others both bilaterally, such as with Pakistan, but also through the UN and GCTF, as well as strongly supporting continuation of joint efforts to empower diaspora communities to counter violent extremism (see below). Two meetings have been held at Ministerial level between the EU and US on JHA issues including a number of issues relevant to counter terrorism, not only on PNR and TFTP (see above) but also cyber security and cyber crime, links between drugs smuggling routes and terrorist groups, air cargo security, global supply chain security EU-US cooperation on explosives, radicalisation and recruitment as well as the state of play on closure of the Guantanamo Bay detention camp.

A highly successful EU-US seminar was held in January 2010 on the role of the Somali diaspora in countering violent extremism, and we will repeat this model in future in looking at other diaspora communities. This seminar is being followed up in various ways, in particular a US-Danish conference on Somalia, diaspora financial flows and al-Shabaab Funding, which took place in Copenhagen on 28-29 June 2011, and a further workshop on this subject was held in Copenhagen on 8/9 December.

In 2009, the EU created the framework to help the US close Guantanamo "against the background of a thorough review of US counter-terrorism policies consistent with the rule of law and international law in the expectation that the underlying policy issues would be addressed" (Council Conclusions June 4, 2009). Taking into account that the action against international terrorism raises important legal questions, the semi-annual dialogue with US Department of State Legal Adviser on counter-terrorism and international law, where international legal principles of the fight against terrorism are discussed was continued. The dialogue has the objective of furthering an improved mutual understanding of our respective legal frameworks, and developing common ground from which we can work more effectively in combating terrorism.

#### *Other Strategic Partners*

The EU CTC paid a visit to Moscow in February and discussed a number of areas in which best practices and lessons learned could be shared between the respective law enforcement authorities including the security of large-scale sports events, with a view to the 2014 Sochi Olympics, the fight against terrorism financing, with a focus on North Caucasus groups and possible cooperation between the EU and Russia on preventing radicalisation and recruitment. These and other relevant issues were also discussed at both meetings of the Permanent Partnership Council during 2011. On 19 May the EU and Russia reconfirmed that intensification of common efforts in the fight against terrorism should be pursued. In this context, they recalled the principle to extradite or prosecute in accordance with their obligations under international law any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of terrorist acts or provides safe havens. The Parties also supported the idea to develop contacts between the Russian and the EU competent authorities on a wide range of anti-terrorism issues. At the invitation of the Russian Prosecutor General, the EU CTC attended a meeting in St Petersburg in June 2011 of specialised agencies working on counter-terrorism.

A major advance was made in the relationship with India, where a joint Declaration on CT was agreed in the margins of the last EU-India summit in December 2010. This declaration is now being put into effect, the first fruits being the cyber security meeting mentioned above. A major seminar will be held in New Delhi in advance of the next EU-India summit, which will allow the relevant specialists to discuss more concrete ways to push forward practical counter-terrorism cooperation.

In addition to the PNR agreement with the US mentioned above, the Commission has negotiated a new PNR Agreements with Australia to which the EP has already given its consent. The EU and its Member States are also playing an active role in engaging Asian countries on Counter Terrorism through the dedicated ASEM forum on Counter-Terrorism, which next meets in Jogjakarta on 12 – 13 December, and also in meetings of the Asean Regional Forum, most recently at the 9th ASEAN Regional Forum Inter-Sessional Meeting on Counter-Terrorism and Transnational Crime in Kuala Lumpur on 29 – 31 May.

Draft Council Conclusions on JHA issues in the Eastern Partnership<sup>1</sup> recognise that special attention should be given to the fight against organised crime, taking into account the EU priorities agreed within the EU Policy Cycle for organised and serious international crime. Measures should be taken in order to combat financial crime, in particular money laundering and financing of terrorism as well as smuggling channels.

### *Security and Development*

In March the Foreign Affairs Council approved a comprehensive strategy for development and security, including CT, for the Sahel. Work is now underway on implementing measures. The strategy was presented to the Algerian authorities in a joint visit by the EU CTC and the EEAS Senior Coordinator for the Sahel and has since been discussed extensively with the countries concerned, in particular in the conference of the “*pays du champ*” of the Sahel organised by Algeria on 7/8 September 2011, to which the EU was invited. This model of an integrated strategy bringing together security and development aspects could prove a useful example for other regions of the world.

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<sup>1</sup> 17596/11

The Commission has continued to implement projects on Counter Terrorism under the 2009-11 Instrument for Stability (IfS), in particular the Civilian Capacity Building for Law Enforcement (CCBLE) project in Pakistan, and projects in the Sahel and South-East Asia. Unfortunately developments in Yemen meant that law enforcement capacity building had to be suspended in 2011. The EEAS is currently programming the 2012-13 IfS which is likely to build further on the work in Pakistan in particular.

### *United Nations*

In addition to the Political Dialogue meetings mentioned above, contact with the UN system has been extensive at all levels, including briefings by relevant UN agencies in the margins of Working Group meetings. The Hungarian Presidency organised an important conference on the United Nations Global Counter-Terrorism Strategy in Action, in Budapest on 17 June 2011. The EU CTC also participated in a major international meeting in Riyadh in January, co-sponsored by the UN CTED and the Prince Nayyef University of Security Studies, on the role of the internet in radicalisation. The EEAS has supported the UN in a major project to encourage the countries of Central Asia to develop a regional approach to the comprehensive implementation of the UN Global Counter Terrorism Strategy, including the human rights aspects. This culminated in a Ministerial level meeting in Ashgabad on 30 November 2011. It was preceded by a series of three consultative meetings at expert level, held in Bratislava, Dushanbe and Almaty between December 2010 and July 2011, to contribute to the substantive preparation of the joint Action Plan through expert recommendations. The EU CTC attended the Dushanbe meeting, and took advantage of this to make contact with high level Tajik authorities dealing with CT. Ambassador Pierre Morel and the CTC represented the EU at the Ministerial meeting.

### *Global Counter Terrorism Forum (GCTF)*

Potentially the most important development in international cooperation on Counter Terrorism has been the inauguration of the GCTF by the US Secretary of State and Turkish Foreign Minister in New York in September. The GCTF has 30 founding members (29 countries plus the EU) drawn from the major countries of the world affected by terrorism, or involved in countering terrorism, and is intended to provide a unique platform for senior counter terrorism policymakers and experts from around the world to work together to identify urgent needs, devise solutions and mobilize resources for addressing key challenges. It will have regional working groups dealing with South-East Asia, the Sahel and the Horn of Africa/Yemen. The latter group will be co-chaired by the EU and Turkey, and the EEAS organised a meeting in July 2011 to prepare the work of this group. The first formal meeting of the Sahel sub-group was held in Algiers on 16/17 November. GCTF also has thematic groups on Countering Violent Extremism, on which the UK organised informal meetings in June and December 2011, and on Criminal Justice and the Rule of Law which met first informally in Cairo in June 2011 and was formally launched by US Attorney General Holder in Washington on 3/4 November. As well as co-chairing the group on Horn of Africa/Yemen, the EU is committed to playing an effective role in all the groups of the GCTF, including through its specialised agencies. A representative of Eurojust participated in the meeting in Washington.

### *Cooperation with the Western Balkans*

In line with Council conclusions on co-operation with Western Balkan countries on the fight against organised crime and terrorism<sup>1</sup> approved by the Council in July 2008, an initiative to share best practices with the Western Balkan countries was carried out from 2008 to 2011. The aim of the initiative, developed on the basis of the first round of peer evaluation on national counter terrorism arrangements, was to present EU efforts in combating terrorism to interested Western Balkan countries. Five Western Balkan countries had expressed their will to participate in the initiative (Albania, FYROM, Bosnia and Herzegovina, Montenegro, Serbia). Subsequent to replying to a questionnaire and visits to each of the countries, the country reports were issued in June 2011. The recommendations referred among other topics to the need to strengthen political coordination of counter-terrorism efforts, inter-agency cooperation and police training. The summary of the initiative is contained in the doc. 15672/10 ENFOPOL 311.

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<sup>1</sup> 10931/08

## II. Ongoing and to-be-achieved actions

	Measure/Action	Competent Body	Deadline	status/observations
<b>1 PREVENT</b>				
<b>1.1 DISRUPT THE ACTIVITIES OF THE NETWORKS AND INDIVIDUALS WHO DRAW PEOPLE INTO TERRORISM</b>				
1.1.1	Implementation of the Council strategy and action plan on radicalisation and recruitment.	Council / MS / Commission	Ongoing	State of play and results of the different projects and work streams will be reported regularly.
1.1.2	Promote community policing including through improved training.	MS / CEPOL / Council	COPPRA I - end Dec 2010  COPPRA II - ongoing	As a follow up to the BE lead initiative COPPRA, the European Commission approved the Belgian project proposal for COPPRA II. The three goals are 1. update of the COPPRA tools; 2. creation of an e-learning module; and 3. five train-the-trainers programs.

	<b>Measure/Action</b>	<b>Competent Body</b>	<b>Deadline</b>	<b>status/observations</b>
1.1.3	Put in place a legal framework to prevent individuals from inciting violence and exchange information on incitement.	MS / Council / Commission	December 2010	Implementation of the amending Framework Decision 2008/919/JHA ( <u>deadline December 2010</u> ) setting the framework for EU-wide criminalisation of “public provocation to commit a terrorist offence”, “recruitment for terrorism” and “training for terrorism”. Article 3(2) of the D 2008/919/JHA: "On the basis of a report drawn up from that information and a report from the Commission, the Council shall assess, by 9 December 2011, whether Member States have taken the necessary measures to comply with this Framework Decision." However, very few Member States have complied with the original deadline of 9 December 2010 for sending texts of the implementing provisions. The Commission sent a reminder letter setting a new deadline. At present, 10 MS have not yet complied with their obligations.
<b>1.2 ENSURE THAT VOICES OF MAINSTREAM OPINION PREVAIL OVER THOSE OF EXTREMISM</b>				
1.2.1	Encourage Muslim communities not to rely on external Imams, including through enhanced training.	MS	Ongoing	The Spanish-led work on imam-training has resulted in the adoption of two actions plan: one dedicated to current imams another to future imams. As from 2012 onwards, it will be possible to obtain a university degree in religious sciences.

	<b>Measure/Action</b>	<b>Competent Body</b>	<b>Deadline</b>	<b>status/observations</b>
1.2.2	Develop a comprehensive communication strategy to explain EU policies and hold a conference with media professionals and terrorist experts to discuss radicalisation. Put in place funding for journalist training programmes and regional language broadcasts of European television and radio news and other initiatives in ME and North African countries.	MS / Commission / Council / CTC	Ongoing	UK is in the lead of a project on CT-communications. Extensive contact among CT communicators, especially in the run up to the 9/11 anniversary.
<b>1.3 PROMOTE SECURITY, JUSTICE, DEMOCRACY AND OPPORTUNITY FOR ALL</b>				
1.3.1	Target inequalities and discrimination where these exist within the EU and promote long-term integration where appropriate.	MS / Commission	- impleme ntation phase Nov. 2010  - review: 2013	

	Measure/Action	Competent Body	Deadline	status/observations
<b>1.4 ASSESSMENTS AND ANALYSIS</b>				
1.4.1	Continue to investigate the links between extreme religious or political beliefs, as well as socio-economic and other factors, and support for terrorism, and identify response measures.	Council / Commission	Ongoing	A research project, SAPHIRE, under 7th Framework Programme was proposed and shall include research on links between socio-economic and other factors contributing to terrorism. Results are expected in 2012.
<b>1.5 PREVENTION OF CBRN RISKS</b>				
1.5.1	Implementation of an EU CBRN Action Plan	MS / Commission	Ongoing	<p>In November 2009 the Council approved an EU CBRN Action Plan..</p> <p>The Action Plan focuses <i>inter alia</i> on:</p> <ul style="list-style-type: none"> <li>- developing EU lists of high-risk CBRN materials;</li> <li>- enhancing the security of high-risk CBRN materials and facilities;</li> <li>- enhancing control over high-risk CBRN materials;</li> <li>- contributing to the development of a high security culture of staff;</li> <li>- improving the identification and reporting of suspicious transactions and behaviour;</li> <li>- enhancing the security of transport;</li> <li>- strengthening the import/export regime;</li> <li>- strengthening cooperation on the security of nuclear materials.</li> </ul>

	<b>Measure/Action</b>	<b>Competent Body</b>	<b>Deadline</b>	<b>status/observations</b>
				In February 2010 the Commission set up a CBRN Advisory Group and its subgroups, bringing together State representatives, technical experts and relevant stakeholders, including, where appropriate, the private sector, in order take forward the implementation of the EU CBRN Action Plan. These groups have met for a total of 13 meetings during 2010 to discuss and support the implementation of the Action Plan.
<b>2. PROTECT</b>				
<b>2.1 PROTECTION OF CRITICAL INFRASTRUCTURE</b>				
2.1.1	<p>Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p. 75)</p> <p>- European Programme for Critical Infrastructure Protection (EPCIP)</p> <p>- Proposal for a Critical Infrastructure Warning and Information Network (CIWIN) has been</p>	Council / Commission	Implementation phase	<p>Council Directive 2008/114/EC establishes a common procedure for identifying and designating European critical infrastructure (ECIs) , at this stage concentrating on energy and transport sectors. Builds on the European Programme for Critical Infrastructure Protection (EPCIP) establishing a horizontal framework for protection of ECIs..</p> <p>The external dimension of the programme has been taken forward through the adoption of Council conclusions (10662/11). Moreover in June 2011 an expert meeting was held between the EU and US, with the participation of Canada.</p>

	<b>Measure/Action</b>	<b>Competent Body</b>	<b>Deadline</b>	<b>status/observations</b>
	withdrawn by the Commission.		2012	After the succesful completion of the pilot phase the Commission has the intention of establishing a Critical Infrastructure Warning and Information Network (CIWIN) as an instrument to exchange non-classified information between Member States and the Commission.
<b>2.3 BORDER CONTROL</b>				
2.3.1	proposal for a Regulation establishing an entry/exit system	Commission	2012	Use of new technologies including gates for automated border control is part of the draft Stockholm program. The Commission has submitted a Communication on "smart borders -options and way ahead (COM (2011) 680 with the intention to receive feedback from the Council and the EP with a view to the preparation of the legislative proposals, currently under discussion in the Council. The Polish Presidency intends to have Council conclusions adopted on the issue at JHA Council in December.
2.3.2	Proposal for a Regulation establishing a registered travellers program	Commission	2012	see above
2.3.3	Submit proposal for a Regulation amending Regulation 562/2006 (Schengen Borders Code) as regards the entry-exit system	Commission	2012	see above