



Brussels, 16 December 2004

## EUROPEAN COUNCIL BRIEF NOTE ON COUNTER-TERRORISM

In June 2004, the European Council adopted a Plan of Action to help defend Europe against terrorism. In the past six months several legislative proposals have been agreed. Terrorism has been at the top of EU agenda with countries elsewhere in the world. Cooperation among EU security and intelligence services has improved further. However, as the various documents before the European Council indicate, further efforts are needed in 2005 as the terrorist challenge is long term.

### KEY DEVELOPMENTS

#### *Financing of terrorism*

- The EU has strengthened its capacity to fight against the financing of terrorism. There is an agreement on the new directive on money laundering. There is also an agreement on the proposal for a regulation on controls of cash movements. Both of these are important elements of the fight against terrorist financing.

#### *Law enforcement cooperation*

- The EU has reached a decision to strengthen the role of Europol and Eurojust by providing them with all relevant information on terrorist offences. Work has started on the proposal for a Directive on the retention of telecommunications traffic data.

#### *Border and transport security*

- Border and transport security is another area where work is progressing. The Council reached an agreement on biometric indicators in passports and on the European border agency which will become operational in May 2005. The Council also reached an agreement to exchange information on lost and stolen passports with Interpol. Interpol can be an important tool in fighting identity fraud. Aviation and maritime security remain key priorities. The European Parliament is expected to give its view on the proposal for a Directive enhancing port security early next year.

## *External relations*

- As highlighted in the European Security Strategy, the international dimension of the fight against terrorism is crucial. Today's terrorism knows no borders. This is why the EU has intensified its cooperation with third countries. Contacts with Morocco, Algeria, Indonesia and others have been intensified with visits by the Presidency and the Counter-terrorism Co-ordinator.
- Cooperation with the UN is an important dimension of the EU external strategy. In the political dialogue with a wide range of partners the EU has stressed the importance of ratification and implementation of the 12 UN Conventions against terrorism. The EU has also addressed the complex issue of countering support for terrorism, including through the encouragement of moderate Islam. An initiative has been launched, for example, to support an inter-religious dialogue with Indonesia.
- Co-operation with the US is another component of the EU's strategy against terrorism. Contacts have continued across a range of issues building on the Dromoland Summit Declaration. The Policy Dialogue on Border and Transport Security which was started earlier this year proved a useful forum for identifying and discussing issues of mutual concern - from air transport security to customs cooperation.
- The European Council decided to establish a network of counter-terrorism experts who can give advice to third countries about how to improve their defences. The expertise in the fight against terrorism in the main lies within the public services of Member States. By sharing know-how the EU can help build capacity in third countries.
- Another crucial component is finance. In the Hague Programme, the European Commission was requested to increase the funding for counter-terrorism related capacity-building in third countries, and to make sure EU aid mechanisms are rapid, flexible and targeted.

## *Intelligence co-operation*

- On intelligence sharing, the Council Secretariat (SitCen) is expanding substantially its capacity to provide analytical support to the Council as it tackles counter-terrorist policy.

The Hague Programme also encourages intensified cooperation between police and custom authorities of Member States and with Europol.

- As regards the internal co-ordination of Member States in the fight against terrorism, a first phase of a peer review exercise has been completed. This exercise identifies European best practices with respect to national counter-terrorism arrangements. An interim report has been established, on which a number of areas where improvements could be made are identified. For example, the adoption of legislation for the use of special techniques for intelligence gathering, the creation of a national coordination mechanism, and the establishment of national permanent crisis management arrangements.

# PRIORITIES FOR 2005

- The fight against *terrorist financing* will continue to be a priority in 2005. Financial intelligence units can play an important role here. The EU will focus on non-traditional channels of financing. Proposals are expected from the Commission on how best to ensure that legitimate charitable activity is not misused by terrorists and those who finance them.
  - Other priorities for 2005 will include *critical infrastructure* - transport, communications, energy and other sectors. Much critical infrastructure is of course the responsibility of Member States, and in many cases is in private sector hands. But there is important work to be done at the European level, in particular to protect trans-border networks. Next year the EU will develop a European programme in this area.
  - Civil protection is also an important area of national responsibility. The economic integration, the free movement of people and the geography of the European continent mean that serious terrorist incidents may quickly have cross-border implications - especially one involving chemical, biological or radiological materials. The EU needs to have the right mechanisms in place so Member States can work together if such a crisis should occur. Exercises are a key way to ensure this, as are efforts to improve medical response capabilities. The Presidency is proposing that the EU will take the necessary steps in 2005.
  - *Information exchange* will also remain high on the agenda. Work will continue on the retention of communications traffic data, on the European Evidence Warrant and on the use of data for law enforcement purposes more generally. The Commission will present proposals in this area, including on data protection principles for the third pillar.
  - Efforts will continue to pursue terrorists and to bring them to justice, to reduce the vulnerabilities of our economies and our infrastructures, and to improve our capacities to deal with the consequences of terrorist attack. In addition, the EU will focus on ways to prevent the next generation of potential recruits from choosing the path of terrorist violence. The Hague Programme calls on the Council to develop in 2005 a long term strategy to address the factors which contribute to *radicalisation and recruitment* for terrorist activities.
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