

EU counter-terrorism policy: main achievements and future challenges

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PURPOSE: to define the outlines of the EU Counter-Terrorism Policy.

CONTENT: the 2005 EU Counter-Terrorism Strategy (Doc No 14469/4/05), which continues to be the main reference framework for EU action in this field, consists of four strands: prevention, protection, pursuit and response. This Communication follows that same structure. For each of the four strands some major achievements have been highlighted and future challenges identified.

The main purpose of the communication is to propose a series of actions with a view to **meeting future challenges in regard to counter-terrorism**. These actions may be summarised as follows:

1. Prevention: the main challenge under this strand is preventing radicalisation and recruitment leading to the willingness to commit terrorist offences. But prevention also includes dealing with the way terrorists use the internet – for communication, fund-raising, training, recruitment and propaganda. The Commission intends to:

- identify more accurately the most effective ways of combating radicalisation and recruitment by assessing the effectiveness of national policies that have been put in place and reliable indicators developed to provide data to assist with that assessment ;
- the launch **a Communication in 2011 which will look at the experience that has been gathered in countering radicalisation and recruitment linked to terrorism in the Member States**. This will provide the basis for reviewing and updating the existing EU Strategy and Action Plan;
- find and put in place the most effective approaches for dealing with use of the internet for terrorist purposes by supporting the efforts of the Member States' law enforcement authorities to deal with **illegal internet content** in this context. Public private partnerships will need to be enhanced as well.

2. Protection: protecting people and infrastructure is by far the broadest area of the strategy. It covers a wide range of activity, including EU-wide threat assessments, security of the supply chain, protecting critical infrastructure, transport security and border controls, as well as security research. The proposed actions are as follows:

- the revision of the Directive on Critical Infrastructure to assess its impact and the need to include other sectors, e.g. the ICT sector;
- the revision of the action plan on the security of explosives;
- **the enhancement of transport security, notably through deployment of new technologies to defeat the efforts by terrorists to escape detection** (e.g. by using liquid explosives or non-metallic materials). While respecting fundamental rights, there is a need to ensure the security of passengers;
- the taking forward of the issue of standardisation and certification of security solutions (e.g. detection technology), as part of efforts to develop a European industrial security policy. An EU-wide process for testing and trialling security solutions, as well as a system of mutual recognition of certification results, should be put in place;
- strengthen the links between public sector users - including law enforcement practitioners - the research community, and technology providers and industry in order to ensure an effective security research policy and, by doing so, contribute to a high level of security.

3. Pursuit: this strand covers issues such as information gathering and analysis, impeding terrorists' movements and activities, police and judicial cooperation, and combating terrorist financing. The Commission's main proposals are the following:

- the evaluation of existing instruments so as to allow Member States' authorities to exchange the information necessary to prevent and combat terrorist offences while ensuring full respect for the right to privacy and data protection rules;
- the **determination of the right way to establish a European policy for the use of passenger name records (PNR)** data to combat terrorism and organised crime;
- the creation of a framework for the adoption of administrative measures, such as the freezing of funds or financial assets belonging to, or owned by, natural or legal persons, groups or non-State entities, on the basis of Article 75 of the Treaty on the Functioning of the EU;
- the adoption of EU legislation on investigation techniques which are particularly relevant for investigating and preventing terrorist crimes. This issue may be tackled by way of a legislative proposal for a comprehensive regime on obtaining evidence in criminal matters based on the **principle of mutual recognition and covering all types of evidence**, which the Commission will prepare in 2011;
- the joint establishment of a methodology based on common parameters for analysing threats at European level.

4. Response: this strand brings together issues such as civilian response capacity to deal with the aftermath of a terrorist attack, early warning systems, crisis management in general and assistance to victims of terrorism. The Commission proposes:

- the evaluation of EU civil protection policy;
- the evaluation of ways of reinforcing coordination and cooperation to facilitate consular protection, notably during crises;
- strengthening the EU's role in crisis and disaster management, in particular by developing the EU rapid response **capacity based on existing instruments for humanitarian aid and civil protection** ;
- giving priority to the implementation of the CBRN Action Plan;
- considering the introduction of a legislative proposal to provide **a comprehensive instrument on the protection of victims, including victims of terrorism**, in 2011;
- ensuring that the implementing arrangements of the new solidarity clause, introduced in the Treaty on the Functioning of the European Union (Article 222), are established quickly.

A number of horizontal issues are also dealt with, including respect for fundamental rights, cooperation with external partners in the field of combating terrorism, and **funding of this policy**. On this last aspect, the Commission recalls that most of this policy was covered by the programme Security and Safeguarding Liberties, which includes the specific programme for prevention, preparedness and consequence management of terrorism and other security-related risks and the programme for prevention of and fight against crime (for the period 2007-2013, a total amount of EUR 745 million has been made available). The Commission will make proposals on funding for the post-2013 period in the context of the next multi-annual financial framework and will consider the feasibility of **setting up an Internal Security Fund**.

In conclusion, the Commission notes that the Counter-Terrorism Strategy of 2005 has proved its worth in bringing together and encouraging the implementation of a broad array of actions and instruments which have contributed significantly to combating terrorism at the EU level. The new institutional framework offers the Union an unprecedented opportunity to better interlink its different counter terrorism instruments, as well as the internal and external dimension. A study to make a more detailed evaluation of

the current policies and priorities is needed in order to support all key players at EU level – Council, Parliament, Commission – **with a common vision and understanding of the future priorities in the counter-terrorism field.**