General programme "Security and Safeguarding Liberties": specific Programme "Prevention, preparedness and consequence management of terrorism", 2007-2013

2005/0034(CNS) - 06/04/2005 - Legislative proposal

PURPOSE: in the context of the framework programme on ‘Security and Safeguarding Liberties’, the adoption of a specific programme ‘Prevention, Preparedness and Consequence Management of Terrorism’ for the period 2007-2013.

PROPOSED LEGISLATIVE ACT: Council Decision.

CONTEXT: in setting out its strategic orientations for the definition of the Financial Perspectives 2007-2013 (INI/2004/2209), the Commission highlights the objective of supporting the development of the Area of Freedom, Security and Justice (AFSJ) with appropriate financial resources.

In parallel, the Hague Programme - a new five year multi-annual programme in the fields of freedom, security and justice - was adopted by Heads of state and government at the November 2004 European Council.

A distinct Framework programme is to be proposed for each of these fields, providing for the necessary coherence between relevant interventions in each policy area, and clearly linking political objectives and the resources available to support them. This structure represents a major simplification and rationalisation of existing financial support, thus allowing for greater flexibility in the allocation of priorities and increasing overall transparency.

The main objectives of the Security and Safeguarding Liberties framework programme are:

- to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related EU bodies.

– to place more emphasis on promoting and developing public-private partnerships and strategies on crime prevention, statistics and criminology, and on protection of crime victims and witnesses.

– create conditions for a coordinated approach across Member States towards prevention, preparedness, crisis and consequence management with regard to potential and actual terrorist threats.

These objectives, however, have different legal bases in the Treaties. On the one hand, law enforcement, police cooperation and crime prevention in general are subject to Title VI of the Treaty on European Union (Arts. 29-42). On the other hand, preparedness and consequence management with regard to terrorist attacks are to be considered a specific strand, which is complementary to general civil protection measures, which is a matter to be dealt with under the Treaty establishing the European Community (Art. 3 (1)(u)). Given these fundamentally different legal regimes, the framework programme will have to be composed of two different legal instruments. based on Arts. 30 and 34(2)(c) of the Treaty on European Union.

The first legal instrument will cover the prevention of and the fight against crime, and will be based on Articles 30 and 34(2)(c) of the Treaty on European Union. This programme will focus on three thematic areas: law enforcement, crime prevention and criminology, and protection of witnesses and victims. The second legal instrument will deal with prevention, preparedness and consequence management of terrorist attacks, and will be based on Article 308 of the Treaty establishing the European Community – refer to summary of procedure 2005/0035(CNS).

Together with the Fundamental Rights and Justice, and Solidarity and the Management of Migration Flows Framework Programmes, the Security and Safeguarding Liberties programme will be an appropriate basis for maintaining and developing the Union's ASFJ.

The overall amount foreseen for the Framework programme Security and Safeguarding of Liberties is 745 million euro for the period 2007-2013.

CONTENT: the specific programme 'Prevention, Preparedness and Consequence Management of Terrorism' seeks to contribute to protect citizens, their liberties and society against terrorist attacks and related incidents, and to safeguard the EU as an area of Freedom, Security and Justice, by stimulating, promoting and developing measures on preparedness and consequence management.

On prevention and preparedness to terrorist attacks, the specific programme will aim at:

- stimulating, promoting, and supporting risk and threat assessments on critical infrastructure, including evaluations on site, to identify possible targets of terrorist attacks and possible needs for upgrading their security,

- promoting and supporting the development of common security standards, and an exchange of know-how and experience on protection of critical infrastructure,

- promoting and supporting EU wide co-ordination and cooperation on critical infrastructure protection.

On consequence management regarding terrorist attacks, the specific programme will aim at:

- stimulating, promoting and supporting exchange of know-how, experience and technology on the potential consequences of terrorist attacks,

- stimulating, promoting and supporting the development of relevant methodology and contingency plans, and

- ensuring real-time input of specific expertise on terrorism matters within overall crisis management, rapid alert and civil protection mechanisms.

Eligible actions:

- projects with a European dimension initiated and managed by the Commission, inter alia coordination mechanisms and networks and analytical activities;

• transnational projects initiated and managed by at least two Member States (or one Member State and an applicant country) under the conditions set out in the annual work programmes;

• national projects within Member States under the conditions of the programme and in the annual work programmes.

It is foreseen that national projects will only be eligible as starter measures or complementary measures (preparing or complementing transnational or European projects), if they have a potential for transferability of results to EU level or if they otherwise contribute considerably to developing a Union policy.

Implementation: The 'terrorism' and 'crime' specific programmes will have common implementation structures: they will be managed by the Commission, assisted by an ad hoc committee; the types of interventions and actions will be harmonised (Commission, transnational and national projects), as well as the eligibility criteria.

Community financial support will take one of two legal forms: grants and public procurement contracts.

Complementarity with other instruments: in addition to strengthened complementarity with the specific crime programme – refer to 2005/0035(CNS) – the specific terrorism programme will be complementary to the criminal justice and other Justice and Home Affairs programmes in the process of adoption ('fundamental rights', 'solidarity and management of migratory flows'). It will also support activities and competent authorities in the AFSJ field, such as CEPOL (European Police College) and EUROPOL and will complement other Community programmes, in particular the 7th RDT Framework Programme, the Structural Funds, the Solidarity Fund – 2005/0033(COD) – or the Rapid Response and Preparedness Instrument for major emergencies - 2005/0052(CNS).

Further specific provisions are laid down for the follow-up and monitoring of planned actions.
Anti-fraud measures are also provided for, as well as regular evaluations of the programme (an interim report to be prepared by the Commission by 31/03/2010, a report on the continuation of the programme by 31/12/2010 and a final report by 31/03/2015).
FINANCIAL IMPACT: The overall budget for the framework programme on 'Security and Safeguarding Liberties' is EUR 745 million for the 2007-2013 period, including EUR 10 million administrative and technical assistance expenses to be divided between the two specific programmes 'organised crime' and 'terrorism'.

BUDGET BY ACTIVITY and BUDGET LINE: 1805 – Law enforcement cooperation and fight of and against general and organised crime – heading 3 of the 2007-2013 financial perspectives.

For the specific 'terrorism' programme, a new budget structure will be required.

FINANCIAL RESOURCES: from 2007-2013: EUR 745 million of operational expenditures and administrative expenditures + 40.848 million EUR of expenditures not included in the reference amount (human resources and related costs): EUR 785.848 million.

DETAILS OF RESOURCES:

1) **Specific programme 'Prevention of and Fight against Crime'**: EUR 597.6 million + EUR 5 million for administrative expenditure and technical assistance:

Sub-action 1 – To promote and develop coordination, cooperation and mutual understanding – EUR 231 million broken down as follows:

- *Commission actions*: grants + procurement: EUR 74,5 million;

- *Transnational projects*: grants: EUR 33 million;

- *National projects*: EUR 123,5 million.

Sub-action 2 – To stimulate, promote and develop strategies, dialogues and partnerships - EUR 191 million broken down as follows:

- *Commissionactions*: grants + procurement: EUR 66 million;

- *Transnationalprojects*: grants: EUR 28 million;

- *National projects*: EUR 97 million.

Sub-action 3 – To promote and develop best practices for the protection of crime victims and witnesses - EUR 102 million broken down as follows:

- *Commission actions*: grants + procurement: EUR 42 million;

- *Transnationalprojects*: grants: EUR 14 million;

- *National projects*: EUR 46 million.

Giving EUR 524 million at 2004 prices and 597.6 million at current prices.

2) **Specific programme 'Prevention, Preparedness and Consequence Management of Terrorism**: EUR 137.4 million + EUR 5 million for administrative expenditures and technical assistance:

Sub-action 4 – Preparedness – to promote, support and evaluate exchange of standards, know-how and experience – EUR 86.5 million broken down as follows:

- *Commission actions*: grants + procurement: EUR 40 million;

- *Transnational projects*: grants: EUR 3.5 million;

- *National projects:* EUR 43 million.

Sub-action 5 – Consequence management – to develop, implement and promote EU crisis management arrangements: EUR 34.5 million broken down as follows:

- *Commission actions*: grants + procurement: EUR 20.5 million;

- *National projec*ts EUR 14 million.

giving a total of EUR 121 million at 2004 prices and EUR 137.400 at current prices.

HUMAN RESOURCES: EUR 35.532 million from 2007 to 2013 covering expenditure on 55 staff (fixed, temporary and other specific posts).