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

2005/0034(CNS) - 12/02/2007 - Final act

PURPOSE: in the context of the framework programme on “Security and Safeguarding Liberties”, to adopt a specific programme “Prevention, Preparedness and Consequence Management of Terrorism and other security related risks” for the period 2007-2013.

LEGISLATIVE ACT: Council Decision 2007/124/EC, Euratom establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks".

BACKGROUND: the framework programmes in the area of Justice, Freedom and Security, under the new Financial Perspectives 2007-2013 have been established to provide coherent support to an area of freedom, security and justice under the financial perspectives 2007 - 2013. The three key objectives of freedom, security and justice are to be developed in parallel and to the same degree of intensity, thus allowing for a balanced approach, based on the principles of democracy, respect for fundamental rights and freedoms and the rule of law. Each of the three key objectives is supported by a Framework programme underpinning and linking each policy area. This structure represents a major simplification and rationalisation of existing financial support.

The three framework programmes are:

1) “Security and safeguarding Liberties” comprising of 2 specific programmes : i) the programme on the prevention of terrorism which is the subject of the present procedure file and ii) the specific programme on the “Prevention and the fight against crime”;

2) “Fundamental rights and Justice” which includes 5 specific measures: i) “Fundamental rights and citizenship”; ii) “Civil justice”. Iii) “Criminal justice”; iv) “Daphne III”; v) “Drugs prevention and information”;

3) Solidarity and Management of Migration Flows includes 4 specific funds: i) the European Fund for the Integration of Third-country nationals; ii) External Borders Fund; iii) Refugee Fund; iv) Return Fund.

Each of these framework programmes have been given an overall financial envelope covering the 2007-2013 period which will be broken between each specific programme, except for the Funds which have individual budgets.

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. 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 (see CNS/2005/0035). 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.

CONTENT: this Decision establishes the Specific Programme "**Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks**", as part of the General Programme on Security and Safeguarding Liberties. The Programme covers the period from 1 January 2007 to 31 December 2013. The Decision does not apply to matters that are covered by the Civil Protection Financial Instrument.

General objectives: the Programme contributes to support Member States' efforts to prevent, prepare for, and to protect people and critical infrastructure against terrorist attacks and other security related incidents. It is intended to contribute to ensuring protection in the areas such as the crisis management, environment, public health, transport, research and technological development and economic and social cohesion, in the field of terrorism and other security related risks within the area of freedom, security and justice.

Specific objectives: within the general objectives, the Programme willl stimulate, promote and develop measures on prevention, preparedness and consequence management based on comprehensive threat and risk assessments, subject to the supervision by the Member States and with due regard to existing Community competence in that matter, and aiming to preventing or reducing risks linked with terrorism and other security related risks.

With regard to prevention and preparedness of risks linked with terrorism and other security related risks the Programme aims at protecting people and critical infrastructure, in particular by supporting:

- risk assessments on critical infrastructure, in order to upgrade security;
- the development of methodologies for the protection of critical infrastructure, in particular risk assessment methodologies;
- shared operational measures to improve security in cross-border supply chains, provided that the rules of competition within the internal market are not distorted;
- the development of security standards, and an exchange of know-how and experience on protection of people and critical infrastructure;
- Community wide coordination and cooperation on protection of critical infrastructure.

With regard to consequence management the Programme aims at promoting:

- exchange of know-how and experience, in order to establish best practices with the view to coordinate the response measures and to achieve cooperation between various actors of crisis management and security actions;

- joint exercises and practical scenarios including security and safety components, in order to enhance coordination and cooperation between relevant actors at the European level.

Eligible actions: the Programme will provide financial support for certain types of action, including projects managed by the Commission with a:

- European dimension;
- transnational projects, which shall involve partners in at least two Member States, or at least one Member State and one other country which may either be an acceding or a candidate country;
- national projects within Member States. In particular, financial support may be provided for: actions on operational cooperation and coordination (strengthening networking, mutual confidence and understanding, development of contingency plans, exchange and dissemination of information, experience and best practice); analytical, monitoring, evaluation and audit activities; development and transfer of technology and methodology, particularly regarding information sharing and inter-operability; training, exchange of staff and experts; and awareness and dissemination activities.

Types of intervention: Community financial support may take the forms of grants or public procurement contracts. The annual work programme shall specify the minimum rate of the annual expenditure to be awarded to grants, which will be at least 65 %.

Complementarity: this will be sought with other Union and Community instruments, inter alia, with the specific programmes "Prevention of and Fight against Crime" and "Criminal Justice", the Seventh Framework Programme for Research, Technological Development and Demonstration Activities, the European Union Solidarity Fund and the Civil Protection Financial Instrument. The Programme may share resources with other Community and Union instruments, in particular the "Prevention of and Fight against Crime" programme, in order to implement actions meeting the objectives of both the Programme and other Community/Union instruments.

Reports: the Commission shall ensure regular, independent and external evaluation of the Programme, and will submit:

- an annual presentation on the implementation of the Programme;
- an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of the Programme no later than 31 March 2010;
- a communication on the continuation of the Programme no later than 31 December 2010;
- an ex-post evaluation report no later than 31 March 2015.

ENTRY INTO FORCE: 24/02/2007. It shall apply from 01/01/2007.