



Council of the  
European Union

Brussels, 10 October 2014  
(OR. en)

13971/14

**LIMITE**

<b>JAI 743</b>	<b>ATO 66</b>
<b>ECOFIN 887</b>	<b>DATAPROTECT 134</b>
<b>TRANS 464</b>	<b>TELECOM 172</b>
<b>RELEX 808</b>	<b>COMAG 84</b>
<b>PESC 1012</b>	<b>COAFR 276</b>
<b>COTER 67</b>	<b>COASI 124</b>
<b>ENFOPOL 306</b>	<b>COHOM 137</b>
<b>PROCIV 82</b>	<b>COMEM 176</b>
<b>ENER 422</b>	<b>COTRA 33</b>

**NOTE**

---

From: EU Counter-Terrorism Coordinator  
To: Delegations  
Subject: Report on the implementation of the EU Counter-Terrorism Strategy

---

*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 at the end of 2012<sup>1</sup>.*

*This report will evolve. It will take into account the Conclusions of the meeting of the Justice and Home Affairs Council on 9 October 2014 in Luxembourg.*

*Delegations are invited to provide their comments to the office of the CTC by 7 November 2014.*

---

<sup>1</sup> 16471/1/12.

## Table of Contents

<b>1. FOREIGN FIGHTERS</b> .....	6
<i>Better understanding of the phenomenon</i> .....	6
<i>Prevention of radicalisation</i> .....	7
<i>Detection of suspicious travel</i> .....	8
<i>Investigation and prosecution</i> .....	9
<i>Returnees</i> .....	11
<i>Cooperation with third countries</i> .....	11
<i>EU9 Group</i> .....	13
<b>2. PREVENT</b> .....	13
<i>Work streams</i> .....	13
<i>Radicalisation Awareness Network</i> .....	15
<i>Europol Platform for Experts (EPE) on Right Wing Extremism (RWE)</i> .....	16
<b>3. PROTECT</b> .....	17
<i>Critical infrastructure protection</i> .....	17
<i>Border management</i> .....	18
<i>Transport Security</i> .....	22
<i>Cyber Security</i> .....	26
<i>Nuclear Security</i> .....	31
<i>Security related research</i> .....	32
<i>Security of Explosives and CBRN materials</i> .....	34
<b>4. PURSUE</b> .....	41
<i>Criminal Justice</i> .....	41
<i>Law enforcement cooperation</i> .....	52
<i>Terrorist financing</i> .....	60
<b>5. RESPONSE</b> .....	61
<i>Solidarity Clause</i> .....	61
<i>Integrated Political Crisis Response arrangements (IPCR)</i> .....	62
<i>Civil protection</i> .....	63
<b>6. THE EXTERNAL DIMENSION</b> .....	64
<i>Internal-external dimension</i> .....	64
<i>External Prevent</i> .....	64
<i>Security and Development</i> .....	65

<i>Instrument contributing to Stability and Peace (IcSP) - Long Term</i> .....	65
<i>CT Political Dialogues</i> .....	66
<i>The Transatlantic Relationship</i> .....	67
<i>Central Asia</i> .....	68
<i>Pakistan</i> .....	70
<i>India</i> .....	71
<i>Western Balkans</i> .....	71
<i>Sahel</i> .....	71
<i>Nigeria</i> .....	76
<i>Northern Africa, Middle East</i> .....	77
<i>Horn of Africa and Yemen</i> .....	81
<i>Counter-terrorism and human rights</i> .....	82
<i>United Nations</i> .....	83
<i>Global Counter-Terrorism Forum (GCTF)</i> .....	83
<i>Kidnapping for ransom</i> .....	89
<i>Cooperation with other international organisations (Council of Europe, OSCE, NATO)</i> .....	89
<i>Targeted sanctions</i> .....	90

\*

\* \*

The foreign fighters issue has been the top priority in CT for the past 18 months.

In May 2014 an EU national returned from a conflict zone to the Schengen area. His route went through various countries and he entered via a Member State which was not his country of origin. He is suspected to have killed four people in Brussels. This case, possibly the first of its kind, demonstrates how the phenomenon of foreign fighters calls for initiatives to counter the resulting terrorist threat, is cross-pillar in nature, and involves both the internal and the external dimension of the European Union. The first part of this report deals specifically with the foreign fighters phenomenon (1).

**As to the internal dimension**, the issue of travel for terrorism purposes has been extensively covered at both political and expert levels. The discussions and activities touched, *inter alia*, on border security, detection of suspicious travel and transport security. The prevention of radicalisation as well as the fight against the financing of terrorism remain important. Progress has been made in numerous areas. However, use of Europol and various European mechanisms could be further increased to improve the chances of connecting crucial dots more rapidly. A link between the SIS II database and the Interpol Stolen and Lost Travel Documents database has yet to be implemented. The European Union will continue to support the Member States in tackling the effective and extensive use of the Internet and social media by terrorists. A process of reflection has also been initiated with the Member States in the field of prosecution of terrorist travel. A positive outcome of the negotiations with the European Parliament on the PNR dossier, while taking the protection of personal data into close consideration, would be a milestone in the EU's endeavour to support the Member States in their fight against terrorism.

**As regards the external dimension**, counter terrorism aspects are mainstreamed in external political dialogues which are relevant, or specifically dedicated, to CT. Capacity building projects - CT-relevant or CT-specific - in fragile and/or volatile third countries, as well as countries in transition, have been steadily planned and implemented. This is greatly aided by increased dialogue between development and security experts. Numerous challenges remain of concern for the Member States and the European Union. Among other examples, the current evolution of the conflicts in Syria and Iraq could lead to a potentially major reconfiguration of the terrorist landscape. The withdrawal of the US from Afghanistan will be another challenge. In Libya, the state is on the verge of implosion and could become, or perhaps already is, a safe haven for terrorists and terrorist groups.

In Nigeria, the terrorist group Boko Haram has steadily increased its operations, both in size and complexity; their recent incursion in Cameroon is an illustration of the group's regional focus. The Horn of Africa, as a natural prolongation of the Sahel area, must remain high on the European Union's CT agenda.

In the follow-up to the Stockholm Programme, in June 2014, the European Council adopted strategic guidelines for the next five years in the area of freedom, security and justice. With regard to CT, the European Council stated: "At the same time, an effective EU counter terrorism policy is needed, whereby all relevant actors work closely together, integrating the internal and external aspects of the fight against terrorism. In this context, the European Council reaffirms the role of the EU Counter Terrorism Coordinator. In its fight against crime and terrorism, the Union should support national authorities by mobilising all instruments of judicial and police cooperation, with a reinforced coordination role for Europol and Eurojust, including through:

- the review and update of the internal security strategy by mid-2015;
- the improvement of cross-border information exchanges, including on criminal records;
- the further development of a comprehensive approach to cybersecurity and cybercrime;
- the prevention of radicalisation and extremism and action to address the phenomenon of foreign fighters, including through the effective use of existing instruments for EU-wide alerts and the development of instruments such as the EU Passenger Name Record system."

The Member States and the European institutions have continued to implement the EU Counter-Terrorism Strategy and have made strong efforts to fight terrorism under the four main pillars of the European Union Counter-Terrorism Strategy: prevent (2.), protect (3.), pursue (4.) and respond (5.). They have also increased their international cooperation in the fight against terrorism (6.).

As required by the Treaties and restated by the EU CT Strategy, when implementing the Strategy, the Member States and the European institutions develop their CT policy in full respect of the rights and principles recognised by the Charter of Fundamental Rights. This was in particular recalled by the Court of Justice of the European Union in its recent jurisprudence according to which all Union acts may be reviewed in the light of the fundamental rights which form an integral part of the European Union legal order, in particular as regards the right to privacy, the protection of personal data, the right of defence and the right to security.

## 1. FOREIGN FIGHTERS

In February/March 2013, the implications of the Sahel / Maghreb (crisis in Mali, In Amenas) on EU internal security were extensively debated by the Standing Committee on Operational Cooperation on Internal Security (COSI), the Political and Security Committee (PSC) and the Council. Among other issues to be followed up, the CTC was requested to take work forward in particular on foreign fighters. At the time, the numbers of foreign fighters travelling from Europe to Syria and other hotspots were on the increase. The figures today are unprecedented. More than 3000 European citizens and residents have left for Syria to fight. Given that foreign fighters are a serious problem not only for regional stability but also for European internal security, a number of measures and initiatives have been taken both internally and externally.

The EU CTC, in close consultation with the services of the Commission and the EEAS, presented five papers which were extensively debated by the COSI/PSC and the Council. The EU CTC proposed 22 measures in 6 priority areas: better understanding of the phenomenon, prevention of radicalisation, detection of suspicious travel, investigation and prosecution, returnees and cooperation with third countries. These were endorsed by the JHA Council of June 2103. In its Conclusions in August 2014, the European Council called for "the accelerated implementation of the package of EU measures in support of Member States efforts, as agreed by the Council since June 2013, in particular to prevent radicalisation and extremism, share information more effectively - including with relevant third countries, dissuade, detect and disrupt suspicious travel and investigate and prosecute foreign fighters".

### **Better understanding of the phenomenon**

INTCEN provided regular assessment updates on the strategic issues related to the conflict in Syria, Iraq and the region, and on the phenomenon of foreign fighters. In addition, Europol and Eurojust contributed significantly to a better understanding of the problem. Frontex' input proved useful in strengthening the capacity of the Member States and Schengen Associated Countries on the issue of border security. Building on these inputs, the Commission presented an analytical document on the major security risks for the EU and possible mitigation measures.

## **Prevention of radicalisation**

As mentioned earlier, several initiatives have been taken both at MS and EU level with a specific focus on the early detection of the radicalisation process which potential foreign fighters go through and on ways to prevent them from engaging in terrorist activities in Syria and/or upon return.

**The Netherlands** collected information on existing government initiatives in a number of Member States aimed at preventing EU citizens and residents from going to Syria. The overall conclusion was that most measures involve communication activities, training of frontline workers and involvement of the family members of individuals who are potential foreign fighters. The **European Commission's Radicalisation Awareness Network (RAN)** collected data on existing civil society initiatives that specifically focus on foreign fighters. In addition, the RAN issued a declaration on good practices for engagement with foreign fighters or their environments<sup>2</sup>, following the Cities Conference on Foreign Fighters<sup>3</sup>. These good practices are based, for instance, on a number of workshops organised by the RAN. Bringing practitioners together proved invaluable. Contacts were established and best practice was shared. The work generated ideas for policy makers.

Financial support from the Commission to Member States through the Internal Security Fund (ISF) plays a significant role in ensuring that these important exchanges continue. The Commission will publish in the second half of 2014 a call inviting project proposals submitted by at least two co-beneficiaries established in two different Member States.

Encouraged by the JHA Council, the Commission (DG Home with the ISF) also decided to grant a significant amount of money to assist Member States, upon their request, to develop tailored strategic communication responses.

---

<sup>2</sup> Declaration of Good Practices with Foreign Fighters for Prevention, Outreach, Rehabilitation and Reintegration

<sup>3</sup> Cities Conference: [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation\\_awareness\\_network/cities-conference/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/cities-conference/index_en.htm)

### **Detection of suspicious travel**

One of the tools used to **detect suspicious travel movements** of known individuals is the use of the provisions of Article 36(2) and 36(3) of the Schengen Information System (SIS II). A significant increase in the use of both Article 36(2) and 36(3) was noted since the issue was first raised in 2013. In April 2014, in the context of the French-led work stream on SIS II and with the support of the Commission, a seminar between experts from the Terrorism and SIS/SIRENE Working Parties was held to promote the operational benefits of the use of SIS II, in particular with regard to the detection of suspicious travel related to foreign fighters in Syria.

As it is also important to make full use of Interpol's databases, the Member States and the Commission are considering how to best implement simultaneous queries capabilities (national databases, SIS II and Interpol SLTD database) in a single search.

Furthermore, several Member States are setting up dedicated systems to monitor travel information in order to identify individuals presenting a risk before their departure, during their stay in conflict zones and upon their return. The EU co-funded 14 Member States to set up national Passenger Information Units.

In 2013, Europol created a new Focal Point TRAVELLERS within the Analytical Work File. The new Focal Point is a unique pan-European analytical tool that will support the competent authorities of participating Member States and third countries (with whom an operational agreement has been concluded) by collecting, analysing and sharing information at EU level on the recruitment and travel facilitation of suspected individuals. Upon Member States' request, the Focal Point can produce both analyses of EU travel patterns and operational reports in support of Member States' investigations. Periodical situational reports can be provided, too. This should allow Member States' competent authorities to better identify and monitor the threat of those traveling across international borders to engage in terrorist activities. Over the past months, Europol hosted a series of workshops and an operational meeting on the issue of foreign fighters, which was attended by EU Member States' experts as well as experts from third partner countries.

In 2013, the Netherlands produced the report "Quick Scan Insight into Terrorist Travel" with the support of 8 Member States. It assessed the current deficiencies as regards the detection, monitoring and countering of terrorist travel. Quick Scan was presented at the December 2013 JHA Council (see below).

However, detection of travel does not depend on effective information exchange mechanisms alone. It also entails strengthening **border security**, especially in the countries surrounding Syria. Under the leadership of the Greek Presidency, Council Conclusions on Terrorism and Border Security were adopted (see below). These should enable the EU to target measures, in particular with regard to foreign fighters traveling to Syria.

Another challenge related to the detection of travel is the need to **counter the financing of terrorism**. On 22 May 2014 the Greek Presidency organised an EU-US workshop on Countering the Financing of Terrorism. The workshop focussed on financial flows to extremist and/or terrorist groups operating in Syria. The informal nature of the workshop contributed to an open and free exchange of views and experience by the participants. One tangible outcome of the meeting was the declared intention by EU and US participants to increase their cooperation and coordination when engaging with Gulf countries.

### **Investigation and prosecution**

On 20 June 2013, when prosecution efforts were still at their initial stage, Eurojust held a first tactical meeting, entitled "(Aspiring) Foreign Fighters in Syria". The meeting focused in particular on the experiences of judicial and prosecution authorities in the Member States. In November 2013, a restricted report was drafted, on the basis of a questionnaire and the results of the tactical meeting. The report addressed the adequacy of the legal framework in the Member States, the criminal policy response to the phenomenon of foreign fighters, the use of administrative measures, and the strengthening of information exchange in the context of investigations and prosecutions.

In June 2014, Eurojust held a second tactical meeting on the same topic. The morning session, during which experiences related to national investigations and trials were shared, was attended by experts from the Member States, delegates from the USA and Norway and representatives from Europol and the EU CTC. The afternoon session of the event focused on judicial cooperation with third States to counter the issue of foreign fighters. Counter-terrorism experts from the Western Balkans and Turkey joined the meeting and, together with the representative of the USA, presented relevant cases and experience to the participants.

The outcome of this tactical meeting will be taken into consideration when updating the 2013 restricted report, due to be presented in the autumn of 2014 to the JHA Council. The report is to cover 'the criminal justice response to this phenomenon, exploring, *inter alia*, the potential need to update the EU Framework Decision on Combating Terrorism of 2008 to have a common reference for investigations and prosecutions'.

At the beginning of September 2014, the Commission adopted a report<sup>4</sup> on the measures Member States have taken to comply with the requirements set out in Framework Decision 2008/919/JHA amending Framework Decision 2002/475/JHA on combating terrorism and in particular those related to the criminalisation of public provocation, recruitment and training for terrorism. This report shows that while most Member States are broadly in compliance with the Framework Decision, there are a number of outstanding questions as regards effective implementation.

In addition to the judicial response, a number of Member States have also decided to use **administrative measures**, in particular to prevent or disrupt travel to Syria or to detect returnees. Examples are confiscating the passports of those who plan to leave, or depriving those who have already left of social benefits by removing their names from the public registers in their place of residence.

---

<sup>4</sup> 13040/14

## *Returnees*

Some of the Member States affected by the foreign fighters phenomenon have set up specific mechanisms to deal with returnees and to decide on a case-by-case basis which kind of intervention and support is most appropriate. The exchange of lessons learnt among Member States' experts and of best practices from the RAN Working Group on de-radicalisation is very important in this regard.

## *Cooperation with third countries*

Joint CTC, EEAS and Commission missions to Iraq, the Western Balkans, Saudi Arabia and Qatar, Jordan and Lebanon, Turkey and Central Asia have increased our insights into the phenomenon of foreign fighters and have allowed an in-depth exchange of analysis of subjects such as prevention, border management/security and countering terrorist financing.

A number of avenues for cooperation have already been identified in different countries. These are currently being discussed so that they can be prioritised and delivered through projects under the different financial instruments (IcSP, Taiex, etc.).

The European External Action Service (EEAS), in close collaboration with the EU CTC and the Commission, is currently working with EU Member States to develop a strategy to address the threat stemming from Iraq and Syria, to help frame and focus our external response and ensure that we plan over the longer term. It complements CT work through the JHA Council on foreign fighters initiated by the CTC in close collaboration with EEAS and Commission services.

Meanwhile, the issue of foreign fighters has been and is being raised in all appropriate political contacts, as well as in CT political dialogues with third countries, such as Turkey, Russia, KSA, US, Canada and the UN. Regular exchanges took place between a number of US government departments and agencies and their counterparts in the Member States and the EU. The US is particularly concerned about European foreign fighters travelling to the US via the Visa Waiver Programme.

In addition to the country visits, the EU CTC chaired two informal meetings organised jointly with the EEAS and supported by the Commission. The purpose of the meetings was to discuss foreign fighters with 8 regional key countries – Algeria, Egypt, Jordan, Lebanon, Morocco, Tunisia, Turkey and Iraq (Libya was invited, but did not attend). The first meeting in Brussels heard regional perspectives on the issues, exchanged best practice policy responses, and explored possible areas of cooperation. It was the first time that the EU discussed with the Mediterranean countries a common terrorist threat in an informal format at high level. Morocco co-organised the second meeting in Rabat on 16 September. This meeting focused on prevention, detection of suspicious travel and different approaches with regard to returnees.

Cooperation with key countries within the framework of EU agencies such as Frontex, Eurojust and Europol was also intensified. The recent conclusion of an operational agreement between Europol and Serbia and Albania and the prospect of other ones are very positive developments. The conclusion of an operational agreement with Turkey is still being negotiated with the relevant Turkish authorities.

Cooperation on foreign fighters also took place within existing international fora such as the Global Counter Terrorism Forum (GCTF), in particular the Dutch-Moroccan-led Working Group on Foreign Fighters (see below). Three meetings were dedicated to the topic in the first half of 2014.

In addition, the G6 meeting on 25-26 June 2014 in Barcelona, in which the EU CTC, the Commission and the USA also participated, dedicated an entire session to the issue of foreign fighters.

## **EU9 Group**

In 2013 and 2014, following a Belgian-French initiative, the Ministers for the Interior of nine of the Member States most affected by the foreign fighters phenomenon regularly met, under the leadership of the Belgian Minister for the Interior. They exchanged information on the threat, compared notes on policy measures and discussed areas where intensified cooperation was needed. At the last meeting in July 2014, the Ministers approved a set of measures aimed at improving the use of the second generation Schengen Information System (SIS II), targeted border controls, transmission of information to Europol for joint analysis, sharing of information about foreign fighters among national authorities as well as practical cooperation and exchange of information. While all these measures will be implemented by the competent national authorities of the Member States involved, they will also be promoted at EU level, under the leadership of the Italian Presidency. Apart from issues related to the sharing of information, the Ministers also discussed prevention of radicalisation and cooperation with third countries. In July 2014, an expert meeting was held to discuss operational cooperation with Turkey.

## **2. PREVENT**

In 2013 and 2014, work on the prevention of radicalisation continued both at EU and MS level. The Commission presented its Communication on "Preventing Radicalisation to terrorism and Violent Extremism: Strengthening the EU's Response"<sup>5</sup> and the JHA Council adopted the Revised Strategy on Radicalisation and Recruitment<sup>6</sup>. In the Member States, efforts focused mainly on the prevention of radicalisation and recruitment of foreign fighters. A number of Member States developed specific projects in this regard.

### **Work streams**

In October 2012, the Terrorism Working Party requested an update from the relevant Member States (BE, DE, ES, DK, NL, UK) on the Prevent work streams that they had led since 2008.

---

<sup>5</sup> 5451/14

<sup>6</sup> 9956/14

**Germany, the Netherlands** and the **United Kingdom** reported that the projects they had initiated in the context of their work stream (respectively on the use of the Internet for terrorist purposes, the role of local authorities in the prevention of radicalisation and on communications), had all come to an end. However, follow-up activities had been identified on these issues and their work could therefore be considered as ongoing. Both the **Spanish** project on imam training and the **Belgian** COPPRA project on community policing were said to be ongoing. The Danish pilot project, supported by the Commission, 'De-radicalisation - Back on track', which was launched in May 2011, came to an end in 2014. With support from the EU, the Danish Prison and Probation Service and the Ministry of Children, Gender Equality, Integration and Social Affairs developed and tested a mentoring scheme designed to support prison inmates in disengaging from criminal and extremist groups and prevent radicalisation in Danish prisons. Lessons learned and reports from the project can be found on the homepage of the Ministry of Children, Gender Equality, Integration and Social Affairs ([www.sm.dk](http://www.sm.dk))

The **Check the Web (CTW)** portal, which was set up as a consequence of the work initiated by Germany in the context of its Internet work stream, is still being run by Europol. In 2014, the CTW team played a key role in a number of investigations as it served as an expert witness in court cases.

**Clean IT**, a Dutch-led project and also within the Internet work stream, started in 2011 and ended in early 2013. The project's objective was to tackle the use of the Internet for terrorist purposes through public-private partnerships. The final report was presented in January 2013.

In 2013, building on the outcome of the Clean IT project, the Netherlands initiated a new project called the **European Joint Initiative on Internet Counter Terrorism (EJI-ICT)**. The EJI-ICT aims to reduce illegal terrorist content on the Internet by increasing cooperation between Member States. The EJI-ICT has set up a network of national focal points. This network focuses on joint work on for instance cooperation with social media companies and analysis of existing legal frameworks. The network of national focal points will meet again in September 2014 in Helsinki. Currently 16 EU Member States are involved in the EJI-ICT.

In 2013, in the context of foreign fighters, two new work streams were created. The **United Kingdom** agreed to take the lead on a work stream strand which focuses on understanding community sentiment and tailored communications. **France** decided to lead a work stream on the better use of SIS II (see supra).

## **Radicalisation Awareness Network**

The Radicalisation Awareness Network (RAN), an initiative stemming from the EU Internal Security Strategy (ISS), was launched by Commissioner Cecilia Malmström in September 2011. Since its inception, the RAN has brought together practitioners, experts and policy makers from different Member States, sectors, organisations and academia to discuss various aspects of radicalisation.

The RAN has compiled a collection of approaches and best practice – available online - from within the EU in a wide range of domains related to violent extremism. Detailed information on the RAN can be found on: [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation\\_awareness\\_network/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/radicalisation_awareness_network/index_en.htm)

Based on the experience within the RAN, on 15 January 2014 the Commission adopted a Communication on "Preventing Radicalisation to Terrorism and Violent Extremism: Strengthening the EU's Response". This Communication sets out ideas on how to use existing tools or, where necessary, develop new ones, to respond effectively to recent developments in radicalisation. As the Communication was designed to support Member States and stakeholders in their efforts to tackle radicalisation in all its forms, it includes financial support but also proposes hands-on practical support, for instance in the form of training for frontline practitioners through the RAN. The Communication also identifies 10 areas where Member States and the EU could strengthen measures to prevent radicalisation and recruitment. One of the main goals is the establishment of a European knowledge hub on violent extremism by 2015, concentrating expertise in preventing and countering radicalisation to terrorism and violent extremism.

The Commission also organised two High Level Conferences on countering violent extremism, to help steer discussions between Ministers and practitioners and RAN members. On 29 January 2013, the overarching theme of the Conference was "empowering local actors to prevent violent extremism", including the Role of Diasporas in the process of violent extremism and their engagement in its prevention. On 17 June 2014, the Conference focused on exit strategies aimed at dis-engagement and de-radicalisation and on countering terrorist propaganda.

With a view to addressing challenges online, in February 2014 the Commission set up a forum to increase cooperation between the public sector and key players from the internet industry. The objective of the forum is to exchange experiences and explore opportunities for closer cooperation. Following the informal expert meetings in February and June 2014, Commissioner Malmström is planning to host a ministerial dinner on 8 October to discuss and explore mutually acceptable ways to cooperate in order to address the challenge posed by the use of the Internet by terrorist organisations and their sympathisers.

In June 2014, the JHA Council revised the EU Strategy on Combating Radicalisation and Recruitment. The updated Strategy fully reflects the changing nature of the threat on the one hand and our increased understanding of the phenomenon of radicalisation on the other. It addresses all forms of terrorism and the diversity of extremist beliefs and ideologies underpinning them, and it is built on domestic and international best practice from the Member States and the RAN. In addition, it also recognises the impact of external factors on the internal security of the EU and its Member States. Guidelines to complement the Strategy are to be adopted in autumn 2014. They will set out a number of specific measures to be implemented at MS and EU level, where appropriate.

### **Europol Platform for Experts (EPE) on Right Wing Extremism (RWE)**

The EPE facilitates contact and exchange of best practice between Member States' experts. The platform meets as required. For the time being it is not being used much by the Member States and Europol.

Every six months, Europol O41/Focal Point DOLPHIN produces a report on RWE and RWE-related incidents across Europe. In August 2013 O41/Focal Point Dolphin delivered its updated overview of the violent RWE phenomenon in Europe. The right-wing extremist scene remains of concern.

### 3. PROTECT

The aim of the second pillar of the Strategy is, while ensuring compliance with the Charter of Fundamental Rights, to reduce vulnerability to terrorist attacks by improving, *inter alia*, the protection of critical infrastructure, border management, transport security, cyber security and nuclear security. It also aims at promoting security-related research.

Under the Cyprus Presidency the Council in **October 2012** adopted conclusions on the **protection of soft targets from terrorist activities** which, *inter alia*, invited Member States to increase the exchange of information and best practice<sup>7</sup>.

#### **Critical infrastructure protection**

The European Programme for Critical Infrastructure Protection (EPCIP) of 2006 constitutes a framework for raising critical infrastructure protection capability across all EU Member States and in all relevant sectors of economic activity. The implementation phase of the Directive on European Critical Infrastructures<sup>8</sup>, which sets the conditions for identifying and designating European Critical Infrastructures and establishes the minimum requirements for their protection, ended in January 2011. By 2012 all Member States had notified full transposition and reported on the initial results. The Commission conducted a review of the Directive in early 2012 which led to recommendations<sup>9</sup> for a revision of the EU approach to critical infrastructure protection. The findings of this review were reflected in the Commission's new approach to the implementation of the EPCIP, which was set out in a Staff Working Document in August 2013<sup>10</sup>.

This new approach includes several practical steps to improve the protection and resilience of critical infrastructure under the work streams *prevention*, *preparedness* and *response*, focusing on **interdependencies between sectors**. An initial pilot phase involving **four critical infrastructures with a European dimension** (Eurocontrol, Galileo, the electricity transmission grid and the gas transmission network) has started and will look at developing tools for improving the protection and resilience of critical infrastructures at EU level.

---

<sup>7</sup> 14591/12 ENFOPOL 316

<sup>8</sup> 2008/114/EC

<sup>9</sup> See Commission staff working paper SWD(2012) 190 final (22 June 2012), [http://ec.europa.eu/dgs/home-affairs/pdf/policies/crisis\\_and\\_terrorism/epcip\\_swd\\_2012\\_190\\_final.pdf](http://ec.europa.eu/dgs/home-affairs/pdf/policies/crisis_and_terrorism/epcip_swd_2012_190_final.pdf)

<sup>10</sup> 13280/13

An additional tool initiated by the Commission to facilitate the exchange of information on critical infrastructures protection is the **Critical Infrastructure Warning and Information Network** (CIWIN), which has been fully operational since early 2013.

On the external dimension of the EPCIP, in 2011 the Council adopted conclusions inviting the Commission and the Member States to step up cooperation with third countries.

To promote strategic partnerships beyond Europe, CIP expert meetings have been held yearly between the EU, the US and Canada. The 5th EU-US-Canada CIP expert meeting was held in Athens on 6-7 May 2014 with a view to enhancing EU-US-Canada cooperation and exchange on CIP issues.

The programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security Related Risks" contributes to the implementation of EPCIP. EUR 140 million was allocated for operational cooperation and coordination actions for the period 2007-2013. By the end of this period, the programme will have funded more than 120 projects with CIP relevance across a range of different sectors via public procurement. Funding is also provided for CIP-related measures implemented by the Joint Research Centre (JRC).

### **Border management**

The exchange of information at external border controls remains essential in the fight against terrorism.

- **Terrorism and border security**

In October 2013, the European Parliament and the Council adopted an amendment to the Schengen Border Code as regards the rules on the **temporary reintroduction of border controls at internal borders** in exceptional circumstances<sup>11</sup>.

---

<sup>11</sup> Regulation (EU) 1051/2013 of the European Parliament and of the Council of 22 October 2013 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:295:0001:0010:EN:PDF>

Following the discussions at the informal Justice and Home Affairs Ministers' meeting in **Athens on 23-24 January 2014** on threats posed by terrorism to border security, in June 2014 the Council adopted **conclusions on terrorism and border security**<sup>12</sup> with a view to enhancing the effectiveness of integrated border management as a tool in ensuring security and countering terrorism both within the EU and with regard to capacity building assistance in third countries.

- Countering Terrorist Travel

*The NL Quick Scan Insight into Terrorist Travel*

In 2013, the NL produced the report "Quick Scan Insight into Terrorist Travel" with the support of 8 Member States (see above).

It took stock of possible ways of making improvements in the area of detection, monitoring and countering terrorist travel and was presented to the JHA Council in December 2013. Its conclusions underlined the value of travel information for the purpose of detecting foreign fighters and the use of SIS II to issue alerts on them.

It called for the use of these instruments in combination with appropriate legal frameworks for enabling action after detection. More discussion and follow-up is needed.

The Quick Scan report also underlined the added value of interoperable national PIUs (Passenger Information Units). The European Parliament should therefore make progress in its discussions on the proposal for an EU PNR Directive.

- Europol

In 2012, Europol began a scoping exercise focused on Member States' activities in analysing the travel patterns of foreign fighters. The Agency also researched the data-set already available in its Focal Point HYDRA and subsequently identified 1,000 travel events that are currently being assessed. On this basis, Europol issued its first situation report on foreign fighters to Member States in December 2013.

---

<sup>12</sup> 9906/14

The new Focal Point on travelling terrorists allows the agency to deliver the following products to the Member States:

- **analysis of EU travel patterns:** routes, trends, identification of hubs and broken travel routes, etc.
  - **periodic situation reports:** de-personalized numbers of individuals who are currently in, or have returned from, Syria and their potential concern in terms of terrorism threat;
  - **operational reporting:** the Focal Point allows the Member States to pool their data so that Europol can identify links between Member States' investigations. Member States remain in total control of the data through handling codes.
- Entry/Exit System (EES) and Registered Traveller Programme (RTP)

The Commission is finalising a study on possible options for a pilot project on the feasibility of the technical solutions for the proposed Entry/Exit System (EES) and the Registered Traveller Programme (RTP). The EES would permit the accurate and reliable calculation of authorised stays as well as detection of overstays by third-country nationals by recording electronically the date and place of entry and exit. The RTP would further facilitate border crossings for frequent, pre-vetted and pre-screened third-country travellers at the Schengen external border, without undermining security. Both systems would rely on technologies offering efficiency and cost savings in the mid- to long-term.

- FRONTEX

Following the 2011 revision of its mandate<sup>13</sup>, FRONTEX tasks have been reinforced to enhance its role as regards the coordination of Member States' activities for the management of the external borders, thus helping to combat illegal migration and the trafficking of human beings more efficiently as well as to reduce threats to internal security, in full respect of fundamental rights. The Agency will *inter alia* be able to process personal data of certain categories of persons collected in the context of the Agency's operational activities under certain conditions and safeguards, namely for risk analysis purposes (subject to depersonalisation), and will be able to share personal data with Europol. Frontex and Europol will conclude the necessary operational working arrangement as soon as possible and start its implementation in 2015.

---

<sup>13</sup> Regulation (EU) 1168/2011 of the European Parliament and of the Council of 25 October 2011 amending Council Regulation (EC) 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

The Frontex Joint Support Teams (FJST) and the Rapid Border Intervention Teams (RABIT) have been integrated into the new European Border Guard Teams (EBGT) pool. In the framework of its Fundamental Rights Strategy, Frontex has established a Consultative Forum on Fundamental Rights, appointed a Fundamental Rights Officer, and revised the Code of Conduct.

- EUROSUR

EUROSUR provides a common framework for the exchange of information and for cooperation between Member States and Frontex in order to improve situational awareness and to increase response capability at the Schengen external borders. EUROSUR became operational for the 19 Schengen Member States located at the southern and eastern borders on 2 December 2013, with the remaining 11 Schengen Member States following on 1 December 2014. Member States' authorities in charge of border surveillance cooperate closely with one other through National Coordination Centres at national level, as well as at the European level - National Coordination Centres which cooperate with one another and with Frontex. The scope of the cooperation covers combating cross-border crime, preventing illegal migration and contributing to efforts to save the lives of migrants in distress, in full respect of fundamental rights. **It applies to the surveillance of all external land and sea borders.** It may be used, at the discretion of individual participants, to apply to **air borders and to checks at other border crossing points.**

The legal basis for Eurosur is Regulation 1052/2013/EC, which came into force in December 2013. Currently, 19 Member States are connected to the Eurosur communication network; the remaining Member States are scheduled to be connected by the end of 2014. Exchange of information in the Eurosur framework takes the form of “situational pictures”, which can be described as **graphical interfaces presenting data, information and intelligence.** These situational pictures are established at national and European level and they can be used to support national decision-making. To that end, Eurosur involves a shared IT platform organised into three layers of information (events, operations, analysis) supported by information derived from surveillance services provided by Frontex to the Member States.

## **Transport Security**

Transportation remains at the centre of terrorist attention. This includes all sectors of transport – aviation, maritime and land. Work in the field of transport security has continued, mainly in the relevant regulatory committees (AVSEC and MARSEC), as well as in an Expert Group on Land Transport Security (LANDSEC).

- **Aviation Security**

While no incidents have occurred since 2012, recent threat assessments confirm that civil aviation continues to be targeted in new and inventive ways which should be addressed with adequate and risk-based protection measures. The Commission and Member States are therefore constantly adjusting the mitigation measures in order to achieve the highest level of security while minimising adverse effects on operations. Following the discussions at the Conference on Aviation Security against Terrorist Threats held in Nicosia on 31 October 2012, the JHA Council adopted Conclusions on aviation security against terrorist threats<sup>14</sup>. They supplement and further refine the legal framework under Regulation (EC) 300/2008 and encourage, inter alia, assistance to third countries in their efforts to implement effective aviation security measures.

The Commission, together with Member States, has also continued its work on EU risk assessments in different areas by extending and adapting the methodology used for air cargo to other security areas. This risk assessment draws on the inputs from relevant experts (EU INTCEN strategic threat assessment, aviation security and CBRN and explosive detection experts). Further amendments to the implementing acts under Regulation (EC) No 300/2008 were adopted in order to mitigate the risks identified and improve the effectiveness of existing measures. New EU rules contribute to strengthening aviation security measures: unpredictability of controls, improved use of security technologies to detect dangerous items including explosives, use of explosive trace detection and other technologies in passenger screening.

On the restrictions in relation to carrying liquids, aerosols and gels (LAGs) as hand luggage, legislation to phase in screening starting with duty-free LAGs and dietary products was adopted in the first quarter of 2013 and implemented by 31 January 2014. The Commission continues its work on the phased approach with the ultimate goal of lifting all restrictions on the carriage of LAGs in the future.

---

<sup>14</sup> 17008/12 ENFOPOL 396 AVIATION 185 JAI 855

As mandated in the EU Action Plan on Air Cargo Security<sup>15</sup>, the Commission established the regulatory framework for cargo and mail being carried into the Union from third Countries and an EU aviation security validation regime for airports outside the European Union. Since that first phase entered into force on 1 February 2012, carriers operating into the Union from a third country airport must be designated as an "Air Cargo or Mail Carrier operating into the Union from a Third Country Airport" (ACC3)<sup>16</sup> by the appropriate authority of an EU Member State. The EU ACC3 programme does not apply to cargo and mail operations from origins with robust aviation security measures and with an established low risk (as identified through a regular EU Risk Assessment). The EU aviation security validation process does nevertheless apply to other entities involved in the security of the supply chain. In July 2013, the Commission adopted supplementary rules for the compliance validation of secure supply chains for air cargo originating from outside the EU. These additional rules were part of the Commission's efforts to assist Member States and operators to comply with the July 2014 deadline.

In 2012-13 the Commission services also launched several air cargo security innovation projects in order to develop more effective and facilitative security screening for air cargo using available EU financial mechanisms.

The Commission remains fully engaged with international bodies and key third country partners. It regularly participates in international meetings, generally co-ordinating the EU position and often making presentations or submitting papers. Dialogues are also held, as appropriate, with individual third countries on issues of local concern or shared interest. Such contacts enable the EU both to keep abreast of and disseminate good practices and to influence global decision-making.

Noting the threat from anti-aircraft missiles (MANPADS) and interrelations between civilian and military aviation, the European Defence Agency (EDA), with the support of Commission services, launched a series of workshops in 2012 to map existing differences and potential synergies between civilian and military aviation. The workshops have demonstrated the importance of civil-military cooperation in this area and potential future benefits that could arise from cooperation. During winter 2014/2015, EDA and the Commission plan to organise additional workshops to enhance existing methodologies for assessing vulnerabilities of airports to MANPADS (which could be used at EU and third-country airports) and further develop civil-military cooperation.

---

<sup>15</sup> Document 16271/1/10, Rev 1 (LIMITE) Council of the European Union

<sup>16</sup> Commission Regulation (EU) No 859/2011 of 25 August 2011, amending Regulation (EU) No 185/2010, OJ L 220 of 26.8.2011, p. 9

In the aftermath of the Burgas airport soft target attack, the Commission and the AIRPOL Network (airport police law enforcement network) developed security measures and strategies to limit the impact of an attack and deter future soft target attacks. The result of this work has been the AIRPOL network handbook on airport soft target protection which aims to support field practitioners.

- Maritime Security

In the maritime sector, the main security issue remains organised crime which is developing in particular in the Gulf of Guinea. Although there is little evidence of direct links between piracy and terrorism, the security and the safety of maritime transport and maritime activities remain high on the agenda of the European Union.

To that end, the **European Union Maritime Security Strategy**, adopted by the Council and endorsed by the European Council on 24 June 2014<sup>17</sup>, provides the political and strategic framework to address maritime security challenges effectively and comprehensively by deploying all relevant instruments at international, EU and national level. It covers both the internal and external aspects of the Union's maritime security and facilitates improved cross-sectoral cooperation within, between and across civilian and military authorities and players.

Maritime security threats are multifaceted, pose a potential risk to European citizens and can be detrimental to the EU's and its Member States' strategic interests. Several factors, such as terrorism and other intentional unlawful acts at sea and in ports against ships, cargo, crew and passengers, ports and port facilities and critical maritime and energy infrastructure, including cyber-attacks, exploit the weaknesses of fragmented local, regional and global maritime governance systems. Using all EU instruments within the comprehensive approach enables the EU effectively to address maritime security threats on and from the sea, tackle the underlying factors and restore good governance.

---

<sup>17</sup> 11205/14 POLGEN 103 POLMAR 18 PESC 669 CSDP/PSDC 389 AGRI 458 TRANS 336 JAI 553 ENV 641 PECHE 326 POLMIL 60

The correct implementation by Member States and operators of preventive measures against intentional unlawful acts against shipping remains the most important goal to be achieved. These measures for ships, port facilities and ports are based on international norms and mostly transposed into EU legislation. They remain the main deterrent against security threats and require the utmost attention from all maritime transport stakeholders.

Commission inspections of administrations, port facilities, ships and relevant companies continue to take place regularly in Member States, ensuring coherence in implementation of maritime security measures throughout Europe and allowing the exchange of best practices through peer review. Progress has been made between Commission services and the United States government on enhancing the security of containerised cargo without having recourse to 100% scanning of containers bound for U.S. ports. **However, this requirement has so far only been postponed and not removed from U.S. legislation.**

The U.S. Coast Guard and the Commission have started to implement a Memorandum of Understanding on mutual recognition of port security inspections which enhances cooperation in terms of maritime security and reduces the administrative burden of inspection activity on Member States.

**The decline in the number of incidents in the Horn of Africa region continued in 2013** with no new ships being seized by pirates. The number of seafarers held captive is down to 39<sup>18</sup>. Several factors are responsible – the fact that more ships were fully applying 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>19</sup>) and the continued success of the EU NAVFOR Atalanta military naval presence in the region. **In addition, an important factor has been the use on board of privately contracted armed security personnel in merchant ships.**

---

<sup>18</sup> As of 23 June 2014

<sup>19</sup> Commission Recommendation of 11 March 2010 on measures for self-protection and the prevention of piracy and armed robbery against ships, OJ L67 of 17.3.2010, p.13

However, it is premature to suggest that there will be no more acts of piracy in the region. The root causes, and hence solutions, are ultimately to be found on land. The perverted business model of maritime crime can be broken by strengthening the rule of law and the economic development of the region with a particular focus on coastal communities. Creation of livelihoods and opportunities for coastal youth is crucial in this respect. In parallel, the EU is funding programmes which support maritime security and safety by enhancing information sharing, as well as training law enforcement agencies (EUCAP NESTOR, MASE, MARSIC).

**In contrast to the positive development in the Horn of Africa region, the increase in incidents of armed robbery at sea<sup>20</sup> in the Gulf of Guinea continued in 2014.** As part of an international response, the EU developed a Strategy on the Gulf of Guinea<sup>21</sup> (adopted in June 2014 by the General Affairs Council) which covers all coastal States from Senegal to Angola, aiming at creating a shared strategic framework to address maritime security threats in a cross-sectoral manner.

- Land Transport

Following the establishment of the Expert Group on Land Transport Security<sup>22</sup> by the Commission in May 2012, and a stakeholder group that works alongside it, three meetings were held in 2013 with further meetings for 2014. Many land transport security challenges have been identified by Member States and stakeholders. Of particular interest are the issues of copper theft from transport networks, cyber-crime, secure lorry parking, risk management and training of staff.

### Cyber Security

Cyber security is an issue of growing concern. While a systematic campaign of cyber-attacks by established terrorist groups has yet to occur, Europol's TESAT 2014 reports that the **Internet remains an essential platform for communication between terrorist organisations and their sympathisers**, as well as a medium for issuing threats.

The EU and its Member States have continued to address this challenge through various initiatives.

---

<sup>20</sup> Incidents that take place on the high seas are considered to be "piracy", whereas incidents in territorial waters are deemed to be acts of "armed robbery at sea"

<sup>21</sup> 7224/14 COAFR 71 ACP 38 PESC 224 RELEX 192

<sup>22</sup> Commission Decision of 31 May 2012 on the creation of an Expert Group on Land Transport Security, OJ L142 of 1.6.2012, p.47

On 7 February 2013, the Commission and the High Representative of the European Union for Foreign Affairs and Security Policy issued a Joint Communication on “the Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace”<sup>23</sup>, covering a multi-faceted range of issues, which sets out a comprehensive vision of how best to prevent and respond to cyber disruptions and attacks. Specific measures are aimed at enhancing the cyber resilience of information systems, reducing cybercrime and strengthening the EU's international cyber-security policy and cyber defence.

On the basis of the Joint Communication, conclusions on the EU Cybersecurity Strategy were adopted by the GAC Council on 25 June 2013 and by the European Council on 22 July 2013<sup>24</sup>.

**These conclusions cover six different fields: values and prosperity, achieving cyber resilience, cybercrime, CSDP, Industry/Technology and International cyberspace cooperation.**

The Friends of the Presidency Group on Cyber Issues, which was established to ensure the horizontal coordination of cyber policy issues in the Council, has adopted a road map on the implementation of these Council conclusions, which is intended to serve as a driver for cyber actions.

A High Level Conference which was organised by the COM, in cooperation with the EEAS, on 28 February 2014 took stock of the implementation of the EU Cyber Security Strategy.

Since 2010, Member States have steadily planned and trained to prepare for major cyber incidents, with support from the European Network and Information Security Agency (ENISA) and the Joint Research Centre (JRC). Building on the lessons learned from Cyber Europe 2010 and 2012, the EU MS and European Free Trade Association (EFTA) countries in collaboration with ENISA developed the EU-Standard Operational Procedures (EU-SOPs February 2014) aimed at aiding in **the response to major cyber incidents which can escalate to a cyber-crisis. These EU-SOPs will be tested during the second phase of the third pan-European Exercise "Cyber Europe 2014"** which the MS and the EFTA countries will carry out with the support of ENISA in order to improve the resilience of critical information infrastructures.

---

<sup>23</sup> 6225/13  
<sup>24</sup> 12109/13

The adoption of an initial set of **Confidence Building Measures (CBMs) to reduce the risks of conflicts stemming from cyberspace**, under the aegis of the Organisation for Security and Cooperation in Europe (OSCE), on 3 December 2013 was another notable development, in which the EU played a substantial coordination role among the OSCE participating states. The EU and its MS are already engaging in other regional forums such as the Union of South American Nations (UNASUR) and the ASEAN Regional Forum with a view to supporting the development of an initial set of cyber CBMs among their respective countries.

On 12 February 2014, the Commission adopted the Communication on "**Internet Policy and Governance: Europe's role in shaping the future of Internet Governance**"<sup>25</sup>. Two months later, the Global Multi-stakeholder Meeting on the Future of Internet Governance (NetMundial) held in April 2014 in Sao Paulo adopted a set of principles and a roadmap.

**Structured EU cyber consultations have already been launched with the US, China and India.** Discussions on opening up cyber dialogues with Japan, South Korea, Brazil and a number of other countries are taking place.

**At the last EU-US Summit held in Brussels on 26 March 2014**, the EU and US stated their shared commitment to a universal, open, free, secure, and reliable Internet, based on an inclusive, effective, and transparent multi-stakeholder model of governance. They also acknowledged their good expert-level cooperation developed in the framework of the EU-US Working Group on Cyber Security and Cybercrime, which continues to focus on incident management and response, awareness raising, critical infrastructure protection, combatting botnets, promoting the Budapest Convention on Cybercrime and enhancing the security of domain names and Internet Protocol addresses. A comprehensive EU-US cyber dialogue to strengthen and enhance cooperation on various cyber-related foreign policy issues was also launched at the Summit.

---

<sup>25</sup> 6460/14

During the latest **EU-Brazil summit held on 24 February 2014** it was agreed that the aims pursued by the existing dialogues should be translated into specific initiatives for the next EU-Brazil Joint Action Plan 2015-2017 and that the **EU and Brazil would work together to tackle the new threats to the global networks** upon which the security and prosperity of our societies increasingly depend. In this regard they welcomed the establishment of an EU-Brazil Dialogue on International Cyber Policy which will address a number of specific priority areas, including the right to freedom of expression and privacy. They will report progress within the coming year.

To build more robust structures for the EU institutions the EU has continued its efforts to build up emergency response structures. **The EU's Computer Emergency Response Team (CERT-EU) has been operational since September 2012.** It works with resources provided by the major EU institutions and agencies, including the Commission, the Council, the European Parliament, the Committee of the Regions, the Economic and Social Committee and the European Network and Information Security Agency (ENISA). On 13/14 May 2013, the Council adopted **Regulation (EU) No 526/2013** setting out a new mandate for ENISA. The new Regulation updates the agency's tasks, strengthens its governing structure and streamlines its procedures, so as to enhance its efficiency.

On 12 February 2013, the Commission submitted its **proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union**<sup>26</sup> as part of the EU Cybersecurity Strategy. The main objective of the proposal is to require that all MS, key internet enablers and critical infrastructure operators – such as e-commerce platforms and social networks and operators in energy, transport, banking and healthcare services – ensure a secure and trustworthy digital environment throughout the EU. In its progress report the Hellenic Presidency summed up the work done so far and set out guidelines and approaches for additional work in the area. At the meeting of the Transport, Telecommunications and Energy Council on 5 and 6 June 2014, ministers discussed these so as to determine the best way to cooperate in order to improve the EU's and its Member States' preparedness and response to cyber security threats.

---

<sup>26</sup> 6342/13

On 12 August 2013, the Council adopted **Directive 2013/40/EU on attacks against information systems**<sup>27</sup>, replacing Council Framework Decision 2005/222/JHA. The Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of attacks against information systems. It also aims to facilitate the prevention of such offences and to improve cooperation between judicial and other competent authorities, including the police and other specialised national law enforcement services as well as the competent specialised EU agencies and bodies such as Eurojust, Europol, the European Cybercrime Centre and the European Network and Information Security Agency (ENISA).

**The European Cybercrime Centre (EC3) was launched in January 2013.** It serves as the European cybercrime information focal point which pools cybercrime expertise to support Member States in their capacity building and cybercrime investigations. On 10 February 2014, the EC3 issued its first annual report.

**On 6-7 June 2013**, the JHA Council identified **cybercrime as one of the nine EU priorities in the fight against serious and organised crime between 2014 and 2017**. A Multi-Annual Strategic Plan (MASP) was developed in order to determine multidisciplinary, integrated and integral Strategic Goals and Annual Operational Action Plans (OAPs) for each sub-priority within cybercrime (**cyber-attacks**, child sexual exploitation online and card fraud online). The OAPs for 2014 were approved by COSI on 17 December 2013.

**On 3 October 2013**, the Working Party on General Matters and Evaluations (GENVAL) decided that the seventh round of mutual evaluations on the application and implementation at national level of international undertakings in the fight against organised crime<sup>28</sup> will be devoted to the practical implementation and operation of the European policies on preventing and combating cybercrime. The evaluation round will be launched in October 2014.

**On 19/20 December 2013**, on the basis of a proposal by the High Representative in cooperation with the Commission and the European Defence Agency, **the European Council called for an EU Cyber Defence Policy Framework in 2014**<sup>29</sup>. It encouraged the development of a roadmap and specific projects focused on training and exercises, improving civil/military cooperation on the basis of the EU Cybersecurity Strategy, and the protection of assets in EU missions and operations. The framework is expected to be ready before the end of the year.

---

<sup>27</sup> PE-CONS 38/1/12 REV 1

<sup>28</sup> As defined in the Joint Action 97/827/JHA of 5 December 1997

<sup>29</sup> EUCO 217/13

## **Nuclear Security**

The **third Nuclear Security Summit** was held in the Netherlands on **24 and 25 March 2014**. As in 2012, 53 Heads of State or Government as well as representatives of the United Nations (UN), the International Atomic Energy Agency (IAEA), the European Union (EU) and INTERPOL attended the Summit. It focused on improving nuclear security and **reducing the risk of nuclear terrorism**. The two main achievements were Japan's decision to ship back to its countries of origin 500 kg of weapons-grade highly enriched uranium (HEU) and plutonium and an initiative (gift basket) signed by 35 countries on Strengthening Nuclear Security Implementation, which envisaged – amongst other things – a peer review system.

In relation to the Summit, the EU and the United States issued a **Joint US-EU Statement on Combating Illicit Trafficking**. In this, both parties pledged to share the findings of this test campaign (ITRAP+10 project, which aims at testing radiation detection equipment) to inform, as appropriate, future revisions to the IAEA Nuclear Security Series and other relevant international standards. In addition, the EU (JRC/EEAS) organised a well-received high-level event on international cooperation to promote a worldwide nuclear security culture.

The **international table top exercise @tomic 2014** was organised as a side event to the summit. The exercise, attended by the EU CTC, focused on enhancing radiological and nuclear security and on **preventing radiological and nuclear terrorism**. @tomic 2014, which was attended by experts from 50 countries, sought to **promote cooperation between countries and expert communities** against this international threat. It was organised by the Dutch National Coordinator for Security and Counterterrorism (NCTV), together with the International Atomic Energy Agency, INTERPOL, the European Commission, UNICRI, Europol, the EU CBRN Risk Mitigation Centres of Excellence, the Dutch Ministry of Foreign Affairs, the Dutch Ministry of Economic Affairs and the Netherlands Forensic Institute.

The next – and last – Summit will take place in 2016 in the United States.

## **Security related research**

On June 2013, the Council adopted Conclusions on strengthening the internal security authorities' involvement in security-related research and industrial policy<sup>30</sup>.

In 2013 the 7th EU Framework Programme for Research and Technological Development (FP 7, in its last year)<sup>31</sup> continued to "support 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 allocated a budget of EUR 1.4 billion for the period 2007-2013.

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

The Commission has committed over EUR 1.4 billion spread over more than 310 projects, bringing together nearly 2000 participants, from major 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 the results of ongoing research projects and to collect recommendations and requirements for future research topics.

In 2013, the European Commission prepared the continuity of the EU security research programme in the context of Horizon 2020. The EU security research programme is now entitled "Societal Challenge 7: Secure societies – Protecting freedom and security of Europe and its citizens", and was adopted by Council and Parliament on 11 December 2013, and will provide EUR 1.7 billion over the 2014-2020 period.

---

<sup>30</sup> 9814/13

<sup>31</sup> FP7 SpecProg.:<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:400:0086:0242:EN:PDF>

Societal Challenge 7 will ensure the continuity of the FP7 Security theme, while integrating new fields of R&D on the external dimension of security as well as the cyber security area. Additionally, special attention will be given to more downstream actions aimed at promoting innovation, including through Pre Commercial Procurement.

- Security Research Event

DG ENTR of the European Commission organised the Security Research Event 2013 (SRE2013) within the 18th edition of the internal State security exhibition fair MILIPOL, which was held from 19 to 22 November 2013 in Paris.

The Commission participation in MILIPOL Paris 2013 was based on two main pillars: a Security Research Conference (SRC) held over two half-days and a four-day exhibition with an official European Commission stand, on which eight selected FP7 projects were invited to exhibit. The SRC was divided into the following sessions:

- Horizon 2020: Meeting the Challenge of More Secure Societies
- Many Stars for a Brighter Future: FP7 Flagships
- Ethically Compliant Technologies: an Opportunity or a Dream?
- A Security Industrial Policy at the Service of the Citizens and the Economy
- Strengthening the International Dimension of Security. The Example of Major Events

- Security Industry Policy

The Commission also continued to implement the actions laid out in the 2012 Communication on a Security Industrial Policy, the "Action Plan for an innovative and competitive Security Industry"<sup>32</sup>. This Communication focussed on eight specific measures aimed at enhancing the competitiveness of the EU security industry.

---

<sup>32</sup> COM (2012) 417. The Communication and the accompanying Staff Working Document can be found on the following website: [http://ec.europa.eu/enterprise/policies/security/industrial-policy/communication/index\\_en.htm](http://ec.europa.eu/enterprise/policies/security/industrial-policy/communication/index_en.htm).

These measures included: the creation of EU-wide standards for security technologies, the establishment of EU-wide harmonised certification procedures for certain security technologies, the creation of "hybrid standards" - standards that apply both to civil security and to defence technologies, the extensive use of Pre Commercial Procurement for security research in Horizon 2020 and ensuring access to international markets.

The majority of these actions have either been completed or are currently ongoing.

On June 2013, the Council adopted Conclusions on strengthening the internal security authorities' involvement in security-related research and industrial policy<sup>33</sup>.

- Standardisation

In 2011 the Commission instructed the European Standards Organisations CEN, CENELEC and ETSI to develop an overview of the existing standards for security technologies in the EU.

The remit was divided into two distinct phases:

- 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;
- Phase 2: establishing a set of in-depth standardisation roadmaps in selected priority fields.

Both of these phases have been completed and have led to the identification of a number of priority areas. These priority areas are now being transposed in the creation of EU standards. Detailed information on the report and the priority areas can be found on the website of the European Standardisation Organisations<sup>34</sup>.

### **Security of Explosives and CBRN materials**

- EU Action Plan for the Enhancement of the Security of Explosives

Member States and EU bodies have made good progress in the implementation of the EU Action Plan for the Enhancement of the Security of Explosives<sup>35</sup>, adopted in 2008 and containing about 48 measures on the prevention and detection of, and response to, incidents involving malicious use of explosives.

---

<sup>33</sup> 9814/13

<sup>34</sup> <http://www.cencenelec.eu/research/Horizon2020/IndustrialLeadership/Pages/Security.aspx>

<sup>35</sup> 8109/08

Numerous activities at EU and Member State levels have been implemented. These include a comprehensive Gap Analysis on detection of explosives to provide input on future detection technology needs. The Commission aims at the full implementation of the Action Plan by 2015.

Examples of measures where most progress has been made are: regulating access to explosives precursors, detection of explosives and related research, enhancing networking, training and tools for information exchange, and the establishment of the most advanced explosives identification and tracking system in the world. Nevertheless, several work streams still need to be developed further.

- Explosives precursors

**Regulation (EU) No 98/2013 on the marketing and use of explosives precursors** entered into force on **2 September 2014**, with a view to protecting citizens against the misuse of certain chemical substances and mixtures towards the illicit manufacture of explosives.

**The Regulation establishes restrictions on making available, possessing and using 7 chemical substances above certain concentration limits.** The restrictions apply to transactions by members of the general public. As these chemical substances are dual use goods, the **Regulation also allows for the possibility of creating exceptions to the restrictions if deemed appropriate by the Member State**, either through a system of licensing or a system of registration of transactions involving these substances (in the case of three of the substances within certain lower concentration margins and in the case of countries that already have a system of restricting access to explosives precursors in place). In addition, the **Regulation** obliges economic operators to report any suspicious transactions involving the 7 restricted explosives precursors as well as 8 additional non-restricted precursors of concern.

**In January 2014**, the Standing Committee on Precursors<sup>36</sup> (SCP) approved a Guidelines document intended to facilitate the implementation of this Regulation. The SCP will consider proposals and obligations to review and amend the Regulation's annexes, on the basis of technical and security considerations.

---

<sup>36</sup> The SCP is an advisory body chaired by the Commission which consults representatives of Member States and other stakeholders on issues related to the implementation of both the Regulation and the Action Plan.

Together with Norway, Sweden and the United Kingdom, the Netherlands has developed, and is continuing to develop, guidance material for the implementation of Regulation 98/2013 on the marketing and use of explosives precursors. These activities are co-funded by the European Commission. The products, including a leaflet, an e-learning resource and a code of conduct, are available to all EU Member States. The Netherlands is currently also preparing additional legislation to implement Regulation 98/2013 and set up licensing and enforcement.

- *EU CBRN Action Plan*

The **EU CBRN Action Plan**<sup>37</sup> was adopted in 2009 and comprises **124 measures ranging from prevention and detection to preparedness and response**. Some of the main achievements in the CBRN Action Plan are the agreement in 2011 on **three EU lists of high-risk substances** (chemical, biological and radioactive/nuclear materials), development of **EU-level training for the Member States' CBRN community, enhanced networking** and the **exchange of information and good practice**, development of **detection technology** and relevant research.

The Commission issued a **detailed progress report** on the implementation of the Action Plan in **May 2012**<sup>38</sup>. Despite progress in carrying out many of the activities set out in the Action Plan, further efforts are needed.

On **2-3 October 2012**, the Cyprus Presidency, Sweden, Denmark and the Commission organised a workshop on the way ahead regarding CBRNE in Malmö, Sweden. The conference focused on providing a **new strategic direction for joint efforts with regard to CBRN and explosives development in the European Union**. The conference concluded that several areas required further attention, in particular **establishing fewer but more comprehensive priorities** to set a clearer direction for future work and the possibility of **creating better synergies** and merging parts of the CBRN and the Explosives Action Plan into **one comprehensive plan**.

On **11 December 2012**, the Council adopted Conclusions<sup>39</sup>, encouraging the Commission to *use the EU Chemical, Biological, Radiological and Nuclear Action Plan, and the Action Plan on Enhancing the Security of Explosives, as a foundation for creating a revised policy*.

---

<sup>37</sup> 15505/1/09 REV 1.

<sup>38</sup> 10441/12.

<sup>39</sup> 16980/12

- Detection of explosives and CBRN materials

Within the detection work stream, various activities have been carried out since 2012, coordinated by the Commission. The activities focus on improving the existing standards for detection of explosives and CBRN materials and consist of a number of specific measures ranging from detection in the aviation and other transport sectors to other fields of public protection. The focus has mainly been on explosives and radioactive materials. The work aims to either establish standards, advise on recommended use or methodology of use of detection technology, or tackle limitations in detection equipment. Work is undertaken jointly with national authorities, the industry and research institutions, including the Joint Research Centre of the Commission and the Network for Detection Experts coordinated by the Commission.

On **5 May 2014** the Commission adopted a Communication on a **new EU approach to the detection and mitigation of CBRN-E risks**<sup>40</sup>. In the Communication, the Commission proposes a **set of 30 measures** aimed at facilitating **practical cooperation** for the **detection and mitigation of risks** emanating from operators of facilities handling CBRN-E materials (equipment manufacturers and security services providers) and other stakeholders. Specific tools will be developed, including guidance materials, training and awareness building, and testing activities.

Among other activities, the Commission organised practical trials and supported industry and practitioners. Technical fora to support exchange of best practices have been developed. Guidance materials and training have been provided. On detection trials, **mobile detection devices were used to enhance public security during 2014 EU-US, EU-Africa and G7 Summits**. The best practices gained from such activities are intended to be shared with other EU Member States' practitioners, researchers and equipment manufacturers. Other detection awareness training activities are scheduled to be launched in late 2014 to support law enforcement and other authorities.

Among the technical working groups, an **EU explosive detection dog working group** established by the Commission in 2012, bringing together 28 law enforcement representatives, enables the development of best practice and support for other Member States in training and certification practices. The Commission continued to carry out other threat-based detection test and trials, including detection tests in response to the July 2014 aviation-related threats. Other detection activities are ongoing and aim to provide an EU link to the researchers and equipment manufacturers to ensure the optimal and effective use of detection equipment.

---

<sup>40</sup> 9550/14

- Training and exchange of best practice

#### European Explosive Ordnance Disposal Network (EEODN)

Following the creation of the EEODN in 2008, a European network of specialised CBRN law enforcement units was set up in 2011.

The **latest activities within the framework of EEODN** organised by Spanish law enforcement authorities in **June 2014** were followed by **operational hands-on training with CBRNE components** during which international teams learnt from each other and compared their respective tactics, techniques, and safety procedures, as well as the use of various EOD and CBRN equipment.

Currently the **EEODN activities are incorporated in the CEPOL Annual Training Programme** and there is an agreement to carry this over to their 2015 programme.

Two-day conferences are organised every 6 months on CBRNE-related matters for the benefit of EU experts and practitioners. The EEODN also organises two annual training courses or exercises, either on explosives or on CBRN.

As part of **civil-military cooperation**, the European Defence Agency and the Commission intend to organise a **training workshop on MANPAD vulnerability assessments for Airpol members** (EU airport law enforcement practitioners).

#### Homemade Explosives Course

In line with both the European Commission approach to the detection and mitigation of CBRNE risks and the EU-US Joint Statement following the 5th EU-US Explosives Experts' Seminar, **Europol and the European Defence Agency (EDA) promoted a Homemade Explosives Course** with the support of the Defence Forces of the Republic of Ireland and the United States Department of Justice (ATF and FBI) between **2 and 6 June 2014**.

#### Workshop - "Needs assessment for joint training on response to biological threats"

**In June 2014** Europol and the European Centre for Disease Prevention and Control (ECDC) invited representatives of law enforcement and public health authorities to **assess the needs for joint training on the response to the deliberate use of biological agents**.

Operational Training - "Response to a radiological emergency resulting from a nuclear security event"

International operational training for CBRN first responders is particularly important given existing **differences between EU MS with regard to CBRN capabilities**. Joint training facilitates the sharing of experience and helps to ensure a more balanced response to CBRN incidents at EU level. **The course "Response to a radiological emergency resulting from a nuclear security event", organised by Europol in close coordination with the International Atomic Energy Agency (IAEA), is scheduled for October 2014.**

- Platforms for information exchange

European Union Bomb Data System (EBDS)

Europol is leading the development and maintenance of the **EU Bomb Data System (EBDS)**, a central database containing information on incidents, threats, reports and analysis with regard to explosives and CBRN.

The EBDS is a **dual system** comprising **two databases**, one for explosives-related incidents and another for CBRN. **Users can upload files** in most common formats in specialised libraries and can also access **analysis**. The system provides **specialised discussion forums** where **experts can interact directly**.

Since its implementation in 2010, the EBDS has been successfully used as a support in several international investigations, not only in the EU but also in third countries. **In 2014, 27 Member States were connected to the system.** Europol extended the EBDS **connection to Europol's Liaison Office in Washington and Europol's Liaison Office with Interpol (Lyon). US ATF and FBI liaison officers and the Norwegian Liaison Office at Europol have access to EBDS.** Recently **Switzerland requested access to EBDS**, which is now in the process of being put in place.

*The Explosives Control and Protection System to Prevent and Fight against Terrorism (SCEPYLT)*

SCEPYLT was set up in 2011 based on Commission Decision 2010/347 to **issue and monitor electronic approval forms for the transfer of explosives across borders within the EU**. The project is coordinated by the Spanish authorities, with **14 Member States currently participating** in the project. The system is **actively used by five Member States as of June 2014**. Some other Member States should be ready to use the system by the end of 2014.

- *International cooperation*

*EU-US workshop on Insider Threats in the field of Bio Security*

In September 2012 the Commission and the US (FBI) organised an EU workshop on Insider Threats in the field of Bio Security.

*5th Annual EU-US Explosives Experts' Seminar*

The 5th Annual EU-US Explosives Experts' Seminar took place in Washington from 5 to 7 November 2013.

The 6th EU-US Explosives Experts' Seminar will take place in 2014 and will be hosted by Europol.

The *EU-US Expert Group on Security of Explosives* and the work it delivers represents an excellent example of cooperation with concrete deliverables, which help strengthen EU and US partners' defences against terrorist attacks.

*IACRNE*

Europol is a member of the Inter-Agency Committee on Radiological and Nuclear Emergencies (IACRNE). Europol also contributes to the development of the Joint Radiation Emergency Plan of the International Organisations. This document is produced by IACRNE on a bi-annual basis .

#### 4. PURSUE

Investigating, prosecuting and securing the conviction of terrorists across Europe and outside is the third pillar of the European strategy on combating terrorism. There is a need to continue and increase our efforts to uncover terrorist networks and to impede communication, travel and planning activities by terrorists and their supporters; to cut off funding and access to attack materials, to investigate terrorist offenses and to bring terrorists to justice while respecting the EU Charter of Fundamental Rights.

#### **Criminal Justice**

- Approximation of Member States' criminal law

Based on the Framework Decision of February 2009 on the exchange of information extracted from criminal records between EU Member States<sup>41</sup>, the Council adopted a Decision in April 2009 to set up a European Criminal Records Information System (ECRIS). ECRIS was created to establish an electronic interconnection between criminal records databases. Such an interconnection ensures that information on convictions is exchanged between EU Member States in a uniform, speedy and computer-transferable way. The system gives judges and prosecutors easy access to comprehensive information on the history of criminal offences committed by any EU national, irrespective of the EU countries in which that person may have been convicted in the past. By making it impossible for offenders to escape their criminal past simply by moving from one EU country to another, the system could also serve to prevent crime. ECRIS has been implemented in Member States since 27 April 2012. The initial experience is positive, showing a steady increase in exchanges, already amounting to 50 000 messages per month.

Acts considered as terrorist offences by the Member States are defined by the Framework Decision on combating terrorism (2002/475/JHA)<sup>42</sup>, amended by the second Framework Directive in 2008, which was to be implemented by 9 December 2010<sup>43</sup>.

---

<sup>41</sup> OJ L 93 of 7.4.2009 pp, 23 and 33.

<sup>42</sup> OJ L 164, 22.6.2002, p.3.

<sup>43</sup> Framework Decision 2008/919/JHA, adopted on 28 November 2008. OJ L 330, 9.12.2008, p. 21.

On 5 September 2014, the Commission adopted a Report to the European Parliament and the Council on the implementation of Council Framework Decision 2008/919 of 28 November 2008 amending Framework Decision 2002/475/JHA on combating terrorism. The Commission notes in the Report that most Member States have adopted measures designed to criminalise public provocation, recruitment and training for terrorism in accordance with the Framework Decision. Two Member States have not yet implemented the FD. The Commission also notes that there are a number of potential concerns in particular in relation to the criminalisation under national provisions of "indirect provocation" and recruitment of "lone actors".

- Judicial cooperation in criminal matters

Judicial cooperation has an essential role to play in the fight against terrorism. In this respect the Mutual Legal Assistance (MLA) agreements are useful tools that should be considered and implemented to their full potential. The EU-US MLA Agreement is an important channel for law enforcement cooperation and for exchange of data in that regard. The EU also has an MLA Agreement with Japan.

- Mutual recognition

On 14 March 2014, the Council adopted a Directive regarding the European Investigation Order (EIO) in criminal matters (PE-CONS 122/13). The goal of the Directive is to allow Member States to carry out investigative measures at the request of another Member State on the basis of mutual recognition. The investigative measures will, for example, include interviewing witnesses, obtaining information or evidence already in the possession of the executing authority, and (with additional safeguards) interception of telecommunications, and information on and monitoring of bank accounts.

The new rules will replace the current patchwork of legal provisions in this area with a single new instrument aiming to make judicial cooperation on investigations faster and more efficient. It will introduce automatic mutual recognition of investigation orders and limit the grounds for refusal by another EU State to execute the order, while at the same time providing legal remedies to protect the defence rights of the persons concerned. Finally, it sets deadlines for carrying out the investigative measures and requires that the recognition or execution should be carried out with the same priority and speed as for a similar domestic case.

Member States will have 3 years after the entry into force of the Directive to adopt the necessary national provisions. Innovations introduced by the EIO are:

– The EIO is a judicial decision, which has been issued or validated by a judicial authority of a Member State, to have one or more specific investigative measure(s) carried out in another Member State to obtain evidence in accordance with the Directive. The EIO may also be issued to obtain evidence that is already in the possession of the competent authorities of the executing State.

The issuing of an EIO may be requested by a suspected or accused person, or by a lawyer on his/her behalf, within the framework of applicable defence rights in conformity with national criminal procedure.

- Conditions for issuing and transmitting an EIO: the issuing authority may only issue an EIO when it is necessary and proportionate for the purpose of the proceedings (taking into account the rights of the suspected or accused person) and when the investigative measure(s) indicated in the EIO could have been ordered under the same conditions in a similar domestic case.
- Scope: the EIO can be used in criminal proceedings, but also in those brought by administrative authorities, in particular when there is a criminal dimension.
- Grounds for non-recognition or non-execution: a number of safeguards ensure that an EIO will not be executed if it could harm essential national security interests or immunities established in the executing State, for instance rules limiting criminal liability relating to freedom of the press.
- Legal remedies: Member States must ensure that interested parties are entitled to legal remedies equivalent to those available in a similar domestic case and that they are properly informed of these possibilities. Legal remedies may be sought in both the issuing and the executing State.
- Deadlines for execution: Member States must acknowledge receipt of an EIO within 30 days and carry out the investigation measure within 90 days.
- Costs: save in exceptional circumstances, the executing State bears the costs of the measures carried out in its territory.

The EIO is an initiative which was presented in April 2010 by seven Member States. The United Kingdom decided to participate in the EIO by using the opt-in option provided for in Protocol 21 of the Lisbon Treaty. Ireland and Denmark are not taking part.

- Procedural rights

In November 2009 the Council agreed on a roadmap for strengthening procedural rights of suspected and accused persons in criminal proceedings<sup>44</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.

To date, three measures have already been adopted on the basis of the Roadmap: Directive 2010/64/EU on the right to interpretation and translation<sup>45</sup>, Directive 2012/13/EU on the right to information in criminal proceedings<sup>46</sup>, and Directive 2013/48/EU on the right of access to a lawyer<sup>47</sup>.

These Directives are decisive moves towards ensuring the implementation of minimum standards and guaranteeing the right to a fair trial across the European Union for all suspects and accused persons. Notably, the Directive on access to a lawyer and right to communicate upon arrest sets out minimum rules on the right of access to a lawyer from the first stage of police questioning and throughout criminal proceedings and in European Arrest Warrant proceedings, on the right to have a third party informed upon deprivation of liberty, and on the right to communicate, while deprived of liberty, with third persons and with consular authorities with very limited derogations. The Directive will guarantee these rights in practice and a right to adequate confidential meetings with the lawyer for the suspect to effectively exercise their defence rights.

---

<sup>44</sup> OJ C 295, 4.12.2009, p. 1.

<sup>45</sup> OJ L 280, 26.10.2010, p. 1.

<sup>46</sup> OJ L 142, 1.6.2012, p. 1.

<sup>47</sup> OJ L 294, 6.11.2013, p. 1.

On 27 November 2013, the Commission submitted a package consisting of three legislative proposals in order to complete the roll-out of the Roadmap, as integrated in the Stockholm programme:

- a proposal for a Directive on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings<sup>48</sup>: it is intended to strengthen respect of the presumption of innocence of all citizens suspected or accused by law enforcement and judicial authorities, in particular by guaranteeing that the burden of proof is placed on the prosecution and any doubts benefit the suspect or accused person, that the right to remain silent is guaranteed and not used against suspects to secure conviction and that the accused has the right to be present at the trial;
- a proposal for a Directive on procedural safeguards for children suspected or accused in criminal proceedings;<sup>49</sup> and
- a proposal for a Directive on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European Arrest Warrant proceedings<sup>50</sup>.

The last two proposals are accompanied by Commission recommendations on procedural safeguards for vulnerable persons and the right to legal aid for suspects or accused persons in criminal proceedings.<sup>51</sup>

The JHA Council developed a general approach on the proposal for a Directive on procedural safeguards for children in June 2014.<sup>52</sup> This general approach will constitute the basis for future negotiations with the European Parliament in the context of the ordinary legislative procedure under Article 294 TFEU (co-decision). The Italian Presidency will undertake to carry out the work on the proposals on presumption of innocence and on legal aid.

---

<sup>48</sup> 17621/13.  
<sup>49</sup> 17633/13.  
<sup>50</sup> 17635/13.  
<sup>51</sup> 17642/13 + 17643/13.  
<sup>52</sup> 10065/14.

- Victims' rights

Work continued on strengthening the rights of victims of terrorism.

The adoption of the Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU - to be implemented by Member States by 16 November 2015), the Directive on the European protection order in criminal matters (2011/99/EU) and the Regulation on mutual recognition of protection orders in civil matters (606/2013/EU) have also been important achievements:

The Directive on victims' rights establishes minimum standards for the level of protection, support and access to justice for victims in all EU countries. Specific references to victims of terrorism can be found in Article 22(3) and recitals (2), (8), (16) and (57). The Directive requires that Member States provide information to victims, such as information on a decision not to proceed with the case, and to provide the information in a language the victim understands. The Directive ensures that every victim is offered protection measures during the criminal proceedings in accordance with their needs, and that support measures are available to victims and their families. Any victim (and also, to a certain extent, their family members) will receive an individual assessment to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings. This assessment should take into account the personal characteristics of the victims such as age, gender, race, religion or sexual orientation, and the nature and circumstances of the crime. The Directive will also oblige Member States to ensure that not only victims but also their family members have access to confidential victim support services, free of charge, in accordance with their needs and the degree of harm suffered. Member States will have three years after the entry into force of the Directive in which to implement these measures.

To help protect victims of violence from any further harm from their attacker, the Directive on the European protection order in criminal matters was adopted on 13 December 2011 and the Regulation on mutual recognition of civil law protection measures was adopted on 6 June 2013. These two instruments will ensure that victims of violence can still rely on restraint or protection orders issued against the perpetrator if they travel or move to another EU country.

- Eurojust

Terrorism continues to feature among Eurojust's Priority crime types, based on the societal impact of terrorism cases. In 2013, 17 terrorism-related cases were registered at Eurojust, while in the first half of 2014, national authorities sought Eurojust's assistance in five such cases.

Eurojust's unique tool, the coordination meeting, was used three times in 2013 in relation to terrorism cases. Coordination meetings bring together law enforcement and judicial authorities from Member States and third States, facilitate cooperation in strategic and operational actions, and resolve procedural and practical difficulties resulting from differences in the legal systems in the States concerned.

In 2011, coordination centres were introduced as another tool to foster the support, coordination and immediate follow-up of seizures, arrests, house/company searches, freezing orders and witness interviews during a common action day. However, thus far there have been no coordination centres related to terrorism.

Eurojust and Europol cooperation in the fight against terrorism has been demonstrated through several common initiatives. Eurojust has provided Europol with both quantitative and qualitative judicial data for the 2014 TE-SAT Report, based on information submitted to Eurojust by virtue of Council Decision 2005/671/JHA on the exchange of information and cooperation concerning terrorist offences. Eurojust's Counter-Terrorism Team (CTT) and Europol's Counter-Terrorism Unit (CTU) have analysed the Member States' response to Eurojust's official request of association with Europol's counter-terrorism Focal Points Hydra and Dolphin. Two Eurojust feasibility studies supporting this request were officially sent to Europol on 7 February 2013 and were forwarded to the relevant national authorities.

The final outcome of this consultation is still pending, as four Member States have yet to reply to Eurojust's request. Eurojust and Europol are formulating a joint strategy to elicit the missing replies and convince the two Member States which have thus far rejected the idea of Eurojust association with Europol's counter-terrorism Focal Points of the added value it could bring to Eurojust.

Two tactical meetings on terrorism were held at Eurojust in 2013. On 31 January 2013, a tactical meeting on terrorism entitled “Countering PKK terrorism” was attended by experts from the Member States, Eurojust national members, delegates from Turkey, Switzerland and Norway and representatives from Europol and the Office of the EU CTC. Eurojust's CTT compiled and analysed the responses of practitioners from the Member States to a Eurojust questionnaire on PKK terrorism issues at national level. The answers received were distributed to participants during the meeting, together with a legal analysis of some PKK judgments. They also received a copy of 15th issue of *Terrorism Convictions Monitor*, the analytical section of which was dedicated to the phenomenon of PKK terrorist activities in Europe. The meeting dealt with practical issues, and included an exchange of experience on criminal investigations and prosecutions in PKK cases and obstacles encountered in international cooperation. There was a presentation of closed and ongoing investigations and prosecutions related to the PKK.

In June 2013 and June 2014, Eurojust organized two tactical meetings on foreign fighters (see above in the foreign fighters section of the document).

A tactical meeting on terrorism entitled “(Aspiring) foreign fighters in Syria” took place at Eurojust on 20 June 2013. It was attended by experts from the Member States, Eurojust national members, delegates from Turkey, the USA and Norway, and representatives from Europol, Frontex and the Office of the EU CTC. The responses of practitioners from the Member States, Croatia, Norway and the USA to a Eurojust questionnaire on (aspiring) foreign fighters in Syria were compiled and analysed by the CTT. The answers received, as well as the conclusions derived from their analysis, were shared with the participants during the meeting. Europol and Frontex outlined their assessment and input on terrorism-related travel. The remainder of the meeting focused on practical issues, and included an exchange of experience and obstacles encountered when dealing with this phenomenon. Ongoing investigations and trials of foreign fighters were presented.

Eurojust’s annual strategic meeting on terrorism 2014 took place on 4 June 2014. The annual networking meeting of all Eurojust national correspondents for terrorism covered the topic of Eurojust’s role in counter-terrorism – Eurojust counter-terrorism deliverables. Participants exchanged information on terrorist offences and counter-terrorism strategies and reflected on methods for sharing relevant data effectively.

The tactical meeting on terrorism entitled "Current trends in the EU counter-terrorism framework: foreign fighters in Syria – Judicial cooperation with third States in this field", took place at Eurojust on 5 June 2014. The morning session was attended by experts from the Member States, delegates from the USA and Norway and representatives from Europol and the Office of the EU Counter-Terrorism Coordinator (CTC). Eurojust's analysis of available judgments in relation to foreign fighters in Syria was presented. Experts from a number of Member States shared their experience with investigations and prosecutions in this area. The afternoon session focused on judicial cooperation with third States to counter the issue of foreign fighters. Counter-terrorism experts from the Western Balkans and Turkey joined the meeting and, together with the representative of the USA, outlined relevant cases and shared their experience with participants.

The outcome of that tactical meeting will be reflected in the restricted Eurojust Report *Foreign Fighters in Syria – A European Perspective*, compiled by Eurojust during the second part of 2013 at the request of the CTC. The President of Eurojust and Chair of the Counter-Terrorism Team, Ms Michèle Coninx, presented the report at the Justice and Home Affairs Ministers meeting of 5 December 2013. As suggested by the CTC, Eurojust will present an updated report to the Council in the autumn of 2014 that is to cover "the criminal justice response to this phenomenon, exploring, *inter alia*, the potential need to update the EU Framework Decision on combating terrorism of 2008 to have a common reference for investigations and prosecutions." Being a proactive centre of expertise on counter-terrorism, the CTT regularly issues its own material on specific counter-terrorism matters, which can be shared with practitioners and stakeholders under certain conditions.

Eurojust produces regular reports on terrorism-related issues including convictions, financing, maritime piracy, and chemical, biological, radiological and nuclear materials and explosives (CBRN-E).

The CTT took part in the training session for newly appointed Eurojust contact points for the Western Balkans, which was hosted by Eurojust's External Relations Team on 3 April 2014 and which aimed to step up cooperation on terrorism matters with the Western Balkans, particularly in relation to the issue of foreign fighters, as recommended by the CTC in his letter of 29 November 2013 to Eurojust. The contact points expressed their wish to be involved in Eurojust seminars and conferences dealing with counter-terrorism matters and stressed the significance of the foreign fighter phenomenon in some countries of the Western Balkans, calling for cooperation and guidance from Eurojust on countering this issue. Experts from the Western Balkans participated in the tactical meeting on terrorism of 5 June 2014.

On 14 May 2014, experts from Taiwan and representatives from several Eurojust teams, among them the CTT, shared their knowledge and views on international judicial cooperation and other matters such as the difficulties faced when executing MLA requests. They also outlined problems with the collection of evidence and highlighted Eurojust's usefulness in helping them to override potential difficulties, including obstacles regarding the admissibility of evidence and conflicts of jurisdiction.

The President of Eurojust attended the EU-US JHA Ministerial meeting of 24 and 25 June 2014 in Athens and briefed participants on possible methods of enhancing cooperation and information exchange on counter-terrorism matters between the EU and the USA, particularly regarding the issue of foreign fighters, highlighting the pertinence of Eurojust's involvement on these topics.

The CTT contributed to the Centre for the Law of EU External Relations (CLEER) Working Paper on the External Dimension of the EU Counter-Terrorism Policy. Eurojust drafted the chapter entitled "The fight against terrorism and the role of Eurojust: cooperation with third States", published in May 2014.

Eurojust provided comments on the European Commission's draft report on the implementation of Council Framework Decision 2008/919/JHA.

- *Judicial dimension of the fight against terrorism*

The project entitled 'Judicial Response to Terrorism in the EU: Strengthening Cooperation to Better Prevent and React', financed by the European Commission's DG Justice and implemented by the French Ecole Nationale de la Magistrature, the Institut de formation judiciaire /Instituut voor Gerechtelijke Opleiding in Belgium and the Centro de Estudios Jurídicos in Spain with technical support from the EU CTC, offers justice professionals (judges and prosecutors) training and networking opportunities in the form of five training events organised in France, Spain and Belgium between December 2013 and March 2015. Through a comparative approach to the issue of the judicial response to terrorism, those events offer justice professionals the opportunity to learn about other national contexts and judicial systems, share their practical experience of dealing with existing or emerging terrorist threats, and establish new professional contacts with counterparts across the EU and beyond.

During the reference period, Eurojust has observed the recommendations on the judicial dimension of the fight against terrorism, presented by the CTC to the EU ministers for Justice in October 2010.

Eurojust collaborates extensively with the European Judicial Training Network (EJTN) (**CTC recommendation 1**). The long-term secondment of judges and prosecutors to Eurojust that has taken place since 2008 has brought valuable results, both for Eurojust and the EJTN trainees. This has continued in 2014, during which several EJTN trainees have been allocated to Eurojust national desks. Eurojust and the EJTN are currently working to achieve a common understanding on short-term traineeships. Communication between both organisations is effective. Eurojust's College has provided substantial input to EJTN seminars as key speakers. Eurojust supports actively the establishment of the Eurojust National Coordination System in the Member States (ENCS). In Member States where the ENCS has been implemented and is already operational, it has proved to be useful. Eurojust has collaborated with the EJTN Criminal Justice I project entitled "International Judicial Cooperation in Criminal Matters in Practice: EAW and MLA simulations" (**CTC recommendation 7**). Eurojust national members and their assistants took part in different seminars of this project promoting via training a uniform application of relevant legal tools agreed at the European level, in particular mutual recognition legal instruments in assets recovery field concerning the standardisation and interoperability of financial crime analysis and investigation according to the Recommendations of the Final report on the fifth round of mutual evaluations.

Providing support to the setting up and running of JITs is one of Eurojust's priority tasks (**CTC recommendation 16**). Eurojust identifies suitable cases for JITs, offers advice and information on different procedural systems, drafts JIT agreements and operational action plans, provides coordination on action days and supports JITs via coordination meetings. In 2013, Eurojust national members supported 102 JITs, of which 42 were newly created in 2013. The two JIT Funding Projects that have been running at Eurojust for over four years have been unanimously recognised as greatly facilitating the establishment and running of JITs. For the year 2014, EUR 650 000 have been made available by Eurojust to fund JIT activities.

Article 27a of the new Eurojust Decision provides that Eurojust may post liaison magistrates to third States. The presence of such liaison magistrates could prove to be extremely valuable when dealing with cases of transnational counter-terrorism. Eurojust is considering the possibilities offered by this provision. (**CTC recommendation 20**)

The President of Eurojust and Chair of the CTT regularly attends the meetings of COSI, CATS and the Working Party on Terrorism (**CTC recommendation 23**).

The CTT's evaluation of the impact of the 2002 and 2008 Framework Decisions on terrorism is regularly shared with the EU National Correspondents for Terrorism and other counter-terrorism experts. The *Terrorism Convictions Monitor* provides this information by reporting terrorism-related judicial developments in the Member States and providing legal analysis of selected cases (**CTC recommendation 24**).

### **Law enforcement cooperation**

- Availability of information

#### Prüm

The "Prüm Decisions"<sup>53</sup> 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). The Council monitors implementation on an ongoing basis (5124/14) and, by raising awareness at national level, encourages Member States that are not yet operational to take appropriate measures in order to speed up the implementation process.

The Mobile Competence Team (MCT) provided implementation and maintenance support until its activities ended in June 2014 and the Europol Prüm helpdesk continues to provide such support.

By the end of September 2014, **21** Member States will have started the exchange of DNA profiles, **17** will be participating in the fingerprint exchange and **16** will be participating in the VRD exchange. Further evaluations will be concluded by the end of 2014 but sustained efforts will be necessary in order to ensure full mutual connections between all Member States that are already operational.

---

<sup>53</sup> Council Decisions 2008/615/JHA and 2008/616/JHA.

## Eurodac

On 11 December 2000, Council Regulation (EC) 2725/2000 established "Eurodac", a biometric database for comparing fingerprints, to facilitate the application of the Dublin Convention<sup>54</sup>.

On 5 May 2012, the Commission submitted a proposal<sup>55</sup> to amend the Regulation to allow Member States' law enforcement agencies and Europol to access Eurodac data.

On 26 June 2013, the European Parliament and the Council adopted Regulation (EU) 603/2013 on the establishment of "Eurodac" for the comparison of fingerprints for the effective application of Regulation (EU) 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes. The main provisions and safeguards of the new Regulation are as follows:

- as Eurodac contains no personal data (names, photographs or biographical data), Member States work using instruments outside the Eurodac Regulation to obtain further information pertaining to the data subject following the indication of a "hit" in the database;
- the terrorist and criminal offences in question that may lead to a Eurodac check are limited to those punishable by a custodial sentence or a detention order for a maximum period of at least three years under national law as defined by the European Arrest Warrant or the Council Framework Decision on combating terrorism;
- prior to making a law enforcement access request to Eurodac, Member States must first check fingerprint databases available under national law; compare the fingerprint dataset with the Automated Fingerprint Databases of other Member States under the Prüm Decision; where applicable, compare the fingerprint dataset with the Visa Information System; determine that a comparison with Eurodac data is necessary in a specific case; and determine that there are reasonable grounds to consider that the comparison will substantially contribute to the prevention, detection or investigation of any criminal offences in question. There must be a substantiated suspicion that the suspect, perpetrator or victim of a terrorist offence or other serious criminal offence falls in a category covered by the Eurodac Regulation;

---

<sup>54</sup> OJ 254, 19.8.1997, p.1

<sup>55</sup> COM(2012)/254 final

- Member States must provide a list of "designated authorities" that may request to separate "verifying authorities" to make a law enforcement request to Eurodac. In cases of urgency (terrorist threat), the verifying authority can process the request immediately and carry out the verification afterwards. Each Member State and Europol must present an annual report concerning their use of the law enforcement access. These reports must include the exact purpose of the comparison, including the type of terrorist or serious criminal offence, the grounds given for reasonable suspicion, details of the Prüm check, the number of requests for comparison, the number and types of cases which have ended in successful identification and the details about urgent cases;
- all data processed under the Eurodac Regulation are monitored independently, by each national supervisory authority in the Member States, in accordance with their respective national law, as well as by the European Data Protection Supervisor.

As of 10 June 2014, 25 Member States are participating in the Eurodac recast.

### PNR

Passenger Name Records (PNR) are a key element in the fight against international terrorism. They have been, and remain, a necessary tool for detecting terrorist networks and movements.

Given the threat posed by terrorists travelling to, from and within the EU, an EU system for the collection and processing of PNR data by the Member States is necessary. On 3 February 2011, the Commission presented its proposal for an EU PNR Directive<sup>56</sup>, on which the Council reached a general approach on 26 April 2012. On 14 February 2013, the European Parliament rapporteur presented his report. The EP has yet to conclude its first reading. On 10 June 2013, Plenary referred the proposal back to the Committee on Civil Liberties, Justice and Home Affairs. In its Conclusions of June and August 2014, the European Council stressed the need for an EU PNR directive.

---

<sup>56</sup> 6007/11.

The European Union has concluded PNR Agreements with Canada (2005), the United States of America (2007) and Australia (2008). On 5 May 2010 the European Parliament adopted a resolution on the launch of negotiations for new PNR Agreements with those countries. The EU-Australia PNR Agreement was signed on 29 September 2011. On 27 October the EP gave its consent to the Agreement, which entered into force on 1 June 2012. The first Joint Review of the Agreement carried out in Canberra on 29 and 30 August 2013 found that Australia has achieved full compliance with the Agreement. The EU-US PNR Agreement was signed on 14 December 2011 and the EP gave its approval on 19 April 2012. The Agreement entered into force on 1 July 2012. The first Joint Review carried out on 8 and 9 July 2013 in Washington found that the US meets the conditions outlined in the Agreement. The draft PNR Agreement with Canada was signed on 25 June 2014 and has been sent to the European Parliament for its consent.

### TFTP

The Terrorist Finance Tracking Program (TFTP) continues to be an important and efficient instrument in the fight against terrorism and its financing.

Since its inception in August 2010, Europol's TFTP Unit has received<sup>57</sup> approximately 5226 intelligence leads in relation to Article 9 and Article 10 TFTP requests. These leads have been disseminated to EU Member States and Third States.

More information on the use of TFTP in the fight against terrorism and the financing of terrorism can be found in the Report on the implementation of the revised Strategy on Terrorist Financing<sup>58</sup>.

### Europol

- *Bombing at Burgas airport (18 July 2012)*

Europol has supported the investigation of the terrorist attack in Bulgaria by narrowing the scope of the investigation, analysing mass data provided by the Bulgarian authorities and helping to identify suspects.

---

<sup>57</sup> As of 24 June 2014

<sup>58</sup> 12243/14

Europol continues to support the Bulgarian investigation and connected investigations launched by other countries. The Europol CT Unit attended two operational meetings in Sofia and is in regular contact with the Bulgarian authorities who are expected to close their case soon.

### Joint Investigation Teams

Joint investigation teams (JITs) continue to represent an important operational tool for cross-border legal assistance, allowing the direct exchange of information and evidence within a team without the need for traditional channels for MLA requests. In 2013, a JIT was established regarding a terrorism case at Eurojust which was still active in the first half of 2014.

### Data sharing and data protection

Data sharing and information management remain of utmost importance in the fight against terrorism. This includes the exchange of Passenger Name Records (PNR), under the EU-US and EU-Australia PNR Agreements, the processing and transfer of Financial Messaging Data under the EU-US TFTP Agreement and the exchange of data within the Schengen area. All these aspects have been crucial in combating terrorism. The European Parliament is expected to give its consent to the draft EU-Canada PNR Agreement. This will strengthen the data protection safeguards governing the transfer of PNR data from the EU to Canada.

On 25 January 2012, the Commission presented its legislative proposals for a new data protection package. This comprises two legislative proposals. The first is for a General Data Protection Regulation, which is intended to replace the 1995 Data Protection Directive. The second is for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, which is intended to replace the 2008 Data Protection Framework Decision.

The proposals maintain the two key objectives of the EU Data Protection framework, namely, to ensure a high level of protection of individuals' personal data and the free flow of such data within the EU. The proposed Regulation aims to future-proof the current framework by adapting it to the challenges posed by globalisation and new technologies, and to strengthen the internal market dimension of data protection. Data-processing activities with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data have been taken from the scope of the Regulation and will fall within the scope of the proposed Directive. The objective is to take account of the specific nature and needs of this area. These instruments are designed to promote trust and facilitate cooperation between Member States as well as between member States and third countries and international organisations. They will ensure that the fundamental rights of citizens are protected while giving law enforcement authorities the flexibility they need to operate effectively.

The scope of the proposed Directive will cover domestic and cross-border processing of personal data, while the current Framework Decision is limited to cross-border data. On 12 March 2014, the European Parliament adopted its first-reading position on the data protection package. The Council has adopted a partial general approach on the provisions pertaining to international transfers and the territorial scope of the Regulation. Ministers are aware of the state of play of discussions on the proposed Directive. The European Council of 26 and 27 June 2014 also stressed that it is crucial that a strong EU General Data Protection framework is adopted by 2015.

With regard to adequate protection of fundamental rights in the area of security policies, the CJEU judgment of 8 April 2014 in joined Cases C-293/12 and C-594/12, *Digital Rights Ireland and Seitlinger and others*, should be mentioned. Here the Court of Justice annulled Directive 2006/24/EC (the Data Retention Directive) *ex tunc*, for infringing Articles 7 and 8 of the Charter of Fundamental Rights of the European Union. The Court found the restriction of the rights to private life and data protection to be disproportionate, in view of the lack of sufficiently clear and precise rules governing the scope and application of the measure in question.

In this case, the restriction involved the retention of the data of all persons and all means of electronic communication as well as all traffic data without any differentiation, and with insufficient fundamental rights safeguards, in terms of objective criteria for limiting access by national security agencies, exceptions for professional secrecy, prior administrative or judicial review and a clear data retention period. The Court pointed out that where interferences with fundamental rights are at issue, the discretion of the EU legislator may prove to be limited, depending on the extent and seriousness of the interference.

### EU-US data protection negotiations

In March 2011, the EU and the US started negotiations on an EU-US data protection agreement on the exchange of information in the field of law enforcement ("the Umbrella agreement". The agreement should ensure that data protection principles are applied fully on both sides of the Atlantic, thus strengthening the data protection framework for individuals and creating a legal environment conducive to enhanced information sharing, including in the field of counter-terrorism.

On 27 November 2013 the Commission adopted a Communication setting out measures to restore trust in EU-US data flows following revelations of large-scale US intelligence surveillance programmes. Other than the swift adoption of the reform of the EU's data protection rules, the Commission's response is based on two core elements: reinforcing the Safe Harbour scheme allowing for data exchanges between EU and US companies and concluding a meaningful umbrella agreement on the protection of personal data transferred and processed in the framework of police cooperation and judicial cooperation in criminal matters.

The disclosure of classified documents on the activities of the National Security Agency has raised concerns. In July 2013, an ad hoc EU-US working group on data protection was set up, composed of experts from the Member States and the EU institutions. Its purpose was to establish the facts around US surveillance programmes and clarify their legal bases, scope and oversight. In October 2013, the European Council adopted the following statement: "The Heads of State or Government discussed recent developments concerning possible intelligence issues and the deep concerns that these events have raised among European citizens.

They underlined the close relationship between Europe and the USA and the value of that partnership. They expressed their conviction that the partnership must be based on respect and trust, including as concerns the work and cooperation of secret services. They stressed that intelligence gathering is a vital element in the fight against terrorism. This applies to relations between European countries as well as to relations with the USA. A lack of trust could prejudice the necessary cooperation in the field of intelligence gathering. The Heads of State or Government took note of the intention of France and Germany to seek bilateral talks with the USA with the aim of finding before the end of the year an understanding on mutual relations in that field. They noted that other EU countries are welcome to join this initiative. They also pointed to the existing Working Group between the EU and the USA on the related issue of data protection and called for rapid and constructive progress in that respect."

The report of the EU-US working group was published in November 2013<sup>59</sup>. In December 2013 the EU submitted a contribution to the US review of surveillance programmes, as requested by the US. The contribution, which was endorsed by the Council on behalf of the EU and its Member States, highlights the need for equal treatment between EU residents and US nationals, for recognition of enforceable privacy rights for EU residents, and for the establishment of the necessity and proportionality of the programmes and of remedies and oversight benefitting EU residents.

On 17 January 2014, President Obama announced new guidelines for US intelligence gathering, extending certain privacy protections to non-Americans, and stated that there would be a refocusing towards more tailored data collections. The Commission welcomed the new guidelines as a first step in the right direction.

At the EU-US Summit on 26 March 2014, leaders stressed their commitment to expedite the Umbrella Agreement negotiations and to work to resolve the outstanding issues, including judicial redress, as well as to strengthen the Safe Harbour scheme in a comprehensive manner by summer 2014.

---

<sup>59</sup> <http://ec.europa.eu/justice/data-protection/files/report-findings-of-the-ad-hoc-eu-us-working-group-on-data-protection.pdf>

On 12 March 2014 the EP voted on a resolution (544/78/60) calling for the conclusion of the Umbrella Agreement guaranteeing proper administrative and judicial redress mechanisms for EU citizens and for the suspension of the Safe Harbour scheme until a full review has been conducted and current loopholes are remedied.

While considerable progress has been achieved on both the Umbrella Agreement and the Safe Harbour files, a few difficult issues remain on the table which need to be resolved before a satisfactory agreement can be reached. Recent commitments by the US administration could suggest that there is the willingness and the possibility to reach an agreement.

At the EU-US Justice and Home Affairs Ministerial meeting in Athens on 25 June 2014, Attorney General Holder stated that "the Obama administration is committed to seeking legislation that would ensure that [...] EU citizens would have the same right to seek judicial redress for intentional or wilful disclosures of protected information, and for refusal to grant access or to rectify any errors in that information, as would a U.S citizen under the [1974] Privacy Act". Vice-President Viviane Reding issued a press statement in reaction to Attorney General Holder's announcement, welcoming it as an important step in the right direction but underlining that "the announcement should be swiftly translated into legislation so that further steps can be taken in the negotiation. Words only matter if put into law. We are waiting for the legislative step."

### **Terrorist financing**

In July 2014, the CTC issued the latest report on the implementation of the Revised Strategy on Terrorist Financing<sup>60</sup>. The report provides an overview of the activities undertaken and achievements made under the recommendations of the Revised Strategy on Terrorist Financing since the last implementation report which was issued in 2011<sup>61</sup>.

---

<sup>60</sup> 12243/14

<sup>61</sup> 15062/11

It is important to closely examine the effectiveness of the different measures taken to counter the financing of terrorism. It can be concluded that some of the steps taken have resulted in considerably reducing the opportunities for terrorism being financed through known channels. The continuous efforts in the Member States, within the EU bodies, the collaboration with international partners and in international fora are striving to cover the known problem areas. However, in an ever-changing world with many volatile and active crisis spots, situations either accompanied or fuelled by terrorist activity will continue to develop. One of the strategies in contributing to deter or disrupt terrorist activities is to deprive the instigators from their financial means.

## 5. RESPONSE

### *Solidarity Clause*

On 24 June 2014, the Council adopted the Decision on the arrangements for the implementation by the Union of the solidarity clause<sup>62</sup> (Article 222 TFEU). The arrangements provide that the Union and its Member States act jointly in supporting a Member State affected, invoking the clause in the event of a terrorist attack or a man-made or natural disaster.

Upon invocation of the clause, the Council will ensure the political and strategic direction of the EU response. To that end, the Presidency will immediately activate the IPCR arrangements (see below). At the same time, the Commission and the High Representative will identify all available instruments that can best contribute to the response, take all the necessary measures within their competence, and submit proposals for exceptional measures to the Council. The Presidency will ensure the coherence of the handling in the Council and of the overall response at EU political level. The Presidency will be supported and advised by the GSC, the Commission and the EEAS, and, in the event of terrorist attacks, by the EU Counter Terrorism Coordinator.

As provided for in the Treaty, in order to regularly assess the threats facing the Union, the European Council may request that the Commission, the High Representative and Union agencies produce reports on specified threats. The EU Counter-Terrorism Coordinator is associated with the preparation of such reports, where relevant.

---

<sup>62</sup> Council Decision 2014/415/EU

## **Integrated Political Crisis Response arrangements (IPCR)**

As with other major crises, terrorist attacks may have a wide-ranging impact and require policy coordination and response at EU level, owing to their cross-sectoral and cross-border nature.

On 25 June 2013, the Council approved the EU Integrated Political Crisis Response arrangements (IPCR) finalising the Crisis Coordination Arrangements (CCA) review process launched in 2009. The IPCR reinforce the European Union's ability to take rapid decisions when facing major crises requiring a response at EU political level. They also allow the Council to carry out the political coordination of the response to the invocation of the Solidarity Clause (Article 222 TFEU).

The IPCR arrangements are flexible and scalable, enabling a tailored response at EU political level and providing the necessary support from EU Institutions and Services in relation to a crisis and its evolution. The IPCR process is driven by the Presidency. It is centred around COREPER and is based on a progressive approach. It benefits from the full support of the General Secretariat of the Council, the Commission and the EEAS. Its activation by the Presidency, acting on its own initiative or upon request from the affected Member State(s), leads to a number of stages, from situational awareness to political coordination and decision-making, at COREPER, Council or even European Council levels. It is based on existing Council procedures, as well as two specific instruments: an electronic hub allowing all stakeholders at EU level and Member States to share information (the IPCR Web Platform) and an Integrated Situational Awareness and Analysis (ISAA) capability. ISAA is a support capability developed by the Commission and the EEAS, within their respective roles and responsibilities. Its reports will draw on information collected through existing networks and channels, as well as from contributions made by Member States.

The Member States and the EU Institutions have agreed to make efforts as regards preparedness, through common exercises held to test and further improve arrangements.

## Civil protection

In the field of civil protection, work is taking place in the framework of the recently revised Union Civil Protection Mechanism<sup>63</sup>. With its all-hazard approach, covering prevention, preparedness and response, the Civil Protection Mechanism provides an effective and visible demonstration of European solidarity, supporting, complementing and facilitating the coordination of Member States' actions in the field of civil protection.

The new Union Mechanism, based for the first time on Article 196 TFEU relating to civil protection, is aimed at improving the effectiveness of systems preventing, preparing for and responding to natural and man-made disasters of all kinds within and outside the Union. It brings better risk assessment and planning, better predictability and quality of assistance, and increased cost-efficiency. It also guarantees funding for the next seven years. The new legislation covers *inter alia* the setting up of the European Emergency Response Capacity (EERC) in the form of a voluntary pool of pre-committed response assets from Member States, more cost-effective transportation of assistance, as well as the setting up of the Emergency Response Coordination Centre (ERCC) ensuring 24/7 operational capacity and serving Member States and the Commission in facilitating the coordination of civil protection interventions.

In the meantime, work is continuing on further enhancing the EU's disaster response capability. So far, a total of 165 modules and 18 technical assistance and support teams (TAST) have been registered by the Participating States, 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 and temporary shelters.

---

<sup>63</sup> OJ L 347, 20.12.2013, p. 924

In the context of terrorist crisis response, the EU **Atlas Network** deserves mention. It comprises special police units from the 28 Member States trained to counter terrorism and criminal attacks. During 2013, the Atlas network carried out the most advanced training operation designed, for instance, to deal with nine simultaneous terrorist attacks in different Member States. The aim was to further improve the crisis preparedness capacity of the ATLAS Members. The experience gained in capacity building, training and joint exercises since its launch in 2001 has contributed to the sharing of best practices, de-briefings, inter-operability and cooperation between the special police intervention units of the Member States<sup>64</sup>.

## 6. THE EXTERNAL DIMENSION

### Internal-external dimension

Counter-terrorism requires a coherent approach to internal and external action. That is why the Council, in its Conclusions of June 2011, called for the links between internal and external aspects of counter-terrorism policy to be enhanced<sup>65</sup>. This was reiterated by the European Council in June 2014<sup>66</sup>.

### External Prevent

The prevention of radicalisation in third countries has been a priority area in which considerable expertise has been developed. In November 2012, DEVCO organised a workshop to share best practices and lessons learnt. Further workshops followed for EU delegations in the regions (Kenya, Senegal, United Arab Emirates and Morocco) and new workshops are planned for 2014 and 2015. The EEAS Security Policy and Conflict Prevention Directorate has also provided external expertise to EU delegations, including in the form of workshops and an expert study about radicalisation in the Sahel, the Maghreb and in Asia. The objective of these workshops is to improve the capabilities of EU staff in developing counter-radicalisation specific interventions.

---

<sup>64</sup> ATLAS activities have been funded by the Commission ISEC funding instrument since 2004.

<sup>65</sup> 11075/11 ENFOPOL 185 COTER 54 JAIEX 56 COSI 47 CATS 47.

<sup>66</sup> EUCO 79/14, p.5, §.10

At the beginning of 2014, the EU began to implement its first dedicated external counter-radicalisation project in the Horn of Africa. The Commission project, "Strengthening Resilience to Violent Extremism" (STRIVE) has been followed by an aligned project in Pakistan and similar work in the Sahel. In addition, the EU is supporting the Hedayah International CVE Centre, as well as the Global Community Engagement and Resilience Fund, both launched under the aegis of the Global Counterterrorism Forum (GCTF) (see below). In Mauritania, under the European Development Fund, the EU finances a EUR 6 million youth project comprising specific prevent aspects including inter-religious dialogue and penitentiary. At the Sahel security college, financed through the long-term component of Instrument for Stability, prevention of radicalisation curricula are being developed, at the request of the Sahel countries.

### **Security and Development**

The EU Sahel Strategy (see below) has continued to serve as a model for a comprehensive security and development strategy. In the meantime, the EU's Comprehensive Approach has been adopted, following this example.

The Working Party on Terrorism (International Aspects) (COTER) has worked on the security and development nexus. A broad range of security sector reform (SSR) measures in the context of the prevention of terrorism, as well as capacity building for security and justice actors, can be financed by the OECD Development Assistance Committee (DAC) (See A development cooperation lens on terrorism prevention, 2003 OECD-DAC guidelines). Currently, the DAC is reviewing the "ODAbility" of security interventions, including CT, and the EU is playing an active role.

### **Instrument contributing to Stability and Peace (IcSP) - Long Term**

The different strands of the IcSP Counter Terrorism work promote criminal justice/rule of law and law enforcement while respecting human rights and supports prevention measures such as counter-radicalisation and terrorist financing. Therefore, they focus on **capacity building of law enforcement and judiciary agencies, countering violent extremism and countering financing of terrorism.**

For the period 2007-2013, EUR 30.3 million of the **IcSP long-term** budget have been committed to countering terrorism.

A number of activities aimed at combating terrorism at local, national, regional and global levels are ongoing or planned. The geographic areas under the scope of IcSP include South East Asia (Cambodia, Indonesia, Lao PDR, Philippines, and Vietnam), the Horn of Africa including Yemen, Pakistan and the Sahel (Mali, Mauritania and Niger). In addition, the African Union (AU) has received support in order to fight terrorism.

Actions undertaken to counter violent extremism in Pakistan and in the Horn of Africa (including Yemen) should gradually be linked. This will be achieved through the development of a global EUR 5 million countering violent extremism (CVE) programme to be implemented from late 2014 with the Hedayah Centre in Abu Dhabi and by providing EUR 2 million to the Global Community Engagement and Resilience Fund (GCERF) to be established in 2014.

The African Centre for the Study and Research on Terrorism (ACRST) has received financial support of EUR 585 000 to further enhance its capacity to fulfil its mandate, in particular by strengthening cooperation and coordination between the ACRST and the national and regional focal points.

Similarly, a stock-taking of counterterrorism-related criminal justice reform and training needs in the Maghreb, Sahel, Horn of Africa, and the Middle East has been completed to establish potential needs for the International Institute for Justice and the Rule of Law within the GCTF framework and further support for the International Institute has been granted for 2014.

**The financing for CT specific actions under IcSP in 2014 is planned to be EUR 28 million.**

### **CT Political Dialogues**

Political Dialogues with key partners of the EU have continued in 2013 and the first half of 2014 under EEAS leadership. CT dialogues were held with the UN, the United States, Russia (all bi-annual), Canada, Turkey, Pakistan, Indonesia, Saudi Arabia and the United Arab Emirates (all on an annual basis). Terrorism-related issues have also been discussed in a range of other EU dialogue meetings, including foreign policy security dialogues and JHA sub-committees.

## **The Transatlantic Relationship**

EU-US cooperation against terrorism remains critical for the security of both partners. Since 9/11, cooperation across a wide range of issues has grown stronger. In addition to long-standing bilateral cooperation with Member States, many tools have been developed that help both the EU and the US to fight terrorism. They include the mutual legal assistance and extradition agreements, the Europol and Eurojust cooperation and liaison agreements, as well as the passenger name record (PNR) and Terrorist Finance Tracking Programme (TFTP) agreements (see above).

The CTC has maintained close contacts with a broad range of CT actors in the US Administration and Congress. He also regularly participates in the annual Aspen Security Forum. Foreign fighters, of great concern to both the US and the EU, are a priority issue for EU-US CT cooperation.

GCTF working groups and GCTF-inspired initiatives such as the International Institute for Justice and the Rule of Law (IIJ), the Global Community Engagement and Resilience Fund as well as the Hedayah Centre of Excellence for Countering Violent Extremism are also used for a constant exchange between the EU and the US.

In addition, the EU continues to cooperate closely with the US on counter-terrorism issues in international fora, including the UN and the GCTF.

Bilateral consultations are also held on counter-terrorism issues and, more specifically, on terrorist financing. In May 2014 an EU-US workshop on terrorism financing, hosted by the Hellenic Presidency of the EU, took place in Athens.

Both partners also closely coordinate their counter-terrorism capacity-building assistance to third countries.

As the fight against international terrorism raises important legal questions, the EU and its Member States continued their semi-annual dialogue with the US Department of State Legal Adviser on counter-terrorism and international law during 2013 and 2014. International legal principles applicable to the fight against terrorism are discussed in this dialogue, which aims to improve mutual understanding of our respective legal frameworks, and develop common ground enabling us to work more effectively on combating terrorism.

Topics discussed included the international legal framework applicable to drone strikes, sanctions, the closure of the Guantánamo detention facility, the counter-terrorism provisions in the National Defense Authorization Acts of 2012 and 2013, Military Commissions, international law and cyberspace.

The disclosure of classified documents on the activities of the National Security Agency has raised concerns about some of the aspects of this cooperation, leading to the setup of an EU-US working group on data protection up in July (see above). On 23 October 2013, the European Parliament adopted a resolution calling for the suspension of the TFTP agreement<sup>67</sup>.

The EU and the US renewed their efforts to negotiate a data protection umbrella agreement for data transferred in a law enforcement context (see above PURSUE, EU-US data protection negotiations).

Counter-terrorism was on the agenda of the EU-US summit in March 2014 and both partners reiterated their commitment to cooperate on this matter. Terrorism is also regularly discussed at EU-US JHA ministerial meetings which continue to take place on a biannual basis.

A follow-up seminar on the efficient use of the EU-US Mutual Legal Assistance and extradition agreements is planned.

### **Central Asia**

The high-level meeting in Ashgabat (Turkmenistan) on 30 November 2011 concluded the joint EU - UN/CTITF initiative on implementing the UN Global CT Strategy in Central Asia, which led to the adoption of an action plan<sup>68</sup> and the Ashgabat Declaration<sup>69</sup> by the countries in the region.

To assist with the implementation of the global CT strategy, and the development of national-level implementation plans, a **36 months short-term IfS** response programme of EUR 0.8 million entitled "Towards a comprehensive implementation of the Joint Plan of Action for Central Asia under the United Nations Global Counter-Terrorism Strategy" was adopted in 2013. This follow-up programme is being implemented by the United Nations Regional Centre for Preventive Diplomacy in Central Asia (UNRCCA).

---

<sup>67</sup> European Parliament resolution of 23 October 2013 on the suspension of the TFTP agreement as a result of US National Security Agency Surveillance (text adopted: P7\_TA(2013)0449)

<sup>68</sup> [http://www.un.org/en/terrorism/ctitf/pdfs/final\\_joint\\_action\\_plan\\_en.pdf](http://www.un.org/en/terrorism/ctitf/pdfs/final_joint_action_plan_en.pdf)

<sup>69</sup> [http://www.un.org/en/terrorism/ctitf/pdfs/ashgabad\\_final\\_declaration\\_en.pdf](http://www.un.org/en/terrorism/ctitf/pdfs/ashgabad_final_declaration_en.pdf)

The activities will comprise four main components:

- implementation of measures identified in the Joint Plan, including conflict prevention and dialogues to counter the appeal of terrorism;
- organisation of a series of workshops to build capacity in Central Asian countries to implement the Joint Plan of Action in particular in relation to law enforcement and addressing conditions conducive to the spread of terrorism;
- high-level conferences reviewing progress made on implementing the Joint Plan of Action and deliberating on ways forward;
- collection and dissemination of information on counter-terrorism actions in the region.

The EU is also continuing its activities on border management and drug trafficking through the Border Management Programme for Central Asia (BOMCA) and on criminal justice and the rule of law through the European Rule of Law Initiative.

Politically, the EU reaffirmed its commitment on 13 June 2013 in Brussels with the launch of an EU-Central Asia High Level Security Dialogue (HLSD) between the European Union and the countries of Central Asia (Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan). The meeting was held at the level of Deputy Ministers for Foreign Affairs and was chaired by the Deputy Secretary General of the European External Action Service. The EU CTC attended this inaugural round of the HLSD. The dialogue allowed participants to address political and security issues of shared concern, including terrorism, extremism, drug trafficking and CBRN (chemical, biological, radiological and nuclear) risks. The stability of the wider region, including Afghanistan, was also discussed.

In April 2014, as a follow-up to the first HLSD, the CTC and EEAS conducted a joint mission to the region, focused on counter-terrorism and the prevention of radicalisation and recruitment. Outcomes of this mission will feed into the next HLSD and form the basis of further EU engagement on counter-terrorism and prevention of radicalisation and recruitment. The EU's continued commitment to the region is of key importance. Challenges include the withdrawal of international coalition forces from Afghanistan and the implications for the Central Asian states of a deteriorating security situation coupled with the emergence of radical ideology and fundamentalism evidenced by a steady flow of foreign fighters from Central Asia to Pakistan, Afghanistan and Syria.

## Pakistan

In 23 January 2012, the Foreign Affairs Council adopted the EU-Pakistan 5-year Engagement Plan<sup>70</sup>. Under this plan, both sides committed to comprehensive cooperation on CT in a number of related areas. The Engagement Strategy was followed by the adoption of the EU CT/Security Strategy on Pakistan, which outlines the position of the EU and its Member States on CT cooperation with Pakistan. The CT Strategy contains two action plans: a CVE action plan and a Rule of Law action plan, drafts of which were presented to the Pakistani authorities in July 2013. The authorities were asked to indicate which of the proposed actions they would consider as a priority. So far, there has not been any response.

The **long-term IcSP** finances the EUR 1.8 million CT-related Prosecutorial Reform Initiative (CaPRI) which focuses on improving the efficiency of the Punjab Criminal Justice System, the police investigations service, the prosecution service and the judiciary, both in addressing terrorism and generally in providing justice for Punjabi citizens. The project started in January 2013 and will run until 2015. The **long-term IcSP** also covers a EUR 5 million project on countering violent extremism and radicalisation (STRIVE Pakistan). The implementation started in mid-2014 and is expected to take 36 months. The objective is to reinforce Government, media and civil society capacities in Pakistan in countering violent radicalisation at provincial and federal level.

In addition, under the **long-term IcSP**, four other projects were selected under the long-term peace-building partnership. All peace-building projects have the potential to tackle radicalisation indirectly through promoting a culture of tolerance and developing skills on conflict resolution and dialogue in areas affected by violent extremism. Following the completion in 2012 of activities related to civilian capacity building for law enforcement (CCBLE) in Khyber Pakhtunkhwa and Punjab under the **short-term IcSP** (EUR 15 million), consideration is being given to a follow-on IcSP Interim Response Programme (IRP) focusing on specific aspects of counter-terrorism and helping to ensure the continuity and sustainability of the activities undertaken under the CCBLE project.

---

<sup>70</sup> 5141/12

## **India**

On 11 and 12 December 2012, a five-person delegation from India, experts from different Member States, and representatives from Eurojust, Europol, CTC and the European Commission participated in a Joint Practitioners' Workshop on CT, hosted by Europol and Eurojust in The Hague. Both parties saw the workshop as a first step towards a wider and more sincere political dialogue.

## **Western Balkans**

The Western Balkans remain volatile with a high risk of radicalisation and recruitment to terrorism. There is a substantial number of foreign fighters originating from the Western Balkans active in Syria. In October 2013 the CTC and EEAS conducted a joint mission to the Western Balkans. They visited Bosnia and Kosovo in order to identify ways of strengthening cooperation on counter-terrorism and especially preventing radicalisation and recruitment between the EU and the Western Balkans. The foreign fighter phenomenon was also discussed with the Western Balkans partners at the last high-level EU-Western Balkans JHA Ministerial Forum in Montenegro in December 2013, which the EU CTC also attended. A follow-up workshop on establishing national policies to prevent radicalisation and recruitment will take place in October 2014.

## **Sahel**

The EU has continued to implement the comprehensive European Strategy for Security and Development in the Sahel.

The Council has discussed Mali/Sahel on several occasions and has recognised that the implementation of the European Strategy for Security and Development in the Sahel needs to be stepped up. On 17 March 2014, the Council adopted Conclusions on the implementation of the EU Strategy for Security and Development and extended the Strategy to Burkina Fasso and Chad<sup>71</sup>.

EU Heads of Delegation in Sahel and Maghreb, the EUSR for the Sahel, the CTC and high-level officials from the EEAS and DEVCO held a meeting in Dakar in May 2014, where they discussed prevention of radicalisation, *inter alia*, and decided to step up the EU response. The Conclusions adopted provide for the opportunity to prepare the basis of a political dialogue between the EU, the Maghreb and Sahel countries.

---

<sup>71</sup> 7764/14

The EU Institute of Security Studies hosted a task force in Sahel in 2013 and 2014, in which officials of EU institutions, including the CTC office, participated. CT was among the issues discussed in the task force, which ended with a high-level conference in Paris and the publishing of a report by the academic experts of the Task Force in June 2014. The task force was a useful forum for an exchange of views between practitioners and academic experts, the UN and other organisations

An interinstitutional working group led by the EEAS explored the possibility of further EU support to the Sahel in the security sector. It presented its report to the Member States in July 2014. The Member States asked for an action plan establishing consistency between the various EU instruments and developing initiatives to achieve EU goals. The EEAS has committed to present a final product to the Member States at the latest in November. As required by the Council, reflections are ongoing about strengthening border security in the Sahel (see the CMPD paper on border management) and all options are being explored.

In the Sahel region, initially covering Mali, Mauritania and Niger, the EUR 8.7 million **IcSP long-term** project aims to strengthen the capacities of law enforcement authorities (police, gendarmerie and national guard) and the judiciary to fight terrorism and organised crime. The purpose of this project is to support the progressive development of regional and international cooperation against these threats. The project aims to improve information-sharing capacities and generate capacity to anticipate terrorist acts as well as to develop an adequate response to terrorist acts on both operational and judicial levels. As part of the project, Sahel Security College (CSS) was launched in September 2012 in Niamey, Niger, with high-level participation from the region. The CSS, which is modelled on CEPOL, is intended to enable joint CT training activities for the countries of the region. A number of the training activities currently being developed at the request of the region will focus on the prevention of radicalisation. CSS also provides training/capacity building to law enforcement authorities and the judiciary in charge of counter terrorism.

In December 2013, a mid-term review of the programme commissioned by DG DEVCO performed an independent overall assessment of the project's past performance and ongoing relevance. The review paid particular attention to the implementation of project measures against their objectives, identifying key lessons and proposing practical recommendations for follow-up measures.

Given the violent extremism in the region and the need for a thorough understanding of the phenomenon at local level, of its specificities and root causes, as well as its links with regional dynamics, consideration is being given to an **IcSP short-term** intervention aiming to provide decision makers at all levels (governments, local authorities, civil society, donors) with a "toolbox" combining both local and international academic expertise on the one hand and the field experience of practitioners engaged in CVE on the other.

The European Development Fund (EDF) continues to support projects in the area of justice in Mali, Mauritania and Niger. The EDF's 11th programme includes governance, rule of law and security as priority sectors for the Sahel countries.

- Mali

In February 2013, the CTC led an inter-service mission to Mali which identified a need for civilian CT support, and a package of EUR 20 million was mobilised within weeks under an **IfS short-term** response programme. Under its most significant component (EUR 9 million), whose activities recently ended, the Stabilisation support package in response to the crisis in Mali supported the capacity of the Malian civilian law enforcement and justice services to restore security and ensure the protection of civilians, particularly through the provision of urgently required equipment and related training and maintenance. This included transport vehicles and communication equipment to enable the re-deployment of civilian security services, especially in the north, and specialised security equipment and systems contributing to maintain public order and help prevent and protect against terrorist threats in urban areas, including in Bamako.

The programme aims to promote civil society's efforts to achieve reconciliation and enhance the resilience of the population against radicalisation and violent extremism, in particular by supporting dialogue and reconciliation activities, especially at local level and by providing assistance to local civil society-run radio stations, and where possible also national and regional media, for *inter alia* the preparation and broadcasting of programmes promoting dialogue, tolerance and freedom of speech.

In February 2013, the European Union launched a training mission for Malian armed forces, EUTM Mali, to which 23 Member States are contributing military personnel<sup>72</sup>. The mission is currently under the command of Brigadier General Marc Rudkiewicz (France).

On 15 April 2014 the Council of the European Union established a civilian mission under the Common Security and Defence Policy (CSDP) to support the internal security forces in Mali. EUCAP Sahel Mali will deliver strategic advice and training for the three internal security forces in Mali, i.e. the police, Gendarmerie and national guard, and coordinate with international partners. The headquarters of the mission will be in Bamako. The initial mandate is two years, starting from its launch, which requires a separate legal act, to be adopted once the initial operational capacity of the mission is reached. A budget of EUR 5.5 million has been allocated for the start-up phase, which is planned to end, at the latest, on 14 January 2015.

- Mauritania

The European Development Fund has granted additional funding to projects in the areas of prevention of radicalisation (see above) and support to the security forces, including police training on security threats. In an innovative approach, to enable delivery of basic services to the population of desert areas, a partnership with the military has started.

Border management projects are continuing in Mauritania.

- Niger

EUCAP Sahel Niger, a civilian CSDP operation, has been ongoing since 2012. Its goal is to strengthen Niger's counter-terrorism capacities with all relevant actors in this context in order to avoid spill-over effects from the crisis in Mali. Its mandate has been extended until 15 July 2016. So far, around 3000 members of the country's internal security forces, army and judiciary have been trained. Around 50 international experts from 11 EU Member States work in the mission. Since May 2014, Filip de Ceuninck has been Head of Mission. EUCAP Sahel Niger will dispose of a budget of EUR 9.2 million for the period until July 2015.

---

<sup>72</sup> Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the United Kingdom

A number of **IfS short-term** activities address the drivers of radicalisation, including lack of security, widespread poverty and high rates of unemployment, in particular among young people, which provide a seedbed for the increase in crime and radicalisation. In this context, an IfS EUR 18.7 million project was adopted in June 2013 entitled "Support for reducing the risks of insecurity and instability in north-west and south-east regions of Niger". Its activities include support to the municipal police, income generating activities, vocational training/insertion for youth as well as support to peace and reconciliation initiatives launched by regional and national authorities. The programme also includes social activities for youth, counter-radicalisation initiatives and the strengthening of border management capacities at the Niger-Nigeria borders to respond to the Boko Haram threat.

This **IfS short-term** intervention builds upon and complements the 2012 IfS EUR 10.9 million measure entitled "Support for security and stabilisation in the northern regions of Niger and Mali", whose activities ended in May 2014 and which aimed to help mitigate security risks and prevent the resurgence of new conflicts in the region, taking into account the impact of the Libyan crisis on both Niger and Mali. The programme's areas of action were as follows: strengthening the security of people and goods at community level, under the responsibility of local authorities; supporting quick impact measures aiming at the social and economic integration of young people, including former rebel fighters, mercenaries and returnees from Libya, especially through actions benefitting the community as a whole and supporting the local capacities of institutions involved in strengthening peace and early recovery processes for affected communities.

Finally, IfS short-term projects are also carried out on disarmament, de-mobilisation and reintegration (DDR). These projects are aimed at returnees from the Libyan conflict, offering them new prospects and a second chance at life.

- *Chad and Northern Cameroon*

An **IcSP short-term** programme in favour of Chad was presented at the Political and Security Committee on 13 May 2014.

The corresponding financing decision is currently being prepared. Part of the project will deal with countering violent extremism through the creation of socio-economic opportunities, especially for young people; the promotion of tolerance, inter-and intra-faith dialogue; etc. Although the geographical scope of this intervention is wider, attention will be paid to the threat posed by Boko Haram. Consideration is being given to extending these activities to northern Cameroon, where there is also a significant Boko Haram threat not only coming from incursions from Nigeria but currently with cell presence being detected all over the country.

## **Nigeria**

The increasing level of violence perpetrated by Boko Haram in Nigeria is of great concern to the EU.

An **IcSP short-term** counter-terrorism package of EUR 9.9 million was adopted in July 2013 entitled "Support to enhance Nigeria's resilience to evolving security challenges" (). This programme is intended to support the Nigerian authorities in their fight against terrorism, while fostering approaches that respect human rights and international law.

The project provides technical assistance to Nigeria's law enforcement agencies, and in particular the Office of the National Security Advisor (ONSA) on counter-radicalisation, de-radicalisation, strategic communication, coordination and the sharing of information between security agencies, as well as the operationalisation of counter terrorism legislation/strategy. Activities started on 19 May 2014.

The second component is helping to strengthen Nigeria's criminal justice response to terrorism, including through measures to enhance the implementation of CT legislation and good practices, as well as the capacity for inter-agency, regional and international cooperation in criminal matters related to terrorism.

A study on Boko Haram/JAS aimed at identifying possible solutions towards lasting peace in Nigeria has been carried out under the **long-term IfS**.

## **Northern Africa, Middle East**

The 2011 Communication by the HR and the Commission on the Southern Neighbourhood refers to support for deep democracy, which includes rule of law and security sector reform (SSR), in line with the aspirations of the people who have called for human rights and the rule of law. The EU has offered assistance on comprehensive SSR to the countries of the Southern Mediterranean. Counter-terrorism is an important aspect of SSR. CT was recognised as an important area of cooperation in the EU's Maghreb Communication of late 2012. In January 2013, the Council conclusions stated: "In view of the latest events in the Sahara/Sahel region, which highlight the severity of the terrorist threat to this region, to Europe and to the Maghreb, the Council welcomes the communication's proposals regarding security cooperation, including counter-terrorism and border surveillance, and asks the High Representative and the Commission to work in cooperation with the European Counter-Terrorism Coordinator, towards implementing these proposals in order to strengthen engagement with the countries in the region. "

In line with the Maghreb communication, the first European Neighbourhood and Partnership Instrument project with the Maghreb countries on CT has just started. The project, entitled "Promoting rule of law based investigations and prosecutions in the Maghreb", is being implemented by UNODC and UNCTED<sup>73</sup>. It provides support to the Maghreb countries in their reform efforts to promote an evidence- and rule-of-law and human-rights based criminal justice response to CT. EU institutions, agencies, the CTC office and Member State experts are participating in the project, which will allow for exchanges among professionals from both sides of the Mediterranean.

The EU and Tunisia carried out peer reviews of the security sector (with the Ministry of Interior) and border management in Tunisia. A follow-up expert mission planned for October 2014 will identify potential capacity-building projects to support Tunisia, with a specific focus on prevention and anti-radicalisation. The EU and Algeria have agreed to develop a Memorandum of Understanding on CT, which will set out priorities for cooperation. The CTC visited Tunisia and Morocco and, on several occasions, Algeria.

---

73

[http://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/comitologie/ros/2013/D027431-02/COM-AC\\_DR\(2013\)D027431-02\(ANN1\)\\_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/comitologie/ros/2013/D027431-02/COM-AC_DR(2013)D027431-02(ANN1)_EN.pdf)

The EU is also deepening cooperation with regional organisations, such as the League of Arab States and the Arab Maghreb Union. The EU-LAS Action Plan includes counter-terrorism cooperation and a dialogue between legal advisers has started. Among other issues, dialogue on CT is also carried out with the Organisation of the Islamic Conference (OIC).

In June 2014 the EU- LAS Ministerial adopted a joint declaration<sup>74</sup> underlining the importance of cooperation in tackling the threat posed by terrorist groups and foreign fighters. They agreed to share assessments and best practice and to cooperate in identifying practical steps to help address threats. This will include countering radicalisation, recruitment and travel by terrorists and foreign fighters more effectively and dealing with returnees. CT should be identified as an area for practical cooperation during the next EU-LAS summit.

An EUR 11 million **long-term IcSP** CT capacity-building programme for the MENA region, which also aims to respond to the terrorist threat emanating from Syria/Iraq, is being prepared for 2015. An expert mapping is being carried out as a first step. A CT programme on raising aviation security standards in north-west Africa ( EUR 7 million) will be implemented in 2015 under the **long-term IcSP**.

- *Libya*

EU Border Assistance Mission Libya (EUBAM Libya) is a civilian mission under the Common Security and Defence Policy (CSDP). Its purpose is to support the Libyan authorities in improving and developing the security of the country's borders. The mission was temporarily evacuated in July 2014 due to the security situation. While CT aspects of border security are not yet included in EUBAM Libya, they are nevertheless relevant, in particular with regard to the transit of foreign fighters and terrorist groups to and from the Sahel. Therefore, the Strategic Review of EUBAM Libya states: "Should a political transition emerge and show signs of endurance...[it] could eventually also allow an increased focus on broader regional issues such as training capacity on border security aspects of Counter Terrorism and SALW". The mission is currently under review in light of the situation on the ground.

---

<sup>74</sup> [http://www.eeas.europa.eu/statements/docs/2014/140611\\_03\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2014/140611_03_en.pdf)

Under the ENPI, a security and justice project has been established in Libya (EUR 10 million), devoted to supporting the definition of security policies and capacity building so as to deliver necessary services (targeting the Ministry of Interior and the police), strengthening judicial capacities and strengthening integrated crime-fighting capacity.

On 24 May 2014, the HR/VP expressed support for the fight against terrorism with full respect for human rights and the rule of law. Baroness Ashton stressed that the EU remained committed to a united, democratic and prosperous Libya and would continue to facilitate dialogue and reconciliation as key aspects of the stabilisation process, in the national interest of Libya and in the interest of security in the Maghreb, the Sahel and the Mediterranean region at large.

An EUR 13.4 million programme, "Support in the areas of capacity building for crisis response, criminal investigation, Unexploded Ordnance (UXO) clearance and the protection of vulnerable groups", is currently being implemented under the **IfS short-term component**. One component (EUR 2.2 million) has been implemented by INTERPOL since September 2012. It focuses on: (i) enhancing Libyan police investigative efficiency by improving its capacity to strategically assess emerging criminal threats; and (ii) enhancing local risk detection capability by providing technical training and access to INTERPOL databases and international police cooperation networks.

The project aims to reinforce the capacity of the Libyan National Central Bureau and its network to cover central drug, border security and migration services as well as the monitoring of principal border stations at international airports and border crossing points with Tunisia and Egypt. To date, a pilot system for document verification at Tripoli airport has been successfully installed, a Crime Analysis Unit has been created, initial training has been delivered, and a threat assessment has been commissioned and presented to Libyan stakeholders. Access to INTERPOL data and specialised police resources for the Ministry of Interior Directorates is being put in place. The installation of a criminal database at the Central Criminal Investigation Department is under way. A second component of this Decision (EUR 2.4 million) targets crisis response capacity building. That activity, implemented by the Geneva-based "Small Arms Survey" project of the Graduate Institute, Geneva, was launched in March 2014 and will run for 18 months. It aims to help develop the Libyan authorities' capacities for providing internal security and public safety.

The specific objectives are: (i) to build national capacities for mapping, assessing and analysing interventions by government authorities in the security sector; and (ii) to provide support for the development of strategies and operational plans to address community safety. Implementation will focus on two pilot areas to be determined in cooperation with the Libyan authorities. Cooperation with the Libyan Ministry of Interior has begun and a start-up workshop is to be held.

- Iraq

In the autumn of 2013, Iraq requested CT capacity-building assistance from the EU. The CTC and the EEAS visited Iraq in December 2013 and made suggestions for such assistance. The EEAS participated in an international CT conference organised by Iraq in March 2014. A rule of law project (EUR 10 million) under the Development Cooperation Instrument (DCI) is due to start in September 2014. It will cover police, justice and prisons. CT will be mainstreamed into all components of the project, including assistance for Iraq in updating its CT law, which has contributed to Sunni grievances. The European Council Conclusions of 30 August 2014 highlighted the need to strengthen capacity-building programmes in the Iraq/Syria region. The EU is developing a comprehensive strategy to deal with the threat from ISIS. Further CT capacity-building support for Iraq is under consideration.

- Lebanon and Jordan

In June 2014, the PSC endorsed recommendations on EU support for Lebanese authorities.

In the context of the conflict in Syria, its possible spill-over effects on neighbouring countries and the associated foreign fighters phenomenon, the CTC and the EEAS went on a joint mission to Lebanon and Jordan in March 2014, and possible areas of engagement were identified.

Since 2007, the European Union has mobilised more than EUR 97 million for Lebanon under **short-term IfS programmes**. Those programmes, executed in three areas, help to address some causes and drivers of radicalisation and terrorism:

- **Response to crises and early recovery.** These aim at supporting displaced populations and refugees. Three programmes were agreed on in 2013: Improving the stability of northern Lebanon through the reconstruction of Nahr el-Bared Camp (EUR 12 million); Support to conflict reduction through improved primary health services for vulnerable populations (EUR 20 million); and Emergency shelter assistance to Palestine refugees from Syria in Lebanon (EUR 5 million);
- **Security and rule of law.** In 2012, the decision was taken to provide EUR 15 million in support for the Interim Response Programme in support of the Special Tribunal for Lebanon;
- **Political stabilisation and reconciliation.**

Support for a project related to the Integrated Border Management Programme in Lebanon is under consideration by IcSP experts.

### **Horn of Africa and Yemen**

In 2013, implementation of the EU Counter-Terrorism Action Plan for the Horn of Africa and Yemen continued.

During December 2013, a training workshop on combatting violent extremism (CVE) was held in Nairobi, with funding from the **IcSP long-term** component. Representatives from the EU institutions and the CTC took part in the workshop together with government representatives and experts from Ethiopia, Kenya, Somalia, Sudan, Tanzania and Yemen. The purpose was to strengthen participants' understanding of what drives violent extremism in the region, and to identify tools for and best practice on addressing CVE-related objectives in the context of development, justice and security initiatives.

The EU's co-chairmanship with Turkey of the GCTF Working Group on the Horn of Africa and Yemen provides a specific platform for CT policy in this region (see below).

Under the **IcSP long-term** component, a EUR 6 million project related to CFT (Countering the Financing of Terrorism) cooperation in the Horn of Africa and Yemen is being developed for implementation from mid-2014. The specific objective is to contribute to the national and regional capacity to meet international standards on effective anti-money laundering and counter-terrorist financing action in the sub-region, through capacity building and networking.

Under the **IcSP long-term** component, a new project on law enforcement (EUR 11 million) is being developed in the Horn of Africa and Yemen for implementation from early 2015.

Under the **IcSP long-term** component, a EUR 2 million project aims to develop best practices for countering violent extremism and radicalisation in the Horn of Africa and Yemen (Strengthening Resilience to Violence and Extremism, STRIVE). The focus is on building up a knowledge base drawn from past and present practices, with recommendations for evidence-based policy making and action planning. This began in early 2014.

Under the **IcSP short-term** component, consideration is being given to a possible intervention in favour of Somalia to support enhanced stability and security in the country. Priority intervention areas under consideration are: (i) the implementation of Federal Government of Somalia plans in districts recently taken from Al-Shabaab, and the establishment of interim Federal Member States such as Interim Jubba Administration; (ii) the development of a nationally owned, accountable Somali Security Architecture that will allow the country to counter both terrorism and violent extremism effectively; and (iii) increased human security in strategic locations in Mogadishu.

### **Counter-terrorism and human rights**

As part of the Human Rights Strategy agreed in June 2012, the EEAS has prepared draft guidelines on CT and human rights for EU capacity-building projects.

In June 2014, the Justice and Home Affairs Council adopted conclusions which stated that the Charter is the cornerstone for the effective and systematic protection of fundamental rights in the Union framework (in internal and external policy) and is fully binding on the Union institutions and on the Member States when the latter are implementing Union law. The Council also recognised the importance of consistency between internal and external aspects of human rights.

## United Nations

In addition to the political dialogue meetings mentioned above, contact with the UN has been extensive at all levels, including briefings by relevant UN agencies in the margins of Working Group meetings. In June 2014, the EU contributed to the fourth biennial review of the UN Global Counter-Terrorism Strategy which highlighted the UN's priorities for the coming two years as the strategy moves towards its 10-year anniversary in 2016. The strategy mainly focuses on the need for further efforts in addressing the conditions conducive to terrorism, countering violent extremism and enhancing the development-security nexus.

## Global Counter-Terrorism Forum (GCTF)

The GCTF continued to serve as a valuable multilateral platform for its 30 members (29 countries, of which 7 are EU MS, and the EU). Work was carried out through two regional working groups (the Horn of Africa/Yemen and the Sahel Capacity Building WGs).

The GCTF Ministerial on 23 September 2014 and reached the following conclusions:

- on **Foreign Terrorist Fighters (FTF)**: the GCTF has adopted the Hague - Marrakech Memorandum on Good Practices for a More Effective Response to the FT Phenomenon and established a new GCTF working group on FTF led by NL and Morocco which inaugural in Marrakech in December 2014;
- on **Countering Violent Extremism (CVE)**: the Hedayah Centre of Excellence on CVE in Abu Dhabi held its first steering board meeting on 11 September 2014. The Global Community Engagement and Resilience Fund (GCERF) has been established. The GCTF adopted the Abu Dhabi Memorandum on Education and Countering Violent Extremism;
- on **Kidnaping for Ransom (KfR)**: a good practices document on Kidnapping for Ransom has been adopted by the GCTF (Algiers memorandum) and was referred to in the G8 leaders statement of June 2013<sup>75</sup> and UN Security Council Resolution 2133 (2014)<sup>76</sup> .

---

<sup>75</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/207542/Kidnapping-for-ransom.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207542/Kidnapping-for-ransom.pdf)

<sup>76</sup> [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2133\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2133(2014))

- on the **promotion of criminal justice and rule of law approach**: the International Institute for Justice and Rule of Law has been inaugurated in Malta in June 2014. The Hague Memorandum for the Judiciary in Adjudicating Terrorism and Other National Security Offences have been adopted as well as the Recommendations for Using and Protecting Intelligence Information in the Rule of Law-based Criminal Justice Sector-led Investigations and Prosecutions.

In mid-August 2014, the former South-East Asia WG was officially given the new task of dealing with the topic of detention and reintegration. The thematic groups on Countering Violent Extremism (CVE) and on Criminal Justice and the Rule of Law continued their work on developing non-binding good practices, which form the basis for capacity-building assistance.

The EU has the following priorities as regard its engagement with the GCTF:

- continue to co-chair the Horn of Africa Working Group;
  - promote and support the International Institute on Criminal Justice and the Rule of Law in Malta;
  - promote and support the Hedayah CVE Centre of Excellence in Abu Dhabi;
  - promote and support the Global Community Engagement and Resilience Fund (GCERF).
- *GCTF Horn of Africa Working Group*

The first two plenary meetings of the GCTF were held in Dar es Salaam in 2012 (inaugural) and Addis Ababa in March 2013 (anti-money laundering and countering the financing of terrorism). The 2014 plenary meeting focused on law enforcement and countering violent extremism. During this Ministerial meeting, the EU confirmed its willingness to continue to co-chair this Working Group together with Turkey. The EEEAS leads for the EU.

A workshop on CVE in the Horn of Africa (HoA) was held on 11 February 2014 in Ankara in preparation for the Third Working Group Plenary Meeting, held in Nairobi on 11-13 March 2014. The workshop was attended by more than 110 participants, including states of the region. The EU presented its STRIVE initiative (Strengthening Resilience to Violence and Extremism). The initiative aims to promote deeper understanding of the causes of violent extremism in the region through evidence-based analysis and to reduce violent extremism through targeted interventions.

On 17 July 2014, the EU hosted an event at the EEAS Headquarters on the improvement of coordination in CT-related capacity-building efforts in the HoA region. The participants defined the scope and adopted a methodology for a detailed mapping exercise of ongoing and future CT projects. They will cover all relevant areas, including law enforcement, criminal justice, countering financing of terrorism and countering violent extremism. The co-chairs promoted the establishment of coordination platforms in each countries of the region. The US has already started to lead in Nairobi. These platforms will promote better coordination between donors and recipients in the region and will aim at increasing local ownership of the projects on the ground.

The Second Annual Working Group Plenary Meeting on Countering Terrorist Financing was held in Addis Ababa on 5-6 March 2013. The meeting was co-chaired by the European Union (represented by the EEAS) and Turkey. The event focused on anti-money laundering and countering the financing of terrorism (AML/CFT) in the region.

More information on the GCTF Horn of Africa Working Group can be found on the GCTF website: <https://www.thegctf.org/web/guest/horn-of-africa-region-capacity-building>*GCTF CVE*

In the course of 2013 and 2014, several meetings and workshops were held within the GCTF Countering Violent Extremism (CVE) Working Group, which is co-chaired by the United Arab Emirates (UAE) and the United Kingdom (UK). Topics discussed were education and CVE, community-oriented policing as a tool for CVE, communications, monitoring and evaluation techniques for CVE communication programmes, prison de-radicalisation and reintegration, measuring the effectiveness of CVE programming, community engagement, multi-sectoral approach to CVE and victims of terrorism. These workshops led, inter alia, to the adoption of following documents:

- Madrid Declaration on Victims of Terrorism
- Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders
- Good Practices for Community Engagement and Community-Oriented Policing as Tools to Counter Violent Extremism
- Ankara Memorandum on Good Practices for a Multi-Sectoral Approach to Countering Violent Extremism

- Doha Plan of Action for Community-Oriented Policing in a Countering Violent Extremism Context
- Abu Dhabi Memorandum on Good Practices for Countering Violent Extremism and Education

Hedayah, the first international centre of excellence in Countering Violent Extremism, was formally launched at the GCTF Third Ministerial Plenary in Abu Dhabi on 14 December 2012. The centre serves to promote dialogue, training and research to counter violent extremism in all its forms and manifestations. Although Hedayah is independent of the GCTF and all its members, the two entities have a close and mutually beneficial partnership. The EU has allocated EUR 5 million to Hedayah for a global CVE programme which is scheduled to be implemented in late 2014.

In 2013, at the GCTF Fourth Ministerial Plenary in New York, US Secretary of State John Kerry announced that a core group of government and non-government partners from different regions were planning to establish the Global Community Engagement and Resilience Fund (GCERF). This GCTF inspired initiative is a public-private global fund designed to enable non-government organisations (NGOs) and sub-national government organisations/agencies to apply for grants in a range of areas that focus on steering groups and individuals away from the use of violence, subject to local requirements/needs. Following this announcement, discussion was held with a view to reaching agreement on the mandate, legal foundation and organisational architecture of the fund and to mobilising the necessary resources. An Interim Secretariat is operational, while the public launch of GCERF is planned for spring 2015. An invitation for project proposals is expected in mid-2015. In July 2014, the EU hosted a workshop to which GCTF members, EU Member States and other partners were invited in order to discuss issues relating to the GCERF and exchange views on the way ahead. The EU has committed EUR 2 million to the GCERF.

More information on the GCTF CVE Working Group can be found on the GCTF website:  
<https://www.thegctf.org/web/guest/countering-violent-extremism>

- Foreign fighters

The fifth GCTF Ministerial agreed on establishment of a new GCTF Working Group on Foreign Terrorist Fighters (FTF). It will be led by the Netherlands and Morocco.

The opening meeting of the GCTF's Foreign Terrorist Fighters (FTF) initiative was held in The Hague on 19-20 February 2014. It saw the launch of a cross-cutting effort led by the Netherlands and Morocco<sup>77</sup>. This subsequently resulted in two expert meetings and the development of a set of non-binding good practices, adopted in September 2014. The first expert meeting of the FTF initiative, which took place on 14-15 May 2014 in Marrakesh, addressed the issues of police and border law enforcement, the judiciary, and information sharing on FTFs<sup>78</sup>. The second expert meeting, held in Abu Dhabi on 16-17 June, focused on CVE responses to the challenge presented by foreign terrorist fighters. During that meeting, participants cited the need to develop a repository of existing CVE programming relevant to the FTF phenomenon.

On the initiative of Hedayah, a form was distributed to GCTF members, requesting a list and description of relevant CVE projects. Responses should lead to a consolidated list of projects that can be shared among interested governments. During the fifth GCTF Ministerial Plenary on 23 September 2014, members of the GCTF agreed to set up a working group dedicated to foreign fighters.

- GCTF Rule of Law and Criminal Justice Working Group

The EU fully participates in the GCT Rule of Law and Criminal Justice Working Group. In line with its criminal justice approach to the fight against terrorism and the promotion of full compliance with human rights and the rule of law.

---

<sup>77</sup> [https://www.thegctf.org/documents/95472/0/14Mar19\\_Summary\\_Opening+Meeting+of+FTF+Initiative\\_19-20+Feb+2014+The+Hague.pdf](https://www.thegctf.org/documents/95472/0/14Mar19_Summary_Opening+Meeting+of+FTF+Initiative_19-20+Feb+2014+The+Hague.pdf)

<sup>78</sup> [https://www.thegctf.org/documents/95472/109184/14May27\\_Summary\\_First+Expert+Meeting+of+FTF+Initiative\\_14-15+May+2014+Marrakech.pdf](https://www.thegctf.org/documents/95472/109184/14May27_Summary_First+Expert+Meeting+of+FTF+Initiative_14-15+May+2014+Marrakech.pdf)

On 18 June 2014, the International Institute on the Rule of Law and Criminal Justice was inaugurated in La Valletta, Malta. It is currently focusing on countries in North, West and East Africa and the Middle East, in particular those countries of the MENA region undergoing transition. The Institute already initiated training activities in the form of an Inaugural Workshop on 19-20 June 2014, devoted to the topic of "Addressing Challenges in the Prevention, Recruitment, Aiding, and the Prosecution of Terrorists in the Sahel-Maghreb". The EU supports the Institute in several ways: it conducted a stock-taking study aimed at focusing the work of the Institute; a project on Supreme Court justices from the MENA region will start soon; a project implemented by the Institute of Parliamentarians is under consideration. The Institute was discussed at the meeting hosted by the EU in July 2014.

Good practices documents regarding the role of the judiciary and the use of intelligence as evidence were adopted in September 2014.

More information on the GCTF Rule of Law Working Group can be found on the GCTF website: <https://www.thegctf.org/web/guest/criminal-justice-and-the-rule-of-law>

- *GCTF Sahel Working Group*

Two Sahel Cross-Border Workshops, held in Niamey (2-3 October 2013) and Dakar (26-27 March 2014), focused on the drafting of a regional legal and policy framework on "hot pursuit" of suspected terrorists and other criminals. The EU, represented by the EEAS, presented its perspective on "hot pursuit" in Europe set against the background of the Schengen Acquis. This was regarded by other participants as a useful reference for possible regional development.

Further workshops covered training needs for AML/CFT efforts in North and West African States (December 2012 in Abuja, Nigeria) and for Countering Violent Extremism in West Africa and the Sahel (April 2013 in Ouagadougou, Burkina Faso).

The annual Working Group Plenary Meeting, held on 24-25 June 2013 in Oran, Algeria, had broad participation from the countries in the region along with international and regional organisations. The purpose of the meeting was to raise awareness of the WG's efforts among donor countries and countries in the region. The meeting covered, inter alia, the evolution of the regional security situation after events in Mali. There was a presentation by the European Union's Special Representative for the Sahel region, Michel Reveyrand-de-Menthon, and the CTC, Gilles de Kerchove. Kidnapping for ransom and regional policing needs were also addressed.

Local CT capacity-building coordination is also taking place in the Sahel, with the EU leading in Niger.

More information on the GCTF Sahel Working Group can be found on the GCTF website:

<https://www.thegctf.org/web/guest/sahel-region-capacity-building>

- *Southeast Asia Working Group*

After a series of three workshops in Indonesia and Thailand in 2013, the WG was deactivated and redeployed as the Detention and Reintegration WG. The inaugural meeting of that working group took place in Bali, Indonesia, on 12-13 August 2014.

- *Detention and Reintegration Working Group*

Co-chaired by Australia and Indonesia, this new thematic working group was established in April 2014 to explore good practices and important thematic issues related to prison management, rehabilitation and reintegration of terrorist detainees and other violent extremist offenders, including issues addressed in the GCTF Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders. The inaugural meeting, during which GCTF members were to outline a work plan for the next two years, took place in Bali on 12-13 August.

### ***Kidnapping for ransom***

In June 2014, at the initiative of the UK, the EU adopted for the first time Council Conclusions on Kidnapping for ransom<sup>79</sup>, bringing the EU position in line with that of the G8 and the UN Security Council.

### ***Cooperation with other international organisations (Council of Europe, OSCE, NATO)***

Cooperation between the EU and the Council of Europe continued. One of the areas of interest being worked on with the OSCE is Central Asia. In particular, this concerns the withdrawal of a NATO presence from Afghanistan in 2014 as well as the prevention of radicalisation. The latter is an area in which the OSCE is running some innovative projects, in particular in Central Asia and the Balkans. Other projects cover counter-terrorism and human rights.

---

<sup>79</sup> 11234/14

The areas of expertise of the Council of Europe, in which cooperation in the context of CT could be strengthened, include the conventions, a criminal justice approach to the fight against terrorism (criminal justice chain), human rights, the rule of law and constitutional aspects (in the context of security sector reform for example or in capacity building), prevention of radicalisation, integration, intercultural dialogue and de-radicalisation in prisons.

In 2013, at NATO's request, the CTC presented the EU's approach to the fight against terrorism and brainstormed areas in which NATO could provide added value on CT and supplement what the EU is doing.

Under the Swiss Chairmanship, the Transnational Threats Department (TNTD) of OSCE, together with the Office for Democratic Institutions and Human Rights (ODIHR) and other OSCE executive structures, held an OSCE-wide Counter-Terrorism Conference in Interlaken, Switzerland, on 28-29 April 2014. The EU CTC participated in this conference. Discussions focused on: (1) terrorism financing and kidnapping for ransom; (2) ensuring legality, transparency and accountability in CT; and (3) responding to the phenomenon of individuals leaving their home country to take part in violent hostilities within or outside the OSCE area (“foreign fighters”).

### **Targeted sanctions**

In accordance with a number of UNSC Resolutions, the members of the UN must adopt certain restrictive measures against persons or entities associated with the Al-Qaeda network. In order to implement those resolutions within the EU, the Council adopted Regulation (EC) No 881/2002 of 27 May 2002 *imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network* under which more than 300 persons, groups or entities are subjected to the freezing of funds in the European Union. The Commission adopts implementing regulations amending the list of persons and entities in the Annex to that Regulation to take account of changes in the list of persons and entities in the list drawn up by the Sanctions Committee of the UNSC.

Pursuant to UNSC Resolution 1373(2001) adopted on 21 September 2001, the Council of the European Union adopted, on 27 December 2001, Common Position 2001/931/CFSP *on the application of specific measures to combat terrorism* and Regulation (EC) No 2580/2001 *on specific restrictive measures directed against certain persons and entities with a view to combating terrorism*. Terrorists (individuals and entities) are listed by the Council on the basis of precise information or material in the relevant file which indicates that a decision has been taken by a competent authority in respect of the persons, groups and entities concerned. Regulation (EC) No 2580/2001 provides for the freezing of all funds, other financial assets and economic resources belonging to, owned or held by a natural or legal person, group or entity considered by the Council, within the meaning of Common Position 2001/931/CFSP, to be involved in terrorist acts.

The CTC issued the latest report on the implementation of the Revised Strategy on Terrorist Financing in July 2014<sup>80</sup>. That report provides an overview of the activities undertaken and achievements made under the recommendations of the Revised Strategy on Terrorist Financing since the last implementation report, which was issued in 2011<sup>81</sup>. It includes an overview of the developments on targeted sanctions.

For a more detailed overview, readers are referred to the report on the implementation of the Revised Strategy on Terrorist Financing.

---

<sup>80</sup> 12243/14.

<sup>81</sup> 15062/11.