



Implementation of the European Agenda on Security: Questions & Answers

Brussels, 20 July 2016

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The period since the adoption has been marked by tragic terrorist attacks around the world, notably on European soil in Paris in November 2015, in Brussels in March 2016 and in Nice on 14 July.

This Memo highlights the actions already completed as well as the steps that still need to be taken as a matter of urgency in view of the current challenges, to pave the way towards a genuine and effective [Security Union](#) as proposed by the European Commission on 20 April 2016.

What actions have been completed since the adoption of the European Agenda on Security in April 2015?

On terrorism

In December 2015, the Commission adopted [measures](#) aimed at stepping up the fight against terrorism and organised crime, including a proposal for a Directive on combating terrorism, revising the existing Framework Decision. The Directive provides for common definitions of terrorist offences ensuring a common response to the phenomenon of foreign terrorist fighters, enhancing the deterrent effect across the EU and ensuring that perpetrators are effectively sanctioned. It will strengthen the EU's arsenal in preventing terrorist attacks by criminalising preparatory acts such as training and travel abroad for terrorist purposes as well as aiding or abetting, inciting and attempting terrorist acts. Member States reached a common position on the Directive in March, and the responsible Committee in the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE), voted on its amendments on 4 July. Trilogues will begin soon and the Commission will work with the co-legislators to conclude discussions as soon as possible.

The [European Counter Terrorism Centre](#), a part of Europol, was launched on 1 January 2016. Its aim is to step up support to Member States fighting terrorism and radicalisation by facilitating coordination and operational cooperation between national authorities. As the Commission has stated on several occasions, sufficient and relevant expertise needs to be made available by Member States. The Commission proposed to reinforce the European Counter Terrorism Centre with 25 staff members, and an amending budget was adopted for 2016 worth €2 million.

On border management

On 22 June 2016, the European Parliament, Council and Commission reached [agreement](#) on the Commission's proposal of 15 December 2015 on a European Border and Coast Guard. The Border and Coast Guard will become operational as soon as the Parliament and Council have completed the last formal steps in its adoption. The European Commission and Frontex have already started intensive preparations for the implementation of the new Regulation to ensure that no time is lost. The European Border and Coast Guard will combine a reinforced Agency, building on the foundations laid by Frontex, with the ability to draw on a reserve pool of people and equipment provided by national authorities. Member States will continue to keep their competence and sovereignty over their borders and will continue to manage the external border. The European Border and Coast Guard will provide support to all Member States and will be able to identify and intervene to address weaknesses in advance, rather than when it's too late.

Trilogues are currently being held on the Commission proposal of 15 December 2015, on a targeted revision of the Schengen Borders Code to introduce systematic checks against relevant databases for all people entering or exiting the Schengen area.

The Commission is also working with the co-legislators to facilitate an agreement by the end of the

year on the Commission's proposal from 6 April on the establishment of an Entry/Exit System to strengthen and at the same time speed-up border check procedures for non-EU nationals travelling to the EU and to reinforce internal security and the fight against terrorism and serious crime.

Since the push given by the Commission with the European Agenda on Security, Member States are now using the Schengen Information System more intensively than in the past: there are more than 75,000 alerts in the system for discreet or specific checks at border crossings, a 300% increase compared to the situation in June 2013. The system was used for 3 billion searches in 2015 by the competent national authorities, which is a 50% increase compared to the previous year.

In 2015 the Commission carried out legal and technical improvements to the Schengen Information System to provide for real-time communication from controls on the ground to the competent services in other Member States and more effective identification of persons. The Commission is also adding a new function that allows fingerprint searches. The Commission has urged Member States to make full use of all alert categories and measures, including expulsion, refusal of entry or removal from the territory of a Member State.

The Commission has revised the Schengen Handbook to clarify "non-systematic checks" during border controls and has provided guidance to help border guards identify and seize false documents.

The Commission finalised a first set of Common Risk Indicators concerning foreign terrorist fighters in June 2015, in close cooperation with national experts, the EEAS, EU Agencies and Interpol, with a view to better detecting terrorist travel. Common Risk Indicators support the work of national border authorities when conducting checks on persons. To operationalise the Common Risk Indicators, FRONTEX developed a handbook in January 2016 to support the border authorities of Member States and Schengen Associated countries.

On radicalisation

The European Agenda on Security identified the fight against terrorism and the prevention of radicalisation as one of its three priorities.

On 14 June 2016, the European Commission presented a [Communication](#) outlining actions in seven specific areas where cooperation at EU level can effectively support Member States in preventing and countering radicalisation. These areas are: countering terrorist propaganda and illegal hate speech online; addressing radicalisation in prisons; promoting inclusive education and common EU values; promoting an inclusive, open and resilient society and reaching out to young people; strengthening international cooperation; boosting research, evidence building, monitoring and networks; and focusing on the security dimension of radicalisation.

Building on the longstanding work of the Radicalisation Awareness Network, on 1 October 2015 the Commission launched a Centre of Excellence within the Network. The aim of the Centre is: (i) to facilitate and enhance the exchange of experiences and cooperation between the relevant stakeholders through the Radicalisation Awareness Network (inside and outside the EU); (ii) to support the EU and Member States in their prevention efforts through different support services, practical tools and policy contributions; and (iii) to consolidate, disseminate and share expertise, best practices and targeted research in the field of preventing radicalisation. The Centre has stepped up its support to Member States and to priority third countries, with a focus on the Middle East and North Africa, the Western Balkans and Turkey. It has been reinforced with a budget of €25 million for the next 4 years.

The Commission provided €8 million in 2015 and 2016 to support the development of rehabilitation and de-radicalisation programmes inside and outside prisons, risk assessment tools and the training of professionals. To prevent radicalisation through education and youth outreach, priority is now given under the Erasmus+ programme to projects fostering inclusion and promoting fundamental values. Up to €400 million has been made available for this purpose, and a specific €13 million call was launched in March 2016 to identify and share best practices.

To counter online terrorist propaganda, on 3 December 2015, the Commission launched the [EU Internet Forum](#), bringing together Ministers and representatives of major internet companies and other internet actors. It provides a framework for more efficient cooperation with the industry. The aim is to contribute to (i) reducing the accessibility of terrorist material online (removal of content) and (ii) empowering civil society partners to challenge the terrorist narrative (development and dissemination of narratives which counter and challenge extremists and provide positive alternative narratives). Work is now underway to improve the speed and volume of referrals, and prevent removed material from being uploaded elsewhere. Furthermore, the Commission is keen to bring other companies on-board and prevent their platforms from being exploited by terrorist networks. The EU Internet Referral Unit (see below) will play a key role in this process and the Radicalisation Awareness Network, in consultation with the industry and its network of practitioners and civil society partners, is developing a civil society empowerment programme to help drive the overall efforts. A roadmap with concrete

activities is currently being finalised.

On 1 July 2015, the [EU Internet Referral Unit](#) at Europol was established to help reduce the volume of terrorist material online. The Internet Referral unit is playing a key role in delivering the EU Internet Forum's objective of reducing accessibility to terrorist content online. It has assessed over 11,000 pieces of material online and made over 9,000 referrals. Whilst this is a voluntary approach, in the majority of cases the material is swiftly removed (91% removal rate). The Commission will continue to support the unit in improving the referrals process and in reaching out to more internet companies.

The Commission is also intensifying work to tackle the problem of online hate speech in cooperation with internet companies, Member States and civil society. On 31 May, IT companies signed a [Code of Conduct](#), committing to tackling illegal hate speech online quickly and efficiently.

On disrupting terrorist financing

On 2 February 2016, the Commission adopted an [Action Plan](#) on urgent measures against terrorist financing, announcing a wide range of measures to avoid the misuse of EU financial systems, to cut terrorists off from their sources of revenue and to trace terrorists through their financial activities. Among the immediate priorities in the Action Plan are measures to enhance the effectiveness of sanctions and to freeze assets within the EU and in third countries.

As a first deliverable of the Action Plan, the Commission adopted on 5 July 2016, a [proposal](#) to further reinforce EU rules on anti-money laundering to counter terrorist financing and increase transparency about who really owns companies and trusts. On 14 July 2016, the European Commission also formally adopted a list of third countries having strategic deficiencies in their regimes on anti-money laundering and countering terrorist financing. Banks will now have to carry out additional checks ('enhanced due diligence measures') on financial flows from these 11 countries. Furthermore, the EU is planning targeted technical assistance to third countries in order to enhance their capacity to counter the financing of terrorism and improve anti-money laundering measures.

A platform bringing together Financial Intelligence Units from Member States is now in place. Its purpose is to detect and disrupt terrorist financing and money laundering activities. It meets on a regular basis with the Commission services with a view to enhance cooperation, develop common tools and better identify suspicious financial transactions. The Financial Intelligence Units have developed a well-performing IT tool for direct information exchange (FIU.NET), which has been embedded in EUROPOL's European Counter Terrorism Centre since 1 January 2016.

On firearms and explosive precursors

On 18 November 2015, the Commission presented a [proposal](#) to revise Directive 477/91 on the legal framework for firearms. The revision aims to restrict the availability of some of the most powerful types of semi-automatic weapons and those that could be easily converted into fully automatic weapons, as well as to enhance the exchange of information between Member States and improve traceability and marking rules for firearms. The European Parliament and Council are currently making progress towards the adoption of the proposal. On 10 June, Member States reached a common position on the proposal and the responsible Committee in the European Parliament, the Committee for Internal Market and Consumer Protection (IMCO), voted on its amendments on 13 July. The Commission will work with the co-legislators to conclude discussions as soon as possible.

The Commission also adopted on 18 November 2015 an [implementing Regulation on common firearms deactivation standards](#). This entered into force on 8 April 2016 and will ensure that deactivated firearms are rendered irreversibly inoperable. To fulfil its security objectives, the Regulation covers both domestic and cross-border situations.

Furthermore, on 2 December 2015 the Commission presented an [Action Plan on firearms and explosives](#) that called for a number of measures to prevent terrorist attacks such as those that occurred in Paris and Brussels. These include: (i) specific actions on the use of detection technology and on standardising its use (for soft targets, critical infrastructures, public areas, etc.); (ii) development of innovative detection tools; (iii) strengthening of existing measures and creation of new ones for increasing the security of passengers on different modes of transport; (iv) use of existing tools for better gathering and sharing of information.

As regards explosives, the Commission has identified gaps in the implementation by Member States of Regulation 98/2013 on explosives precursors and is taking steps to address this. The Commission will also assess the need to revise this Regulation in 2016.

On the external dimension

The Commission also took action, in close cooperation with the External Action Service and the EU Counter Terrorism Coordinator, to ensure further coherence between internal and external actions in the field of security.

Security and counter-terrorism experts have been deployed in the EU Delegations in Algeria, Morocco, Tunisia, Nigeria, Iraq, Jordan, Pakistan and Turkey. A decision to expand the network was adopted and the process of selection has been launched for experts to be deployed in the second half of 2016 to EU Delegations in Lebanon and Pakistan, with bilateral mandates, as well as Chad and Bosnia and Herzegovina, with regional mandates for the Sahel and the Western Balkans.

Targeted and upgraded security and counter-terrorism dialogues have been established in which relevant EU agencies such as Europol, Eurojust, Frontex and CEPOL participate, in particular with Lebanon, Tunisia and Turkey. Concrete and bespoke action plans are being developed to address issues of mutual interest and importance such as prevention of radicalisation and violent extremism, police and judicial cooperation, terrorism financing and terrorist travel.

In addition to this, Counter Terrorism cooperation is being built up with other countries in the MENA region and the Southern Neighbourhood, as well as with regional organisations like the League of Arab States and the Organisation of Islamic Cooperation. With the Western Balkans, counter terrorism and the fight against organised crime will be part of the next multi-annual regional Instrument of pre-accession.

On 6 April 2016, the Commission and the High Representative presented a [Joint Framework to address hybrid threats](#) more effectively with a coordinated response at EU level by using EU policies and instruments.

The Commission [Communication](#) on preventing radicalisation of 14 June includes a number of external actions, notably the strengthening of cooperation with third countries facing similar threats in both bilateral and multilateral frameworks. Where possible, the experience and expertise gained with the RAN will be mobilised outside the EU's borders, in priority third countries, especially in Turkey, the MENA region and the Western Balkans, provided certain requirements are fulfilled.

On research and innovation

Over the past year the Commission has granted around €200 million to over 30 research projects that will offer innovative security solutions, under the Horizon 2020 Secure Societies research and innovation programme. These activities involve academia, industry and security practitioners, and pave the way for coping with evolving and innovative security threats in the future.

The [European Agenda on Security](#) underlined that a competitive EU security industry can also contribute to the EU's autonomy in meeting its security needs. The EU has encouraged the development of innovative security solutions, for example through standards and common certificates. The Commission will soon come forward with a proposal on airport screening equipment, to remove barriers to the Single Market and to enhance the competitiveness of the EU security industry in export markets.

What actions launched by the Commission require acceleration?

Priorities for implementation

- **European Border and Coast Guard:** Following the political agreement reached between the co-legislators on 22 June, the European Parliament approved the Commission's proposal on 6 July. The Border and Coast Guard will get up and running as soon as the Parliament and Council have completed the last formal steps in its adoption. The European Commission and Frontex have already started intensive preparations for the implementation of the new regulation to ensure that no time will be lost.
- **EU PNR:** Following the positive vote of the European Parliament on 14 April 2016, Justice and Home Affairs Ministers adopted the EU PNR Directive on 21 April 2016. The Commission is working with Member States to ensure its implementation as a matter of urgency.
- **Regulation on Explosive Precursors:** The Commission has identified gaps in the implementation by Member States of the Regulation on explosives precursors adopted in 2013 and is taking steps to address this. The Commission will also assess the need to revise this Regulation in the course of 2016.
- **Action Plan on Terrorist Financing:** The further implementation of the Action Plan on terrorist financing adopted on 2 February is a priority for the Commission. In the second half of 2016, the Commission intends to propose EU legislation against illicit cash movements, including possible limits on cash or assets carried or transported across borders. Other measures include a proposal on the mutual recognition of criminal asset freezing and confiscation orders, a proposal on combatting fraud and counterfeiting on non-cash means of payment and, in early 2017, a proposal on the powers of customs authorities to address terrorism financing from trade in goods, and a proposal to combat illicit trade in cultural goods. The Commission also intends to complete the existing instruments to prevent money laundering and terrorist financing as laid down in the Fourth

Anti-Money Laundering Directive (AMLD) with a legislative proposal on the harmonisation of money laundering offences. The Commission will present updated reports on other potential measures for depriving terrorists of financial means, including an EU Terrorist financing tracking system and an EU asset freezing regime complementing existing regimes under the Common Foreign and Security Policy (CFSP).

- **Implementation of existing tools for information exchange:** In view of the importance of cross-border information exchange for law enforcement purposes within the EU and the challenges that such exchanges raise, the Commission continues to pursue the enforcement of the existing Prüm framework (an information exchange tool that allows for automated comparison of DNA profiles, fingerprint data and vehicle registration data) as a matter of urgency. A more systematic use of Interpol's Stolen and Lost Travel Documents database is also a high priority.
- **Development and dissemination of guidance on soft target protection and critical infrastructure:** In May 2014 the Commission and the EU Airport Police network completed work on an EU Airport Soft Target Protection manual. This manual is being distributed to all relevant police forces so that the recommendations can be used to better secure airports against attacks similar to that of 22 March 2016. Similar work has been launched in October 2015 by the Commission to develop guidance material on protection of other soft target areas such as rail and metro and other areas of high public concentration (sports' venues, shopping centres, etc.).
- **Detection and protection trials:** Detection and protection trials have been launched by the Commission together with several Member States in February 2015 in different operational environments such as transport hubs, sports events and public buildings. New trials are scheduled for 2016.

Proposals awaiting adoption by the European Parliament and Council

- **Commission [proposal](#) to revise the legal framework for firearms:** On 10 June, Member States reached a common position on the proposal and the responsible Committee in the European Parliament, the Committee for Internal Market and Consumer Protection (IMCO), voted on its amendments on 13 July. The Commission will work with the co-legislators to conclude discussions as soon as possible.
- **Commission [proposal for a directive on terrorism:](#)** On 2 December 2015 the Commission proposed a [Directive](#) harmonising the criminalisation of terrorist offences. The proposed Directive introduces new offences to ensure compliance with international obligations and standards such as the offences of travel to another country for the purpose of terrorism, passive training, as well as a comprehensive offence of terrorist financing. The proposed new rules aim at facilitating the effective disruption and prosecution of support to terrorists and travelling of foreign terrorist fighters. The proposal also includes specific provisions on the rights of victims of terrorism. The European Parliament and Council must now finalise the adoption of these proposals as a matter of urgency.
- **Extension of ECRIS to third country nationals:** The Commission proposed on 19 January 2016 to amend the EU system for the exchange of information on criminal convictions to render it more effective for the exchange of criminal records of third country nationals. The Commission has invited the European Parliament and Council to agree on the [Commission's proposal](#) as a matter of urgency.
- **Revised proposals on Smart Borders:** The Commission presented on 6 April 2016 a revised proposal for establishing an [Entry-Exit System](#) as well as the subsequent technical changes to the Schengen Border Code. The Entry-Exit System will strengthen and at the same time speed up border check procedures for non-EU nationals travelling to the EU. The Entry-Exit System will also improve the quality and efficiency of the Schengen Area external border controls, helping Member States deal with ever increasing traveller flows without having to increase accordingly the number of border guards, and it will allow the systematic identification of over-stayers and will reinforce internal security and the fight against terrorism and serious crime. The adoption of the proposals by the European Parliament and Council should be finalised by the end of 2016 in order for the Entry-Exit System to be operational by early 2020.

What further actions are needed?

Member States have the primary responsibility to ensure security on the ground. Action at EU level must focus on where we can bring added value.

The Commission has devoted significant efforts under the [European Agenda on Security](#) to address the main challenges for effective and sustainable action at EU level to fight terrorism and organised crime: (i) the exchange of information between Member States' law enforcement authorities and with the EU Agencies, and (ii) the issue of the inter-operability of relevant databases and information systems.

A number of actions are being undertaken to address these challenges:

- **Commission Communication on stronger and smarter information systems and Council endorsement of information exchange roadmap:** The Commission presented on 6 April 2016 a [Communication](#) on Stronger and Smarter Information Systems for Borders and Security. It is designed to address shortcomings identified in the current systems, gaps in the architecture and limited interoperability, while fully complying with data protection rules. In its Communication, the Commission announced the establishment of a High Level Expert Group on Information Systems and Interoperability with EU Agencies, national experts and relevant institutional stakeholders. The Expert Group has started its work to address the current shortcomings and knowledge gaps caused by the complexity and fragmentation of information systems at the European level. It will elaborate on the legal, technical and operational aspects of the different options proposed in the Communication to achieve interoperability of information systems. It will also take due account of the roadmap on information exchange endorsed by the JHA Council of June 2016.
- **Further strengthening the European Counter Terrorism Centre at Europol:** The European Counter Terrorism Centre should be strengthened to act as the law enforcement intelligence hub for analysing terrorism and assessing threats, and to support the development of counter-terrorism operational plans. The Commission will bring forward initiatives on how to develop the Centre into a stronger structure, with the capacity for joint operational planning, threat assessments and law enforcement intelligence coordination, staffed with personnel from the responsible institutions of the Member states as well as the Commission. Threat assessments on terrorism and radicalisation should start being developed by the ECTC and the Intelligence and Situation Centre (IntCen) as a matter of urgency.
- **Measures regarding the Schengen Information System and foreign terrorist fighters' movements and proposal for a revision of the Schengen Information System:** The roadmap on information exchange endorsed by the Justice and Home Affairs Council in June 2016 also covers the use of SIS in relation to foreign terrorist fighters. Later this year the Commission will propose a revision of the Schengen Information System on return of irregular migrants and entry bans, the use of facial images for biometric identification, and the creation of new alerts for wanted unknown persons, which will improve the added value of the system for law enforcement purposes. By mid-2017 it will also add an automated fingerprint search functionality to the system (see above), as already foreseen by the existing legal framework.

Jurisdiction for accessing digital evidence: The Commission will work together with the European Parliament and Council, experts and other stakeholders to develop a common EU approach to determining jurisdiction of law enforcement authorities when they directly access data stored or located abroad, including legislative measures if needed.

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