



21.6.2018

# **DRAFT REPORT**

on findings and recommendations of the Special Committee on Terrorism  
(2018/2044(INI))

Special Committee on Terrorism

Rapporteur: Monika Hohlmeier and Helga Stevens

**CONTENTS**

	<b>Page</b>
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION .....	3
EXPLANATORY STATEMENT .....	31

## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on findings and recommendations of the Special Committee on Terrorism (2018/2044(INI))

*The European Parliament,*

- having regard to its decision of 6 July 2017 on setting up a special committee on terrorism, its responsibilities, numerical strength and term of office<sup>1</sup>, adopted under Rule 197 of its Rules of Procedure,
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the report of the Special Committee on Terrorism (A8-0000/2018),

#### **Institutional framework**

- A. whereas the security of one Member State is the security of all in the Union; whereas in the last two years the EU and the Member States have made progress in countering the threats posed by terrorism;
- B. whereas national security is the sole responsibility of the Member States as laid down in Article 4(2) TEU and Article 73 TFEU;
- C. whereas at the same time Article 4(2) TFEU designates the area of freedom, security and justice as an area of shared competence between the Union and the Member States; whereas the EU has specific competences as regards facilitating and encouraging coordination and cooperation between Member States;
- D. whereas the national security and intelligence agencies of EU Member States and of some third countries cooperate very effectively through the Counter Terrorism Group (CTG) and on a bilateral and multilateral basis; whereas the EU has an established complex of structures dealing wholly or in part with terrorism, notably through Europol's European Counter Terrorism Centre (ECTC);
- E. whereas the diverse landscape of regional, national, EU and international actors in the field of terrorism with overlapping competences and insufficiently delineated mandates, the multitude of formal and informal fora for cooperation and exchange of information, as well as the division of competences between the different regional and national agencies, between law enforcement services and intelligence services and between the EU and the Member States, give rise to difficulties with regard to the coordination and coherence of the response to the terrorist threat;
- F. whereas the Commissioner for Security Union is a valued actor in joining up the Commission's policy development, implementation, monitoring and evaluation; whereas the establishment of the position of Commissioner for Security Union signals the EU's commitment to encouraging cooperation between Member States on issues of internal security while fully respecting the status of these matters as national competencies as laid

---

<sup>1</sup> Texts adopted, P8\_TA(2017)0307.

down in the Treaties;

- G. whereas of 88 legally binding counter-terrorism measures proposed from September 2001 to summer 2013 only a quarter were subject to impact assessments and only three to public consultation; whereas this ratio has improved in recent years and the most recent initiatives presented by the Commission in 2017 and 2018 were accompanied by the necessary justification; whereas with the Agenda on Better Regulation adopted in 2015 the Commission has also strengthened its policy on stakeholder consultation;
- H. whereas the Commission's Comprehensive Assessment of EU Security Policy mentioned incomplete implementation as one of the challenges of the Security Union;
- I. whereas evaluation of counter-terrorism measures is vital for assessing their effectiveness and determining whether additional action is necessary to address the shortcomings; whereas a difference exists between monitoring the extent of implementation and the actual effectiveness of implemented measures; whereas between 2001 and 2016 there were 17 monitoring implementation and evaluation reports compared to 10 counter-terrorism strategies and 55 legislative and non-binding measures;

### **Terrorist threat**

- J. whereas in recent years the EU Member States have suffered major terrorist attacks, perpetrated or inspired by jihadist groups such as Daesh or Al-Qaeda; whereas far right, far left and ethno-nationalist separatist extremism are also matters of concern;
- K. whereas developments and instability in the Middle East, North Africa, and Caucasian regions have enabled Daesh and other terrorist groups to gain a foothold in countries bordering the EU such as those of the Western Balkans, and the nexus between internal and external security has become more prominent;
- L. whereas there has been a change of strategy since the military collapse of Daesh in its territory, with a decline in numbers of those travelling to Syria and Iraq for terrorist purposes and jihadists and 'sleeper-cells' inside the EU being encouraged to carry out attacks in their home countries;
- M. whereas Daesh and Al-Qaeda are financially self-reliant and whereas illicit trade in goods, firearms, oil, drugs, cigarettes and cultural objects, among other items, as well as trafficking in human beings, slavery, child exploitation, racketeering and extortion, have become means for terrorist groups to obtain funding; whereas the link between organised crime and terrorist groups constitutes a growing security threat; whereas these sources could enable the continued funding of future criminal activities by Al-Qaeda, as well as by Daesh following its territorial collapse in Syria and Iraq;
- N. whereas terrorists continue to use small arms and explosives and have increasingly resorted to ad hoc weapons such as vehicles, trucks and knives; whereas recent attacks have been prepared thoroughly or carried out spontaneously;
- O. whereas the return of foreign terrorist fighters (FTFs) and their families poses particular challenges in terms of security and radicalisation; whereas child returnees pose specific problems as they can be both victims and potential perpetrators at the same time;

- P. whereas these returnees have often received prolonged ideological indoctrination and military training in the use of weapons and explosives, and have in some cases established links with other terrorists, possibly former foreign fighters, with whom they form transnational networks;
- Q. whereas perpetrators of terrorist attacks in the EU very often include EU nationals, often second or third generation migrants, who have grown up in the Member States which they have attacked, as well as foreigners who may in some cases have resided for a significant time in the Member State targeted;
- R. whereas most migrants wish to seek a new life and integrate into our countries but a major terrorist threat can be created by relatively few people, and our open societies and open borders are vulnerable to abuse, with some terrorists making use of migrants' and asylum seekers' routes of access to European countries and exploiting the freedom of movement across Europe;
- S. whereas the flow of illegal migrants and refugees poses challenges to integration, which have already been exploited by extremists and could be further exploited in the future;
- T. whereas new forms of terrorism may be used for an attack, among them cyber-terrorism and the use of weapons of mass destruction; whereas there is the precedent of a foiled attack involving the highly toxic biological agent ricin; whereas there are cases where Daesh has used or planned to use chemical, biological, radiological or nuclear (CBRN) materials, and shared via social media channels possible tactics and methods for attacks and targets;
- U. whereas populism-fuelled political discourse regarding the terrorist threat can lead to polarisation within society;

### **Preventing and countering radicalisation**

- V. whereas the Radicalisation Awareness Network (RAN) Centre of Excellence offers an important platform for the exchange of best practices among practitioners and has contributed to the gathering of important knowledge in the field of preventing and countering radicalisation;
- W. whereas national strategies against radicalisation are important in terms of providing general frameworks for programmes at local level; whereas these strategies must ensure sufficient financing for local authorities, vetted NGOs and civil society partners so that these programmes can be implemented;
- X. whereas experts highlight the positive experience offered by a multi-agency approach, focusing on creating infrastructures that ensure the provision of early-stage support to those vulnerable to radicalisation from different authorities and organisations across multiple levels and emphasising the supportive role of the police, thus strengthening the relationship;
- Y. whereas so far no clear methodologies exist to measure the effectiveness of projects for preventing and countering radicalisation;

- Z. whereas several European funds and programmes can be used for projects countering and preventing radicalisation; whereas the EU budget up to 2020 allocates EUR 314 million for anti-radicalisation projects; whereas there is no continuous evaluation of the effectiveness of those programmes;
- AA. whereas it is estimated that there are between 50 000 and 70 000 radicalised jihadists in the EU;
- AB. whereas a violent radicalised discourse has been increasingly present in the territory of the EU, often in the form of books, teaching or audiovisual content, including satellite TV channels; whereas this discourse opposes European values, undermines pluralism, promotes violence and intolerance against all other religions, is openly anti-Semitic, refuses equality between men and women, and rejects the science and education which have been promoted by Islam during centuries;
- AC. whereas there is a prevalence of Wahhabi and Salafist literature available in certain bookshops and online in Europe, leaving little alternative interpretation available to Muslim communities;
- AD. whereas throughout Europe significant numbers of cases of radical hate preachers have been documented; whereas the hate preachers often originate from outside the EU, while mosques receive opaque funding from third countries;
- AE. whereas there are self-designated religious teaching centres propagating extremist ideas in the EU, in which youngsters, including young children, are exposed to a learning content based on anti-European values and violent content; whereas radical organisations often exploit the vulnerabilities of young people by attracting them with social and cultural offers;
- AF. whereas Daesh's sophisticated web communication strategy of marketing terrorism by glorifying it also offers alternative social and cultural opportunities to followers and design copied from the global 'youth culture' such as online gaming, and thus has a strong appeal to minors;
- AG. whereas in the European Internet Forum launched in 2015 companies cooperate to remove terrorist content from their websites on a voluntary basis;
- AH. whereas Europol's Internet Referral Unit (IRU) has made more than 50 000 referrals and on average 87 % of the content referred to companies by the IRU has been removed on the basis of voluntary consideration of the compatibility of the referred internet content with their own terms and conditions;
- AI. whereas although major progress has been made with regard to removal of online terrorist content, there is a need to scale up the companies' engagement; whereas the removals are often not complete, removing the content from one website but leaving it on another belonging to the same company; whereas effective and comprehensive reporting by companies has to be improved;
- AJ. whereas, in response to larger companies removing more content and doing so at a greater pace, Daesh is increasingly using new and/or smaller platforms which are less suited to

fast removal of terrorist material; whereas this diversification to smaller platforms makes additional technical support essential to enable, for example, the introduction of platform-agnostic automated tools, such as the database of hashes which can identify online terrorist content with a high degree of accuracy;

- AK. whereas prisons have become hothouses of extremism, incubating terrorists; whereas many of those serving prison sentences will soon be released back into their communities and there are few resources to monitor their activities; whereas prison conditions can play a significant role in heightening or lessening risks of radicalisation;

## **Cooperation and information exchange**

### *Horizontal issues*

- AL. whereas retention of data is an essential part of the investigative process; whereas police and judicial authorities usually rely heavily on communications data to successfully proceed with their casework; whereas in order for interoperability of information systems to reach its full potential, harmonised data retention regimes across the EU are vital; whereas the necessity of an appropriate data retention regime when it comes to the fight against terrorism was consistently raised during the work of the TERR Committee;
- AM. whereas the use of encryption by terrorists to protect their communications or stored data represents a considerable challenge for law enforcement, denying access to essential intelligence and evidence; whereas encryption becomes particularly critical when even the responsible online service providers are unwilling or unable to decrypt the communication;

### *Information systems*

- AN. whereas there is a fragmented framework of existing systems, new systems in the process of development, proposals for future systems and proposals for reforms to address identified gaps and barriers still under negotiation; whereas this fragmented framework is the result of historical factors and a reactive approach in the proposal and adoption of new legislation;
- AO. whereas data about information exchanges show that a small number of countries are responsible for a large proportion of available content in and searches of EU databases;
- AP. whereas there are a number of obstacles to the proper functioning of the information systems, such as lack of or incomplete implementation, lack of knowledge of and/or sufficient training in the existing systems, and lack of sufficient resources or of an adequate material base;
- AQ. whereas information systems can be divided into centralised and decentralised systems, the former being managed by the EU and its agencies and the latter by the Member States; whereas centralised information systems include the Schengen Information System (SIS), the Visa Information System (VIS), Eurodac, the Entry/Exit System (EES), the proposed European Travel Information and Authorisation System (ETIAS) and the proposed European criminal records information system for third country nationals (ECRIS-TCN);

- AR. whereas decentralised systems and mechanisms for information exchange are managed by the Member States' authorities and include: the European Criminal Records Information System (ECRIS), for exchanging national criminal record information; the EU passenger name records (PNR) system requiring airlines to share passengers' data with national authorities for all flights between third countries and the EU; the Advance Passenger Information (API) system that collects information on passengers ahead of inbound flights to the EU; and the Prüm framework for exchanging DNA, fingerprints and vehicle registration data;
- AS. whereas several pilot projects are being implemented with the aim of overcoming the disadvantages of a decentralised EU PNR system; whereas there is a need for a quick reply to requests from passenger information units (PIUs) of other Member States, which may prove challenging as they are processed manually;
- AT. whereas the 2016 evaluation of VIS found that access to VIS for law enforcement purposes has been limited and fragmented across Member States;

#### *Interoperability*

- AU. whereas the Commission put forward two proposals for a regulation establishing a framework for interoperability between existing and proposed centralised information systems in the fields of police and judicial cooperation, asylum and migration, borders and visas, namely VIS, SIS, EES and Eurodac, as well as ETIAS and ECRIS-TCN once the respective legal bases are adopted;
- AV. whereas the Commission proposals will only apply to centralised systems, leaving national and decentralised systems out of their scope, and therefore constitute only a first step in creating a comprehensive framework of interoperable information systems; whereas within the territory of one Member State there may be a multitude of separate decentralised databases at federal, regional and local level, with different data inputs in different systems and complex procedures - or none at all - for the sharing or checking of the data by the relevant authorities at the different levels;
- AW. whereas the use of a common messaging format at EU level, such as a universal message format (UMF), will facilitate smoother exchange of data and information between parties and across interoperability systems; whereas establishing the need to use certain UMF fields for particular exchanges can contribute to the improvement of data quality in all of the systems across which messages are being exchanged; whereas the use of this common message format by Europol and Interpol should also be encouraged;
- AX. whereas eu-LISA should establish automated data quality control mechanisms and procedures as well as common data quality indicators and minimum quality standards for data stored in the information systems; whereas the goal would be for the EU information systems and interoperability components to automatically identify apparently incorrect or inconsistent data submissions so that the originating Member State is able to verify the data and carry out any necessary remedial actions;

#### *Cooperation and exchange of information within and between Member States*

- AY. whereas a variety of factors can lead to difficulties in cooperation between the different

national, regional and local services within the Member States, such as: overlapping competences and insufficiently delineated mandates; hesitancy to share information as this might result in loss of responsibility or loss of important information flows; legal obstacles when it comes to sharing information between different services or the possibility of using intelligence in court cases; services being obliged to compete with each other for resources; and technical barriers to information exchange;

- AZ. whereas adjusting the legal standards applying to information exchange between intelligence and law enforcement authorities is one of the main challenges that need to be addressed, especially since intelligence often concerns information on people who are not yet suspects in criminal investigations but belong to terrorist networks or are returning FTFs;
- BA. whereas a possible solution could also be offered by the creation of counter-terrorism centres or units within the national territory; whereas such centres allow representatives of the different services to communicate with each other on a regular basis and discuss how best to cooperate and exchange information; whereas this helps build trust between the services and fosters a better understanding of their respective working methods and challenges;
- BB. whereas security services tend to cooperate and exchange information bilaterally or through the Counter Terrorism Group (CTG); whereas it is necessary to find a practical solution to fill the existing gaps between the parallel tracks of the law enforcement community and the intelligence community, as well as between Europol's ECTC and the CTG, in order to allow a more systematic interaction between both communities and an enhanced operational cooperation, while still keeping them separate;
- BC. whereas the UK government has expressed its intention of leaving the EU on 29 March 2019; whereas the EU and the UK are highly interdependent in the area of security and counter-terrorism; whereas both should be able to continue to share, collect and analyse vital operational intelligence in the fight against serious crime on a level equivalent to the current one;

#### *Cooperation and exchange of information with the EU agencies*

- BD. whereas efficient and systematic cooperation between the Member States and the EU agencies as well as among the agencies in the counter-terrorism field is imperative, especially cooperation between Europol and Eurojust in order to effectively detect, prevent, and investigate and prosecute the perpetrators of a terrorist attack;
- BE. whereas designated CT Liaison Officers can bring added value both to the work of the agencies and to their own Member States;
- BF. whereas there are differences in the Member States as to the number of competent authorities that can consult the Europol databases or be in contact with Europol without going through the national liaison officers; whereas some Member States lack restricted and safe national police communication networks, preventing their competent authorities from decentralised access, particularly to CT-SIENA;
- BG. whereas several EU instruments such as Decision 2005/671/JHA, the CT Directive and

the Europol regulation require Member States to share information on terrorism with the relevant agencies; whereas increased information sharing with Europol and Eurojust on a regular basis and in a timely and systematic manner, including contextual information, facilitates their work in detecting links between cases and providing an overview of challenges and best practice related to investigations, prosecutions and convictions for terrorist offences;

#### *Mutual recognition and mutual legal assistance*

- BH. whereas mutual legal assistance (MLA) mechanisms are progressively being replaced by mutual recognition instruments as the latter help improve cross-border cooperation between competent authorities within the EU by speeding up and streamlining the procedures; whereas the European Arrest Warrant (EAW) Decision and the European Investigation Order (EIO) Directive are examples of mutual recognition instruments that have been found by practitioners to be useful;
- BI. whereas the principle of mutual recognition is, on the one hand, dependent on the existence of a high level of mutual trust between Member States and, on the other, helps increase mutual trust by allowing the authorities of different Member States to work efficiently together in the fight against terrorism;
- BJ. whereas joint investigation teams (JITs) facilitate the coordination of investigations and prosecutions in cases with a cross-border dimension and allow for real-time exchange of information/evidence; whereas the practical benefits resulting from the use of JITs include improved information exchange, exchange of best practices, enhanced collection of evidence and mutual recognition of the actions carried out by the parties;
- BK. whereas close cooperation with online service providers (OSPs) is necessary when it comes to securing and obtaining electronic evidence, given its importance for investigating terrorist offences;

#### **External borders**

- BL. whereas the Schengen area without internal borders is only sustainable if the external borders are effectively secured and protected and internal security measures are adopted to face the risk of serious crimes;
- BM. whereas the thwarted attack on the Thalys train of 21 August 2015, the Paris attacks of 13 November 2015 and the Brussels attacks of 22 March 2016 have demonstrated major failures in European border control policy, since at least eight of these attacks' perpetrators entered Greece via irregular flows in July, August and October 2015;
- BN. whereas the Council conclusions 10152/17 recommend to Member States that all irregular migrants are checked at national level against databases fed and used by competent authorities and the national Automatic Fingerprint Identification System (AFIS), at European and international level against the SIS, Europol, VIS, Eurodac and Interpol databases (I-24/7 network) and more specifically Nominal data, Stolen and Lost Travel Documents (SLTD), Foreign Terrorist Fighters (FTF) and Travel Documents Associated with Notices (TDAWN);

- BO. whereas on the basis of Article 11 of Regulation (EC) 1168/2011 and the positive opinion of the European Data Protection Supervisor (EDPS), the European Border and Coast Guard Agency (EBCGA) is allowed to process personal data; whereas, however, EBCGA is experiencing difficulties in monitoring terrorism due to the short personal data retention period established by Regulation (EC) 2016/1624 that comprises only 90 days; whereas between Eurojust and EBCGA there is only a memorandum of understanding which includes the exchange of general, strategic and technical information but not the exchange of personal information; whereas there is need for a specific legal framework for EBCGA to process personal data in order to fulfil its tasks;
- BP. whereas there is a need for EBCGA officers to also access the Eurodac, SIS, EES and VIS databases at border crossing points in order to perform checks;
- BQ. whereas there is currently no repository on long-stay visas and residence documents;
- BR. whereas the fact that Member States, and more specifically the airport operators on their territory, are not yet obliged to conduct conformity checks on passengers' personal data on their ticket and ID card or passport, which makes it difficult to ascertain whether the given identity matches the true identity of the person;
- BS. whereas battlefield evidence is often essential to identify potential foreign terrorist fighters and needs to be included in the relevant databases in order to reach border guards in real time;
- BT. whereas Operation Sophia has technical and human capabilities to contribute to the fight against terrorism; whereas if it is to effectively contribute to this effort, the mandate of Operation Sophia has to be amended;

### **Terrorist financing**

- BU. whereas several Member States have not yet ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism of 16 May 2005;
- BV. whereas social media fundraising, non-profit organisations and small wire transfers are funding methods for Daesh and other terrorist organisations; whereas micro lending platforms are used to facilitate all three of these typologies;
- BW. whereas in certain countries with less developed banking systems the prevalent use of mobile banking services often makes it difficult to identify the beneficiaries of cash transfers; whereas such transfers of funds by means of mobile banking present high risks for terrorist financing;
- BX. whereas the Terrorist Finance Tracking Programme (TFTP) is a useful tool for counter-terrorist financing; whereas it does not allow tracing terrorist financing activities using SEPA transactions, which leads to a significant information gap; whereas a TFTS system complementary to the existing TFTP Agreement would enhance the EU's capacity to prevent and investigate terrorist attacks by providing key additional information on terrorist financing activities and would be more efficient and effective than pursuing financial information concerning suspicious transactions through bilateral or multilateral

information and/or legal assistance requests;

### **Protection of critical infrastructure**

- BY. whereas incidents involving critical infrastructure can have severe consequences across borders;
- BZ. whereas services are delivered through increasingly complex systems, which makes the current sectoral approach to European critical infrastructures (ECIs) outdated;
- CA. whereas cyber-attacks on electronic services or through interconnected systems are a key component of hybrid threats;
- CB. whereas the Commission Comprehensive Assessment of EU Security Policy and the evaluation study of Directive 2008/114/EC indicate that: the threat to critical infrastructures is likely to continue to rise, that there is a need to enhance preparation and response capabilities and to revise Directive 2008/114/EC, and that there is an interest in targeting transport infrastructures; whereas a better framework is needed to improve rail security and to address the issue of protection of public areas of transport infrastructures, such as airports and railway stations;
- CC. whereas incident reporting is essential in identifying shortcomings, improving the effectiveness of existing measures, assessing the performance of critical infrastructures during a disruptive event, raising awareness of the need to review existing security plans, and detecting the emergence of new threats;
- CD. whereas Member States need to organise more exercises in crisis response, including in third countries;
- CE. whereas the private sector should be involved in the protection of critical infrastructure and soft targets;
- CF. whereas, following the 2012 evaluation of Directive 2008/114/EC, the Commission launched a pilot phase involving four critical infrastructures of a European dimension (Eurocontrol, Galileo, the electricity transmission grid and the gas transmission network);
- CG. whereas the Commission, in its communication on the new Multiannual Financial Framework, proposes to significantly increase EU funding for security and defence, including internal security;
- CH. whereas several terrorist attacks in the EU were perpetrated by individuals known to the authorities, using rented vehicles;

### **Explosives precursors**

- CI. whereas in 2015 and 2016, explosives were used in 40 % of the terrorist attacks committed in the EU;
- CJ. whereas the explosive used in most of the attacks was triacetone triperoxide (TATP), a home-made explosive that remains the explosive of choice for terrorists; whereas TATP can be quite easily manufactured using only a few substances;

- CK. whereas the role of customs authorities regarding explosives and explosive precursors at the external border should be better defined, as it currently varies between Member States;
- CL. whereas despite Regulation 98/2013, some terrorists are still obtaining explosives precursors, especially for TATP; whereas it is still possible to acquire the substances under Annex I;
- CM. whereas the most important problems regarding implementation include reaching all economic operators concerned due to their large number (retailers of household products) and enforcing the restrictions on internet sales, imports and intra-EU movements;
- CN. whereas on online marketplaces chemicals can be found by their written name, their formula, or their Chemical Abstracts Service (CAS) identification number, but in many cases are only listed by their written name; whereas there are so many variations to names that it would be easier to identify listings for specific substances if inclusion of a searchable CAS number were also required;
- CO. whereas the Regulation only covers sales to the general public, and not to professional users, who are not defined in the Regulation; whereas the criteria for defining who is a professional user differ across the internal market;

### **Illicit firearms trafficking**

- CP. whereas according to Europol's Te-Sat 2018 report, firearms were used in 41 % of all attacks, a slight increase compared to 2016 (38 %);
- CQ. whereas in recent years an increase in converted blank firing weapons and reactivated firearms has been observed;
- CR. whereas the crime-terror nexus also facilitates the access of terrorists to firearms;
- CS. whereas the Council conclusions of 8 October 2015 invite Member States to systematically supply relevant information to Interpol and Europol;

### **External dimension**

- CT. whereas the key regions in the EU's neighbourhood, and more specifically the Balkans and North Africa, are facing important challenges such as those relating to foreign fighters and returnees management, as well as to home-grown radical cells;
- CU. whereas the Balkans remain a key region for European stability; whereas the challenges related to terrorism and Islamist extremism compound a regional context already weakened by ethnic, political and social polarisation as well as criminal networks; whereas the countries of the region have not yet been, but may become, targets for terrorism, and are already used as transit countries for people and weapons;
- CV. whereas all North African countries have been confronted with major terrorist actions and remain prime targets; whereas these countries may suffer from the return of foreign fighters, considering the large number of jihadists from this region;
- CW. whereas regions which are not direct EU neighbours but are areas of interest, such as the

Sahel, the Horn of Africa, West Africa, the Middle East and Central Asia, have also experienced the development of terrorist networks; whereas in these regions religious radicalism benefiting from external financing is also a serious concern;

- CX. whereas the EU is cooperating with third countries in the area of counter-terrorism in a variety of ways; whereas a number of EU instruments can be used to finance CT programmes abroad; whereas the EU has deployed a network of CT experts within EU delegations; whereas EU agencies such as Europol are also cooperating with third countries in the area of counter-terrorism, through strategic and operational agreements for example;
- CY. whereas there is an EU sanction system in the area of CT with three types of measures, which is implemented by the EEAS; whereas this system is underused owing to procedural constraints and reluctance on the part of the Member States;

### **Victims of terrorism**

- CZ. whereas in the 20-year period 1998-2018, some 6 652 people were direct victims of terrorism across Europe, with 713 murdered and 5 939 injured; whereas prior to 2001 most victims of terrorism were mainly attributable to the IRA and ETA. while since then the vast majority were as a result of Islamist terrorism;
- DA. whereas deaths destroy families and leave a legacy of irrevocable sadness, and many of the injured survivors of terrorist attacks suffer disfiguring and life-changing loss of senses and limbs and their plight impacts heavily on close family, while too often once the media spotlight has passed, the long-term needs of the victims are neglected;
- DB. whereas victims of terrorism have a very specific status, and meeting their needs is not only a legal obligation under EU, international and national law but also a responsibility for the whole of our societies;
- DC. whereas there are still discrepancies in the way the provisions enshrined in Directive (EU) 2012/29 have been translated into procedures at national level; whereas the Commission has still not provided its report on the implementation of this directive;
- DD. whereas compensation for the victims of terrorism serves both as a form of recognition by society of the harm caused by the attack and as a means of financial support and restitution; whereas levels of compensation and procedures vary considerably among Member States;
- DE. whereas Parliament has put forward a pilot project to establish a ‘European Coordination Centre for victims of terrorism’ by bringing together key operational experts, victim advocates and relevant organisations from around Europe with a view to identifying key priorities and issues for victims of terrorism and delivering coordinated support across borders;

### **Fundamental rights**

- DF. whereas the Union is founded on the values of human dignity, freedom, equality and solidarity, respect for human rights and fundamental freedoms, as well as on the principles

of democracy and the rule of law; whereas acts of terrorism constitute the most serious violation of these universal values and principles;

DG. whereas the EU should do the utmost possible to guarantee the physical and psychological integrity of its citizens who are endangered by terrorists; whereas Article 6 of the Charter of Fundamental Rights enshrines both the right to liberty and the right to security, which complement each other;

DH. whereas the Charter of Fundamental Rights prohibits discrimination on the ground of disability and recognises the right of people with disabilities to benefit from measures to ensure their independence, social and occupational integration, and participation in the life of the community; whereas the rights of persons with disabilities in the EU are also protected by the UN Convention on the Rights of Persons with Disabilities;

## **Recommendations**

### **Institutional framework**

1. Reiterates that while Member States remain first in line to respond to and prevent threats, a clear need exists to fully recognise the Security Union's role in supporting them, providing common solutions and adding value;
2. Believes that, at this stage, the EU and the Member States should improve cooperation through existing European agencies and Member States' security and justice institutions;
3. Calls on the next President of the Commission to maintain a self-standing portfolio for the Commissioner for Security Union;
4. Urges the Commission to conduct impact assessments and citizen and expert stakeholder consultations of future counter-terrorism legislative proposals;

### **Terrorist threat**

5. Calls on the Commission to work with the Member States towards more transparency and a common understanding of threat levels; calls on the Member States to swiftly transmit information on the change of the threat level and the rationale behind it;
6. Calls on the Member States to monitor all foreign terrorist fighters; calls for an effective and appropriate follow-up of the threat posed by returnees, and for this purpose invites Member States to share contextual information about returnees via Europol; calls on the Commission to assist Member States in the establishment of aligned classification systems in order to distinguish between high, medium and low-risk returnees;
7. Recommends to the Member States that they start building appropriate structures to respond to child returnees, and in particular the development of expertise, including that of experienced professionals, in the areas of trauma, extremism, child development, education and risk assessment and tailored to the local and national context, as well as clear legal and organisational structures for dealing with this phenomenon;
8. Calls on the Member States to establish and maintain appropriate 'civil defence' measures for preparedness against CBRN attacks by recruiting qualified and regularly trained

personnel incorporating both full-time and voluntary staff, as well as appropriate technical infrastructure including specialised detection vehicles and the sharing of best practice; emphasises that these measures must be in line with a multidisciplinary strategy that contains methods of coordination, notification procedures, standard protocols, evacuation planning, public alarm systems and incident reporting; calls on the Commission and the Member States to gradually harmonise these strategies;

9. Urges, in order to facilitate accessibility, the updating and extension of the European Bomb Data System at Europol to the European analysis project - which serves as an information and coordination hub regarding all CBRN-related incidents throughout the EU – to be complemented by an adequately staffed multidisciplinary analysis team;
10. Notes that terrorists have been known to start off in petty crime; is concerned that certain Member States' justice systems have low conviction rates, with inadequate sentences being issued for serious crime and radicalised individuals being released prematurely or on parole; therefore encourages Member States to organise their justice systems such as to ensure effective intervention vis-à-vis habitual offenders and sufficient dissuasiveness for such offenders;

## **Preventing and countering radicalisation**

### *Structures for countering radicalisation*

11. Calls for the creation of an EU 'Centre of Excellence for Preventing Radicalisation (CoE PR)', to be embedded in the Commission with adequate financial and human resources; believes its tasks should include coordination, including of funding, and facilitation of cooperation among Member States, policymakers, practitioners (by involving former RAN and ESCN structures), experts and researchers in the area of preventing and countering radicalisation, exchange of best practices, lighthouse projects and training, also by partnering with key strategic third countries; considers that this centre should also establish methodologies to evaluate and measure the effectiveness of programmes and projects;
12. Notes that the European Court of Auditor's report of 2018 on deradicalisation found that the Commission does not maintain a complete overview of EU-funded measures, and that no indicators or targets for EU funds are used to measure to what extent the approach is successful; calls on the Commission to propose a new financial instrument in the forthcoming MFF for preventing and countering radicalisation, which would streamline resources currently fragmented across different funds and programmes and allow for better coordination and visibility as well as higher impact;
13. Urges the Member States to adopt comprehensive national and regional strategies for preventing and countering radicalisation, with adequate financial resources for communities and non-state actors at local level involved in the creation and implementation of programmes based on these strategies, and calls for a multi-agency approach; stresses that best results are achieved in partnership with local communities;
14. Calls for the creation of a European Simone Veil Resilience Prize, which would be awarded every year to the best social and cultural project at local level in the EU, promoting societal engagement, EU fundamental values, inclusiveness and democracy

with the aim of building resilient societies that are immune to polarisation and radicalisation;

#### *Radical Islam*

15. Urges the Member States to encourage and tolerate only ‘practices of Islam’ that are in full accordance with EU values; welcomes the initiatives by moderate Muslim religious communities throughout Europe to counter the dangerous narratives from within their communities
16. Calls on the Member States to conduct prior screenings of chaplains and to consistently blacklist any hate preachers; calls on the Commission to introduce an EU watch list so as to better exchange information on radical chaplains;
17. Calls on the Member States to increase the offer of higher education opportunities for chaplains in the EU, with accrediting theological education programmes integrating EU values; invites the Commission and the Member States to develop and fund a network of European religious scholars that can spread - and testify to - practices of Islam that are compliant with EU values;
18. Suggests the creation of a European Islamic Institute and Research Centre where scholars could conduct research on compatibilities between elements of practice of the Muslim religion and European values, and which could be called on to constitute a trusted advisory board for EU institutions and Member States;

#### *Acting against hate speech and extremist groups*

19. Calls on the Member States to implement the CT Directive under which incitement to commit a terrorist act is a criminal offence, in order to exclude hate preachers from public activity using all legal measures, including refusal of visas or expulsion from EU territory, and to start judicial proceedings against such preachers;
20. Urges the Member States to close without delay mosques and places of worship and ban associations that do not adhere to EU values and incite to terrorist offences, hatred, discrimination or violence;
21. Invites the Member States to examine how to ensure that places of worship, education, charities, cultural associations and similar entities provide details regarding the provenance of their funds and their distribution, both within and outside the EU, and how data concerning these entities, where there exists suspicion or reasonable grounds to suspect links with terrorist groups, could be recorded in a centralised database, set up with all the appropriate guarantees;
22. Asks the Member States to ban and remove all religious literature within their territory that incites to violent and terrorist acts; asks for such literature to be removed from online platforms and shops as part of the referrals by the Internet Referral Unit;
23. Calls on the Member States to act against satellite TV channels propagating hate speech in accordance with the Audiovisual Media Services Directive; requests the Commission to prepare an analysis of possible legislative changes in the Directive in order to improve

the effectiveness of blocking such channels broadcasting from third countries;

#### *Education*

24. Highlights that Member States have to ensure that all educational institutions provide education in accordance with the European Convention on Human Rights, through checks on curricula, regular inspections and sanctions for non-compliance;
25. Calls on the Member States to establish binding procedures for schools for tackling the challenge of radicalised pupils, and to offer training for teachers with regard to this; stresses the need for involvement of law enforcement and justice bodies in the process of addressing radicalisation;

#### *Internet*

26. Underlines the need to achieve automatic, fast and full removal of terrorist content; requests the Commission to present a legislative proposal obliging companies to remove terrorist content fully within one hour and to introduce clear reporting obligations on the incidence of terrorist content and removal rates, as well as sanctions for non-compliance;
27. Calls for the creation of an online European platform that citizens can use in order to flag terrorist and extremist content online;
28. Calls for involvement of social media and audiovisual companies, including public broadcasters, in developing and disseminating effective counter-narratives, also with the inclusion of victims;

#### *Prisons*

29. Calls on Member States to ensure safe and orderly prison conditions and to create specific procedures for radicalised inmates, in order to prevent radicalisation of others, as well as to ensure targeted monitoring and targeted disengagement measures, and to train prison staff accordingly;
30. Urges Member States to introduce a licensing system for chaplains accessing prisons, and calls on the Council, with support from the Commission, to draw up guidelines on this; calls on Member States to regularly evaluate and monitor the chaplains having access to prisons;

### **Cooperation and information exchange**

#### *Horizontal issues*

31. Urges Member States to implement, fully and on time, the existing legislation, and calls on the Commission to provide the necessary support; calls on the Commission to use its powers to initiate infringement proceedings when Member States fail to properly implement legislation;
32. Urges Member States to ensure that they have the necessary technical equipment (for example mobile devices allowing the police to check the biometrics of a person during on-the-spot checks), software, security systems and qualified staff to make full use of the

existing information systems and cooperation mechanisms;

33. Deplores the insufficient character of the security research being conducted, and calls for a specific programme on security research to be established in the next MFF; calls on the Member States to regularly organise foresight exercises looking into future threat scenarios; supports the continued funding by the Commission of the establishment of modernised databases and the provision of up-to-date technical equipment and training of staff, and calls for a more ambitious approach in this respect;
34. Urges Member States to adopt the approach of ‘information sharing by default’ when it comes to sharing CT-related information, thus exchanging such information as a rule, and refraining from such exchange only in specific cases where circumstances require that it be withheld;
35. Calls on the Member States to respect their obligations under the CT Directive to exchange relevant information in connection with terrorist offences as soon as possible with the competent authorities of other Member States, not only on request but also spontaneously;
36. Points out that existing opt-outs by some Member States from police and judicial cooperation measures for the prevention, detection, investigation and prosecution of terrorist offences could endanger the speed and efficiency of terrorism investigations and may have detrimental effects; calls on Member States to abstain from opt-outs in this crucial field;
37. Regrets the current existence of 28 different legal regimes for data retention, which is counter-productive for cooperation and information exchange; urges the Commission to put forward a legislative proposal on data retention, in line with the requirements stemming from the case-law of the Court of Justice of the European Union, while taking into account the needs of the competent authorities and the specificities of the CT field;

#### *Information systems*

38. Urges the Member States to systematically check all relevant databases and information systems and introduce all useful data in a timely manner;
39. Calls on the Member States to use to the extent possible all link categories and implement all search combinations provided in SIS, and to ensure appropriate staffing levels and sufficient technical support for the SIRENE Bureaus;
40. Urges the Member States to ensure that the relevant information available at local or regional level and in their databases is automatically uploaded where possible through smart technical solutions to national systems and, where appropriate, to relevant European databases whilst ensuring data quality standards;
41. Welcomes the deployment of a central automated fingerprint identification system (AFIS) within SIS to enable end users to search SIS on the basis of fingerprint data; calls for the roll-out of the system by 2019; urges all Member States to implement the AFIS functionality of SIS immediately; notes that despite the legal basis of SIS II permitting the storage of fingerprints, such biometrics have so far only been used to confirm the

identity of a person following a check on name or date of birth; believes that identification based solely on fingerprints would represent significant added value;

42. Calls on Member States to ensure access to VIS for law enforcement authorities involved in CT operations and for a simplified procedure for such access;
43. Calls on the Commission to propose legislation establishing one centralised ECRIS system, allowing for the exchange of criminal record information both for EU nationals and third-country nationals;
44. Calls for private planes, charter flights and travel agencies to be covered by the EU PNR Directive and for air carriers to be obliged to collect PNR data;
45. Calls on the Member States to interconnect their PIUs in order to facilitate the exchange of PNR, data and calls on the Commission to propose technological solutions to make the exchange of PNR data less time-consuming and demanding in terms of human resources by automating the processing of requests from one PIU to another; encourages, therefore, projects such as the ISF project led by the Netherlands to develop PIU.net based upon the established FIU.net; asks the Commission, together with Europol, to support the development of joint targeting rules and risk assessments to be applied by the Member States, in order to enable Europol to search national PNR data with central algorithms;
46. Calls on Member States to consider creating systems similar to PNR for other international modes of transport;
47. Calls on the Member States to make their PIUs multidisciplinary units, including personnel from customs, law enforcement and intelligence authorities, in order for the competent authorities to better share information;
48. Calls on Member States to strengthen the Prüm network by updating their national processing systems to adapt to modern information technology; urges the Commission to further develop a 'hub-and-spoke' model to link national systems more efficiently via a central router;

#### *Interoperability*

49. Welcomes the proposed regulations on interoperability, and calls for additional information systems, including decentralised European and national systems, to be included in the future; asks Member States to engage proactively in this process; is convinced that interoperability is vital for bringing all relevant and necessary information together, in particular identity data, while respecting access rights and purpose limitation;
50. Urges that the work for further evolution of the UMF standard be initiated immediately, with the close involvement of eu-LISA, in order to ensure that the standard meets the needs of future interoperable IT systems and can be a part of the coordinated work towards improving data quality in large-scale IT systems;
51. Calls for the delineation of harmonised minimum data quality standards for data input, to be established at EU level and applied across IT systems in order to ensure consistent quality of the data therein; urges eu-LISA to elaborate common indicators and checks and

to develop a central monitoring capacity for data quality for all systems under its competence; calls for the implementation of automated data quality control mechanisms as proposed by the Commission; further recommends that when eu-LISA notes irregularities in its quality reports to the Member States, the Member State concerned should be obliged to correct the data or justify the lack of correction;

52. Criticises the lack of appropriate funding and staffing for eu-LISA, considering its continuously increasing responsibilities; calls for eu-LISA to be reinforced with the additional capacity and resources needed to perform the new tasks efficiently, and for this to be reflected in the new MFF;

#### *Cooperation and exchange of information within and between the Member States*

53. Calls on the Member States that have not yet done so to create national counter-terrorism 'fusion centres'/coordination units, as well as coordinated databases, in order to centralise terrorism-related information and intelligence from all relevant national stakeholders;
54. Calls on the Member States to explore new approaches to intensifying cooperation and exchange of information between law enforcement and intelligence services at national level, e.g. through secure pseudonymised hit/no hit search solutions, which preserve the necessary separation between law enforcement and intelligence work and the required principles of information ownership and source protection;
55. Recommends that Member States provide guidance or a legal framework in national law as to when it is permissible to exchange information between services, and believes that aligning national standards on this issue is a precondition for an EU-wide solution to the issue of when such information can be used and shared;
56. Calls on the Member States to examine the possibility of better coordination and cooperation between intelligence and law enforcement services at EU level by increasingly sending intelligence experts in addition to law enforcement staff to the meetings of the Counter-Terrorism Joint Liaison Team (CTJLT) at Europol, which could serve as a blueprint for further cooperation between law enforcement and intelligence; calls on the Commission to support the CTJLT, including special funding;
57. Calls on Member States and European stakeholders to continue existing operational capabilities and enhance maximum effective cooperation in the fields of counter-terrorism and internal security;

#### *Cooperation and exchange of information with the EU agencies*

58. Calls for Europol to become a veritable hub for information exchange and cooperation in the field of counter-terrorism in the EU, if necessary with a stronger mandate;
59. Calls for appropriate funding and staffing for Europol, considering its continuously increasing responsibilities and vital role in strengthening European law enforcement cooperation;
60. Urges Member States to ensure full flexibility for contacts between Europol and the relevant authorities when it comes to terrorist offences, considering that in the field of CT

speed is often essential; encourages Member States to use ‘on-the-spot deployments’ of Europol specialists, as this increases trust and reduces administrative burdens;

61. Calls on Member States to establish the necessary secure national law enforcement communication infrastructure and to promote direct and decentralised connectivity of CT services to CT SIENA and EIS, as this would reinforce searches and cross-matches;
62. Urges the Commission and the Member States to provide enhanced financial and human resources, including data scientists and big data analysts, for the development of technical solutions to deal with the high volume of data to be analysed; calls for Europol to be tasked with further R&D projects, with a focus on standardisation and big data management for the benefit of Member States;
63. Calls on the Member States to make full use of technical solutions to improve sharing of information with Europol, in particular by automating the process of uploading data to the Europol information system for cross-checking purposes, for example by using the ‘data loaders’ developed by Europol;
64. Calls on Member States to ensure cooperation among all relevant stakeholders with a view to increasing the decryption abilities of the competent authorities; calls for the swift creation of a ‘Decryption Hub’ at Europol to develop decryption tools and expertise in order to better support Member States;
65. Calls for the creation of a comprehensive case-management system at Eurojust for all CT-related matters, comparable to ECTC at Europol;
66. Believes that operational agreements with third countries are indispensable in Europol’s work, and welcomes the fact that the Commission is currently negotiating operational agreements with eight countries from the Mediterranean and North Africa (MENA) region; requests the renegotiation of operational agreements with particular close partners, such as the EFTA countries, eventually granting them improved access to Europol’s information systems;
67. Calls on Eurojust to continue enlarging its network of contact points in third countries, and encourages the posting to Eurojust of more liaison prosecutors, for example from the Western Balkans;

#### *Mutual recognition and mutual legal assistance*

68. Expects Member States to further educate and train judicial staff on the European Investigation Order (EIO) in order to ensure its comprehensive application;
69. Calls for the use of JITs in case of terrorist attacks; believes that JITs increase the effectiveness of cooperation and the investigation of cross-border offences; further calls for the participation of Europol and Eurojust in these JITs, as this means better use of the resources and capabilities provided by the EU agencies; demands that improved and easily accessible funding is provided for such JITs;
70. Calls on Member States to make full use of the expertise and tools offered by Eurojust and the European Judicial Network (EJN), in particular in providing practical and legal

information and support when it comes to MLA requests and assistance with mutual recognition requests;

71. Calls on the Commission to examine the possibility of a legislative proposal that obliges service providers and communications platforms present on the EU market to cooperate when it comes to encrypted communications if there is a judicial decision to that effect;
72. Calls for the swift adoption of the Commission proposals for a regulation and directive aimed at improving cross-border access to electronic evidence; requests online service providers (OSPs) to provide single points of contact for law enforcement/judiciary requests;

### **External borders**

73. Urges the Member States to invest in up-to-standard ICT equipment at all border crossings to allow for proper checks using all relevant databases; asks the Commission to set a benchmark for technical standards of such ICT equipment, after consulting eu-LISA;
74. Stresses the need to introduce a biometric matching service so as to prevent people using multiple identities with the help of real passports issued by third countries using alternative names; stresses the need to feed the relevant databases by making use of biometric data, including through the further development of facial recognition technology;
75. Welcomes the Commission proposal to the effect that information on long-stay visas and residence permits, including biometrics, for third country nationals should be included in the Visa Information System;
76. Encourages the Commission to continue negotiations with third countries on return and readmission and to evaluate whether the Return Directive (Directive 2008/115/EC) provides an adequate legal framework for the return of irregular migrants who pose as asylum seekers but in fact have terrorist motives and are a clear risk to public security;
77. Encourages the Member States to use the revised visa waiver suspension mechanism, effectively notifying circumstances which might lead to a suspension of a third country's visa waiver, such as a substantial increase in the risk to public policy or internal security;
78. Calls on the Member States to make it compulsory for airport operators to conduct conformity checks when passengers board a plane in order to make sure that the identity stated on the ticket matches the ID card or passport in the passenger's possession;

### *European Border and Coast Guard Agency (EBCGA)*

79. Calls on the Member States to adopt minimum standards for the guards they contribute to the Rapid Reaction Pool of the EBCGA; calls on EBCGA to undertake more simulated joint exercises on present and future activities and challenges;
80. Calls on the co-legislators to consider providing EBCGA with a specific mandate for processing operational personal data suited to its operational role, including in the prevention and detection of cross-border crime and terrorism at the EU's external borders;

believes that such a mandate should allow for sufficient data retention periods and for the exchange of personal data with CSDP missions, Europol and Eurojust and, in specific circumstances and with the necessary safeguards, with third countries;

81. Notes that suspects whose personal data was previously processed by the EBCGA will disappear in the analytical system after 90 days and appear as unknown/new suspects; calls, therefore, for the extension of the retention period of personal data managed by the EBCGA related to suspects of cross-border crime and terrorism up to a period of 3 years, similarly to the retention period of Europol and Eurojust;
82. Considers it important for EBCGA to have access to all relevant databases and information systems, especially the SIS, but also the EES, the VIS, Eurodac and the Europol information system, not only for the work of the border management teams, but also for analytical purposes related to new phenomena at the external borders and to changes in border movements or modus operandi;
83. Calls on the co-legislators to make it compulsory for EBCGA to share urgent information with the Member States within 24 hours;
84. Calls on Member States to introduce the systematic and swift reporting to EBCGA of information coming from national investigations into incidents and illegal activities at border crossing points and irregular entry/exit movements, in order to create a comprehensive situational picture;
85. Calls on the Member States, Frontex and Europol to establish a European Targeting Centre within Frontex that constitutes a joint venture with the national authorities and Europol; believes this centre should assist with the advance identification of travellers who pose a threat to the security of the EU and should function as a 'round-the-clock' service for national border guards when there are doubts regarding certain individuals; recommends the use of sophisticated software to increase the effectiveness of targeting and cooperation with international partners in this area;

#### *Battlefield information*

86. Welcomes Europol's participation in the law enforcement cell of the US-led Operation Gallant Phoenix (OGP) in Jordan, whereby it processes information obtained from the battlefield and exchanges it through established channels and procedures with Member States' law enforcement authorities via the Europol National Units;
87. Encourages all relevant actors to enter battlefield information, systematically and without delay, in the relevant databases so as to enable the immediate identification of foreign terrorist fighters when they try to cross the external borders;

#### *Operation Sophia*

88. Calls for the mandate of EUNAVFOR MED Operation Sophia to be extended and its territorial scope enlarged with a view to better responding to changing migration patterns such as ghost landings from Tunisia, and for the fight against terrorism to be specifically included in its mandate;

89. Welcomes in this regard the creation of a crime information cell within EUNAVFOR MED Operation Sophia, composed of staff members from relevant law enforcement authorities of Member States, Frontex and Europol, in order to improve information sharing between them;
90. Calls on the Member States to reassess the possibility of a new UN Security Council resolution allowing Operation Sophia to take operational measures against vessels and related assets inside the coastal states' territory which are suspected of being used for human smuggling or trafficking, oil smuggling, violating the UN arms embargo or terrorism-related offences;

### **Terrorist financing**

91. Encourages Member States and third countries to implement the FATF recommendations, as well as the International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation adopted by the FATF in February 2012 (the so-called 'revised FATF Recommendations'), without delay;
92. Calls on those Member States which have not yet ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism to ratify and transpose it;
93. Calls on the Member States to step up the monitoring of organisations suspected of engaging in illicit trade, smuggling, counterfeiting and fraudulent practices via the establishment of JITs with Europol;
94. Is highly concerned at the scale of illicit tobacco markets in the EU, the proceeds of which can be used to finance terrorism; invites the Member States to consider ratifying and implementing the Protocol to Eliminate Illicit Trade in Tobacco Products to the WHO Framework Convention on Tobacco Control (WHO FCTC);
95. Calls on the Commission to bring in a traceability certificate for artworks and antiques entering the EU market, especially for items originating from conflict-affected and high-risk countries as listed by the Commission, as well as from organisations, groups or individuals included in the EU terror list;
96. Calls on the Member States to make it mandatory for companies involved in art dealing to declare all suspicious transactions, and to make the owners of companies dealing in art and antiques who become involved in the trafficking of such goods subject to effective, proportionate and dissuasive penalties;
97. Calls on the Commission to develop, together with Member States and international partners, ways of better monitoring financial flows and identifying users of electronic wallets and prepaid cards, crowdfunding platforms and online and mobile payment systems in relevant investigations;
98. Calls for the establishment of a European Union Terrorist Financing Tracking System (TFTS) for transactions by individuals with links to terrorism and its financing made within the Single Euro Payments Area, which would be complementary to the Terrorist Financing Tracking Program (TFTP) in the US;

99. Urges the further development and capabilities of FIU.net by Europol so that it can be used to its full potential and in order to facilitate the manual processing of bilateral requests;

### **Critical Infrastructure Protection (CIP)**

100. Calls on the Member States which have not yet done so to establish national CIP programmes addressing the issues identified by the Commission in its 2006 communication on a European Programme for Critical Infrastructure Protection;
101. Urges that the co-legislators set up a successor to ISF Police for the new MFF period, with at least similar levels of funding;
102. Calls for the role of the Critical Infrastructure Warning Information Network (CIWIN) to be strengthened;
103. Demands that the designation of European Critical Infrastructures (ECIs) with an impact on more than one Member State must follow a multilateral process involving all of the potentially affected Member States;
104. Calls on Member States to establish national multidisciplinary crisis response centres for coordination and emergency response in case of an attack or incident; calls for these centres to make use of the EU Integrated Political Crisis Response (IPCR) arrangements;
105. Asks the Commission to facilitate a mapping of national crisis response mechanisms;
106. Calls for Directive 2008/114 to be revised, in order to: provide similar rules and procedures for ‘operators of essential services’ as in the NIS Directive; ensure that designation of ECIs be done on the basis of an analysis of the systems supporting vital and cross-border services, rather than a sector-by-sector approach, taking due account of the importance of cybersecurity; allow the Commission to designate assets of pan-European services as ECIs; take due account of existing interdependencies; create an obligation to report incidents, conduct stress tests, provide appropriate training at the designated contact points and establish quality requirements as regards business continuity plans in the case of an incident or attack;
107. Recommends that the private sector be involved when devising programmes for the protection of critical infrastructure and soft targets, and highlights the need to develop public-private dialogues to this effect;
108. Underlines the need to put in place effective response strategies including clear lines of communication in the case of an attack, in order to reduce casualty rates and minimise the impact on the public; urges the Member States to step up their engagement with the mechanisms that have already been put in place on European level;
109. Calls for the establishment of a mechanism for sharing information at EU level on the state of preparedness and the capacity of Member States to deal with different types of disasters;
110. Believes that a system must be set up for car rental agencies to check the identity of clients

against police databases, showing only a red or green flag;

111. Welcomes the cross-border exercise to improve the protection of soft targets against terrorist attacks, involving Belgium and the Netherlands, which took place in June 2017; notes that the exercise was funded by the Commission and aimed at measuring preparedness and crisis management functions in a situation where two attacks take place simultaneously in different countries;

### **Explosives precursors**

112. Observes that regulated explosives precursor substances and mixtures continue to be accessed by terrorists; welcomes, therefore, the proposal of April 2018 for a regulation on the marketing and use of explosives precursors;
113. Calls for economic operators to be registered in order to be allowed to legally manufacture, distribute or sell substances listed in the Annexes, or involving mixtures or substances containing them; calls on Member States to set up inspection systems to identify non-compliance with the regulation by economic operators;
114. Calls on customs authorities, in cooperation with law enforcement authorities and on the basis of information from Europol and other data analysis systems, to improve the targeting of illicit online purchases of explosives precursors through screening on the basis of cargo information submitted by traders prior to arrival or departure of goods in or from the EU, also making use of the customs risk management system (CRMS);
115. Calls on e-marketplaces to restrict purchases of certain substances to professional users and to consider adding more detail to their restricted product policies by determining permitted levels of quantity and purity;
116. Calls for standardised naming conventions that would allow economic operators and e-marketplaces to more easily track prohibited chemicals being posted on their sites; calls on e-marketplaces to screen postings against keyword lists, which would prevent listings where the item is prohibited;
117. Calls on the Commission to consider establishing common criteria for licences by harmonising conditions for granting and refusing requests and facilitating mutual recognition between Member States;
118. Welcomes the proposed moving of sulphuric acid into Annex I to the Regulation, given its use in a variety of explosives, as well as the lowering of the concentration level of nitromethane, given the evidence existing that it can be used as a bomb-making ingredient at concentration levels lower than those in place under the current restrictions;

### **Illicit firearms trafficking**

119. Highlights the importance of upgrading the regulatory framework on firearms, in order to avoid illicit firearms being trafficked from both within and outside the EU; calls for the loopholes in the existing firearms legislation to be closed, for example by taking measures to stop the circulation of easy-to-convert blank-firing guns, Flobert guns and alarm pistols;

120. Calls on the Member States to adopt firearms and ammunition surrender programmes tailored to the specific context of the illicit firearms markets; calls for the effective penalisation of illicit firearms possession and trafficking;
121. Believes the Member States should adopt an ‘investigate the gun’ approach, using specialised law enforcement cells and designed to pinpoint the actors and networks involved in this type of trafficking;

### **External dimension**

122. Calls for the intensification of EU cooperation with neighbouring countries in the area of CT; considers that the EU must maintain a global approach to CT, with a specific focus on cooperation with key third countries on the basis of clearly defined priorities;
123. Considers that CT is a field which requires concrete expertise, including on related aspects such as rights of victims; calls, therefore, for the deepening of professionalisation of the EU network in this area, in particular by granting CT operative personnel coming from Member States a better and longer integration into the EU structure, beyond a single assignment within an EU delegation; considers that posting within the EU institutions would maximise expertise and use of competences in the field of CT;
124. Calls for the simplification of the EU restrictive measures system in order to make it an effective tool in the area of CT;
125. Calls on the Commission to strengthen support to third countries, especially neighbouring countries, in their efforts to tackle crime and trafficking as a source of terrorist financing;

### **Victims of terrorism**

126. Calls on the Commission to establish an EU Coordination Centre for victims of terrorism (CCVT), which should provide timely and adequate crisis support in cases of mass attacks in one or several Member States; considers that the role of the CCVT would be to ensure the provision of expertise at EU level by promoting exchange of knowledge and best practices;
127. Calls on the Commission to establish a single on-line platform in all EU languages for the rights of and support to victims of terrorism, which would be managed by the CCVT, with a single point of contact at each national level including a helpline;
128. Calls on the Commission to put forward a legislative proposal on the victims of terrorism, including a clear definition of their specific status and rights, and a standardised form to claim compensation; considers that there should be a simplified procedure at national level for granting automatic compensation to victims of terrorism directly after an attack and for sanctioning fraudsters, and that the question of further compensation should be reviewed at regular intervals on the basis of an assessment of the victim’s situation;
129. Calls on the Member States to establish Crisis Intervention Centres – to be linked to the proposed multidisciplinary crisis response centres for coordination and emergency response – that guarantee the implementation of national and local protocols relating to the prioritised swift identification of victims and their management and referral to the

competent services;

130. Stresses that notification to victim's families should be delivered by specifically trained professionals in a dignified, humane and appropriate way, ensuring that the media do not reveal their identities without their prior consent, and that priority should be given to handling minors;
131. Calls on the Member States to put in place appropriate consular protocols in relation to their nationals who are the victims of a terrorist attack in another Member State or third country;
132. Calls on the Member States to ensure that the assistance provided to victims of terrorism also encompasses measures such as first aid, psychological support, cash advances to help cover immediate expenses, certified childcare and home support, tax relief schemes and help with transport;
133. Calls on the Member States, with the support of the Commission, to ensure that professionals of all relevant national services are adequately trained on the specific needs of victims of terrorism, and especially first responders;
134. Calls on the Commission to amend the European Solidarity Fund to include compensation of victims in the event of large-scale terror attacks, in order to support Member States when needed and in cross-border cases;
135. Calls on the Member States to ensure that all victims of terrorism are entitled to be a party in judicial proceedings relating to a terrorist attack concerning them and to take into account the specific situation of cross-border victims;

### **Fundamental rights**

136. Calls for the Member States and the EU institutions, when adopting and applying CT measures, to find the right balance between the different fundamental rights involved; considers in this respect that, while privacy is a fundamental right, the first priority should lie in protecting people's fundamental rights to life and security;
137. Calls for legislation in the field of terrorism and national, regional and local response strategies for protection, resilience and response in case of an attack to take into account the specific needs and circumstances of vulnerable/disabled people; further calls for the involvement of persons with disabilities and their representative organisations in the decision-making that affects them;
138. Calls on the Commission and the Fundamental Rights Agency to examine the challenges that exist in this field and to identify best practices within the Member States which take into account the specific circumstances of people with disabilities; calls on the Commission to encourage the exchange of best practices and to develop guidance in this respect;
139. Calls on the Member States to ensure that the necessary data protection safeguards are in place, including appropriate technical and organisational measures to protect the security and confidentiality of personal data; urges the Member States to provide clear rules as to

who can access which data in the systems, to maintain records of consultation and disclosure, and to provide for rights of access, rectification, erasure and restriction, as well as rights to compensation and judicial redress;

\* \*

\*

140. Instructs its President to forward this resolution to the Council and the Commission.

## **EXPLANATORY STATEMENT**

### **Background**

During the recent years, the EU faced an unprecedented wave of terrorist attacks on its soil, which have catapulted the issue of security to the forefront of citizens' concerns and have highlighted the problems with cooperation and sharing of information in this field. In fact, in a June 2017 Eurobarometer survey regarding citizens' overall awareness, experiences and perceptions of security, 92% of respondents agreed that national authorities should share information with the authorities of the other EU Member States to better fight crime and terrorism.

In the wake of these attacks, Member States and the EU have struggled to respond to the concerns of the citizens and to the challenges posed by the terrorist threat. New legislation was proposed, existing legislation was or is in the process of being revised and a debate was launched both in the EU and in the Member States as to how to best respond to the terrorist threat.

To react to these developments and in order to be able to provide its contribution, the European Parliament set up a special committee on terrorism (TERR) on 6 July 2017. The Committee was constituted on 14 September 2017. Its main goal is to address the practical and legislative deficiencies in the fight against terrorism, with a particular focus on cooperation and exchange of information.

### **Horizontal issues**

One of the main issues identified and highlighted repeatedly by experts and practitioners is the need to implement fully the existing legislation in this field. Member States must not only provide the legislative framework, but also the necessary technical equipment as well as sufficient and well-trained staff to ensure the practical application of the existing measures.

The necessity of an appropriate data retention regime was also consistently raised during the work of the Committee. The rapporteurs believe it is necessary to provide for an EU regime on data retention, in line with the requirements stemming from the case-law of the Court of Justice, while taking into account the needs of the competent authorities and the specificities of the counter-terrorism (CT) field.

The rapporteurs regret that the existing opt-outs by some Member States from police and judicial cooperation measures for the prevention, detection, investigation and prosecution of terrorist offences could endanger the speed and efficiency of terrorism investigations and may have detrimental effects and call on Member States to abstain from opt-outs in this crucial field.

### **Preventing and Countering Radicalisation**

Radicalisation as a source of home-grown terrorist attacks poses a big threat to the European Union. The main contributing factors to radicalisation are radical content on social media, personal contact with radicalised people and the ecosystem of radicalisation, including hate preachers and radical content in books, online or in audiovisual media. Another hotbed of radicalisation are prisons.

While the European Union has already launched several initiatives to tackle radicalisation, such as the Radicalisation Awareness Network and the EU Internet Forum, a more concerted and focused approach is needed to deal with this threat. Therefore, the rapporteurs propose the creation of a new EU Centre of Excellence for Preventing Radicalisation, which should coordinate and facilitate cooperation among Member States, policy makers, practitioners, experts and researchers in the area of preventing radicalisation and contribute to a targeted use of EU funds in this field. The role of civil society organisations and NGOs, which are indispensable for carrying out the preventing and countering radicalisation projects at local level, must also be highlighted. The necessary legal and financial pre-conditions for their work must be developed by the Member States.

In order to tackle the spreading of radical content online, the rapporteurs consider that the limit of voluntary action of companies has been reached and call on the Commission to present a legislative proposal obliging the companies to remove the terrorist content fully within one hour and to introduce clear reporting obligations for the companies on the incidence of the terrorist content and the removal rates, as well as sanctions for non-compliance.

### **Cooperation and information exchange**

Cooperation and information sharing are indispensable to the fight against terrorism. The speed with which some of the recent attacks have been planned and executed requires that exchange of information and intelligence be rapid in order to be effective and to help prevent attacks. The cross-border nature of terrorism requires a strong coordinated response and cooperation within and between the Member States, as well as with and among the competent Union agencies and bodies.

The rapporteurs believe that there needs to be a shift to a new approach in information sharing. CT-related information must be shared by default and it should only be possible not to exchange in specific cases where the circumstances require that the information be withheld. Furthermore, technical solutions need to be implemented allowing for an automated loading of information from the regional to the national/federal systems and to the European systems. Cooperation and exchange of information between the different services, in particular between law enforcement and intelligence services, must be strengthened.

The rapporteurs calls for Europol to become a true hub for information exchange and cooperation in the field of counter terrorism in the EU, if necessary with a stronger mandate. For this to happen, however, Member States must ensure the utmost flexibility for contacts between Europol and the relevant authorities in the Member States when it comes to terrorist offences. In addition, JITs must be used consistently in case of terrorist attacks, considering the predominantly cross-border character of these attacks. Europol and Eurojust should participate in these JITs as a matter of principle.

As for interoperability of centralised systems, the rapporteurs believe this a welcome step, but that it is also only a first step in creating a comprehensive framework of interoperable information systems. In the future additional systems, including national and decentralised systems, need to be covered.

### **External borders**

A Schengen area without internal borders is only sustainable if the external borders are

effectively secured and protected. Some of the recent terrorist attacks have demonstrated major failures in European border-control policy since at least eight of these attacks' operatives entered Greece via irregular flows in July, August and October 2015. Although major progress has been done in this area and new measures were introduced, such as obligatory checks of SIS and Interpol databases at border crossing points, still more needs to be done in the area of integrated border management.

What is especially important is the creation of material conditions at the borders for the implementation of the new legislation, the introduction of biometric checks, interoperability of the databases and the use of all available data, such as PNR or battlefield evidence, in order to identify potential terrorists before they enter the territory of the EU. The role of Frontex in the integrated border management also has to be highlighted.

The rapporteurs recognise that EUNAVFOR Med Operation Sophia is currently the main security provider in the Mediterranean and it has at its disposal the necessary resources and capabilities to contribute also to the fight against terrorism. Therefore, they call for the mandate of operation Sophia to be amended accordingly and its territorial scope to be enlarged to cover also the new migration flows from Tunisia. A new UN Security Council resolution could be considered allowing Sophia access to coastal states' territorial waters in order to perform checks on suspicious vessels.

### **Terrorist financing (TF)**

TF should be comprehensive and not just focus on financial flows but also on the financing of radicalisation, TF measures must address both large-scale funding of terrorists organisations and attacks that may require little money. Hence, it is paramount that TF exploits to the full financial intelligence in order to foster prevention.

The Member States and the Commission are requested to establish a European Union Terrorist Financing Tracking System (TFTS) for transactions of individuals with links to terrorism and its financing made within the Single Euro Payments Area, complementary to the Terrorist Financing Tracking Program (TFTP) with the US.

### **Protection of critical infrastructure**

The rapporteurs call for Directive 2008/114 to be revised, to ensure that designation of European critical infrastructures (ECIs) is based on an analysis of the systems supporting vital and cross-border services, rather than a sector-by-sector approach. The new Directive should introduce an obligation to report incidents related to critical infrastructure, a framework for conducting stress tests, appropriate training of the designated contact points and quality requirements as regards the business continuity plans in the case of an incident or attack. The Commission must be able to designate assets of pan-European services such as Galileo or Eurocontrol as ECIs.

The rapporteurs also call on the Member States to put in place effective response strategies and to establish national multidisciplinary crisis response centres for the coordination and emergency response in case of an attack or incident.

### **Explosives precursors**

In 2015 and 2016, explosives were used in 40% of the committed terrorist attacks in the EU, despite Regulation 98/2013 banning seven substances from being made available to the general public over the limit value and requiring suspicious transactions on eleven products to be reported. This is because perpetrators and potential terrorists still manage to buy the precursors online and because the current regulation allows different systems to be applied by Member States.

The rapporteurs therefore welcome that the Commission has proposed a new regulation, abolishing the registration system for prohibited substances and defining more clearly who is to be considered as the general public and as professional user. The rapporteurs call for stricter monitoring of online purchases and for refining the current customs common risk criteria to improve the targeting of illicit online purchases of explosive precursors.

### **Illicit firearms trafficking**

Firearms were used in 41% of all attacks, a slight increase compared to 2016 (38%). The threat of firearms being used in terrorist attacks remains, also due to an increase in converted blank firing weapons and reactivated firearms available on the illicit weapons market. The rapporteurs call therefore for closing the loopholes in EU and national firearms legislation, for example, by taking measures to stop the circulation of easy-to-convert blank-firing guns and Flobert guns and alarm pistols.

### **Victims of terrorism**

Member States are urged to transpose the provisions set out in Directives (EU) 2017/541 and 2012/29.

The Commission is requested to put forward a legislative proposal on victims of terrorism with a clear definition of their status and rights, including eligibility criteria and levels of compensation. It should also establish an EU Coordination centre for victims of terrorism (CCVT) so that it can provide timely and adequate crisis support in case of an attack in one or several Member States.

### **Fundamental rights**

Respect for fundamental rights is an essential element in successful counter-terrorism policies and the correct balance needs to be found between the different fundamental rights involved to ensure the effectiveness of CT measures. In this respect, the rapporteurs underline that, while privacy is a fundamental right, the first priority should lie in protecting people's fundamental rights to life and security. In addition, the specific needs and circumstances of vulnerable/disabled people need to be taken into account.