



Council of the
European Union

Brussels, 23 November 2015
(OR. en)

14244/15

LIMITE

COSI 148
ENFOPOL 355

NOTE

From: Europol

To: Standing Committee on Operational Cooperation on Internal Security

Subject: Enhancing counter terrorism capabilities at EU level: European Counter Terrorism Centre (ECTC) at Europol and counter terrorism related information sharing

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (14.12.2015)

Delegations will find enclosed a Europol report on "enhancing counter terrorism capabilities at EU level: European Counter Terrorism Centre (ECTC) at Europol and counter terrorism related information sharing".

**Enhancing counter terrorism capabilities at EU level:
European Counter Terrorism Centre (ECTC) at Europol and
counter terrorism related information sharing**

Update

1. Aim

This report aims at providing a response to the conclusions from the Justice and Home Affairs (JHA) Council of 8/9 October 2015, requesting Europol to report to Standing Committee on Operational Cooperation on Internal Security (COSI) in November 2015 and the JHA Council in December 2015, about the progress concerning counter terrorism related information exchange, and in particular Focal Point (FP) Travellers, as well as the development of the European Counter Terrorism Centre (ECTC) at Europol.

A specific section has been included in the report to reflect the developments regarding the support activities in relation to the investigations following the terror attacks in Paris.

2. Political and security policy related background

- The JHA Council of 12 March 2015¹ identified four immediate counter terrorism related priority areas, namely the:
 1. Increase of information sharing and operational coordination;
 2. A reinforced application of the Schengen framework including border controls;
 3. An enhanced fight against illicit trafficking of firearms.
 4. A European response to establish internet referral capabilities with a view to preventing radicalization and related propaganda activities;
- The JHA Council of 15/16 June 2015 reviewed, on the basis of a report from the Presidency and the EU Counter Terrorism Coordinator (EU CTC)², the progress achieved and exchanged ideas on taking the agreed priorities forward.
- The JHA Council of 15/16 June 2015 also adopted conclusions on the renewed European Union Internal Security Strategy (EU ISS) 2015-2020³.
- The European Commission's European Agenda on Security (EAS)⁴ highlighted that "tackling and preventing terrorism, radicalisation to terrorism and recruitment as well as financing related to terrorism" constitutes a key priority for the EU's internal security interests in the coming years⁵.

¹ 6891/15
² 9422/1/15 REV 1, 9418/1/15 REV 1
³ 9798/15
⁴ 8293/15
⁵ 8293/15

The JHA Council requested COSI to develop an implementation plan for the EU ISS 2015-2020 by December 2015.

- The outline of the implementation plan⁶, prepared by the Presidency for the COSI-CATS⁷ meeting at the end of July 2015, ascribes COSI the task to “monitor the establishment of the European Counter Terrorism Centre and the Internet Referral Unit within the ECTC at Europol”.
- The JHA Council meeting of 8/9 October 2015 agreed to the actions set out in the note from the Presidency/EU Counter Terrorism Coordinator (EU CTC)⁸:

“Member States are encouraged to increase contributions to Focal Point Travellers to the maximum possible extent. Europol is asked to report to COSI in November and at the December Council about progress related to information exchange, in particular Focal Point Travellers. Europol is invited to report to COSI in November and the Council in December about the establishment of the European Counter Terrorism Centre (ECTC).”

- On 13 November 2015, Paris was hit by an unprecedented wave of terror attacks. The Presidency called for an extraordinary COSI meeting on 16 November 2015 to discuss the strategic response to the terror attacks. A note⁹ from the Presidency/EU CTC was circulated for that purpose.

⁶ 10854/15

⁷ The Council’s Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS)

⁸ 12551/15 + COR 1

⁹ 14122/15

3. Further development of the ECTC and information sharing

3.1. Overall aspects: Rationale of the ECTC

The significant number of EU citizens engaged as suspected ‘foreign terrorist fighters’ in Syria and Iraq, the terrorist attacks in the EU and worldwide, and most recently on 13 November 2015 in Paris, underline the scale and complexity of the current terrorist threat in Europe. There is also a massive increase in the use of social media for radicalisation purposes, through terrorist and violent extremist propaganda, as well as a new dimension of cyber terrorist attack scenarios.

Against this background, an effective response requires enhanced cross-border cooperation between relevant counter-terrorist authorities, supported by a pro-active EU central information hub at Europol. This implies a more complex burden of responsibility for the organisation, alongside the need for optimum resource efficiency. Accordingly, Europol identified the need to refine Europol’s internal organisational design, in the form of a European Counter Terrorism Centre (ECTC) at Europol, to take up activities by 1 January 2016.

The ECTC operates within Europol’s existing (regulatory) framework and organisational structure, as well as already available resources (i.e. Europol’s business area for counter terrorism), to provide benefits and operational added value to the activities of MS’ competent authorities, in line with the political counter terrorism priority setting, reaffirmed by the EU ISS 2015-2020 which was concluded by the JHA Council of 15/16 June 2015. The profile of the ECTC, as consulted with the Europol Management Board (MB), is enclosed (Annex).

The foundation of the work of the ECTC is to engender trust and raise awareness among national counter terrorism authorities about existing cooperation instruments at EU level, in order to increase the visibility of Europol’s related services and tools, thus maximising operational, technical and overall information exchange capabilities in the area of counter terrorism.

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4. Key strategic issues

Based on the information presented in this report, Europol has identified the following key strategic issues which are brought to the attention of COSI:

- Good progress concerning, in particular, the sharing of information and intelligence through the EIS, FP Firearms, FP Travellers, TFTP and the EU IRU can be noted. From Europol's perspective, this positive development is due to the continued support by all relevant actors. The cooperation between the French authorities and Europol in the current investigations is excellent.
- The further development of the ECTC and the work of the IRU require the active engagement from MS. Europol's experience is that the expectations generated by EU counter terrorism policy have not been generally met to date, with the potentials for the full and proper use of Europol's information management capabilities not realised in the area of counter terrorism across all EU MS (contrary to significant achievements in the area of serious organised crime, supported by the EU Policy Cycle and the related tools). Europol therefore holds the view that the quantity and quality ratio between information available to counter terrorist authorities and that which is shared with or through Europol, needs to be further aligned to make full use of Europol's ECTC services, especially in relation to operational analysis and an enhanced information picture for all involved counter terrorism actors. Europol continues to involve counter-terrorism experts to ensure pro-active communication, awareness and trust-building. To enforce the exchange of information and expertise, Europol is engaging counter-terrorism experts from all relevant MS and third parties to join forces at Europol's headquarters, as a response to counteract the increasing terrorist threat.

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- In order to enhance action to respond to terrorist financing activities, beyond the scope of the EU-US TFTP Agreement, there is a strategic business need to exploit cooperation mechanisms which can support the related cross-European response required.
- In terms of resources, the secondment of experts from MS to Europol to the ECTC should be reinforced. In addition, the EU IRU as part of the ECTC needs to be provided with adequate resources from the EU budget.
- Europol's future legal framework (the Europol Regulation) should be analysed to ensure that the needs arising from the counter terrorism policy response (post the 13 November 2015 Paris attacks) is adequately reflected. This concerns, in particular, the exchange of personal data with the private sector and a firm legal basis in relation to the EU IRU tasks.

5. Way forward

COSI is invited to discuss this report, with a view to providing additional guidance on the strategic issues and promoting the positive developments further.

Envisaged ECTC at Europol: Overview of combined platforms and services

1. Information/intelligence and support capabilities in respect of terrorism

- **Secure Information Exchange Network Application (SIENA)** – As a **central tool to enable connectivity**, SIENA is used to manage the exchange of operational and strategic crime-related information amongst Member States (MS), Europol and third party cooperation partners.
- **Analysis Work File (AWF) Terrorism** is a distinct and self-contained component of the Europol Analysis System (EAS), with individual Focal Points (FPs) to reflect current priorities in the fight against terrorism¹⁰ thus improving operational analysis, cross-matching, case and phenomena analysis and coordinated responses incorporating input from:
 - **FP Travellers** (foreign terrorist fighters travelling to and from conflict zones);
 - **Terrorism Financing Tracking Program – TFTP** (targeted searches on data provided by MS's);
 - **Check the Web** (analysis of terrorist propaganda material available on the internet including threat analysis);
 - **EU Internet Referral Unit – EU IRU** (identification and removal of extremist internet material – on-going establishment).

¹⁰ Europol's AWF Terrorism also contains the following 3 additional FPs: Hydra (Islamic terrorism beyond the phenomenon of so called travelling foreign fighters), Piracy (East of Africa and Gulf of Aden maritime piracy), Dolphin (all other terrorist activities, i.e. right-wing terrorism)

- The **Europol Information System (EIS)** is Europol’s central criminal information and intelligence database covering all of Europol’s mandated crime areas. It contains serious international crime-related information on suspects, convicts and ‘potential future criminals’¹¹, criminal structures, and offences and means used to commit them. It is a reference system which provides **Europol and MS** with a rapid means to verify whether information on a **certain person or another object of interest is available beyond national or organisational jurisdictions**.

All new data inserted in the EIS is automatically compared with all information already stored in the EIS and in the AWFs (e.g. names, telephone numbers, emails, DNA, firearms, open source intelligence etc.) The purpose is to look for matches with a view to enhancing intelligence and providing new leads for further investigations. A distinctive feature of EIS is that it is directly accessible in all MS on the level of the ENU. This access can be further widened to include national counter terrorism units.

- Implementation of a **three-tier information and intelligence sharing approach** which aims at maximising synergies concerning relevant data processed in the Schengen Information System (SIS), the EIS and in FP Travellers.
- Integration of the **network of Financial Intelligence Units (FIU.NET)** into **Europol**, in order to complement the fight against the financing of terrorism beyond TFTP (on-going)
- Sharing of relevant **Passenger Name Record (PNR) data** with Europol to complement the analysis of travel routes and common risk indicators for border controls, as well as to enrich all counter terrorism FPs.

¹¹ Article 12 of Europol Council Decision (ECD)

2. Provision of counter terrorism expertise within a secure environment supported by strong logistical arrangements

- **Senior counter terrorism investigators and analytical staff with language expertise** relevant for counter terrorism (security cleared, with background in all relevant competent authorities across the EU, including the intelligence service community)
- **Utilising established CT networks and services at EU level: Europol National Contact Points for counter terrorism** (informal information exchange, meeting facilities at Europol etc.) and **Working Group Dumas**: Based on the initiative of the former Presidency in October 2014: EU wide approach to address foreign terrorist fighter phenomenon
- **EU Bomb Data System (EBDS)**: Application for the timely sharing of relevant information and intelligence on incidents involving explosives, incendiary and explosive devices, as well as chemical, biological, radiological and nuclear (**CBRN**) materials
- **European Explosive Ordinance Disposal Network (EEODN)**: Information sharing and capacity building including training
- **Option of Europol and MS coordinating high impact operations** aimed at terrorist logistics, e.g. travel or financing.

3. Robust security and confidentiality framework

- **Guarantee of data ownership for counter terrorism authorities** (legal provisions and operating arrangements, e.g. handling codes)
- **Information and intelligence sharing in a controlled environment**, based on the requirements of the data originator.

4. Direct and immediate on-the-spot support

- **Mobile office:** Deployment of staff with full access to Europol's databases
- **First Response Network (FRN)** at Europol: In case of a major terrorist incident (or threat), the FRN can be established at Europol to provide the best possible support to the competent authorities in charge of the investigation

5. 24/7 capabilities to connect terrorism with organised crime activities – Horizontal information and intelligence sharing and data matching

6. Liaison Bureaux Network at Europol (close to 200 liaison officers seconded to Europol by EU MS and Europol's non-EU partners)