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NOTE

from: EU Counter-Terrorism Coordinator (CTC)
to: Council/European Council

Subject: EU Action Plan on combating terrorism

The European Council requested regular reporting on ongoing activities in the field of combating terrorism in the EU by Member States and supporting EU institutions and the implementation of the EU Action Plan on combating terrorism. This is the update of the last report, issued in the end of 2009.

Part I gives an overview of latest results of the implementation whereas part II is a list of measures to be taken and ongoing activities.

The threat from terrorism in the European Union remains high¹. Radicalisation is taking place not only over the internet but also through direct recruitment. The TE-SAT - and recent reports of imminent threats towards certain Member States also confirm that a significant number of radicalised people travel from the EU to conflict areas or are attending terrorist training camps and then returning to Europe. They pose a clear threat to internal security.

The Member States and the European Union and its institutions have continued their joint efforts in fighting terrorism. They have further improved their coordination, the mechanisms, and their means to combat terrorism threatening the European Union and its world-wide interests, to protect citizens and to safeguard our society and our values by implementing the measures under the four main pillars of the European Union Counter-Terrorism Strategy: prevention (1.), protect (2.), pursue (3.) and respond (4.). They have also increased their international cooperation in the fight against terrorism (5.).

The new Commissioner for Home Affairs has taken the opportunity of her appointment to take stock of the EU's past achievements in Counter Terrorism and published a communication on the main EU achievements and future challenges in the field of Counter Terrorism. This provides an excellent overview of measures taken and the way ahead.² In its Communication the Commission gave a unique overview to the European Parliament, to Council and to the public of measures and actions taken in the past 9/11 period, which provides a base line to assess further action.

The current report will not repeat the findings of the stock taking but will update the reporting on the implementation of the EU CT Strategy in the last 12 months.

The Lisbon Treaty offers new possibilities for the European Union collectively - the Member States and the European Institutions - also in the field of counter terrorism. Many steps to implement the treaty have yet to be taken. All players have to adjust and to adapt to the new situation. Especially in the field of external relations, the creation of European External Action Service offers new opportunities to coordinate better between traditional external policy instruments and internal instruments. The CTC will continue his contribution to this cohesion of internal and external aspects.

¹ see also Europol TE-SAT 2009 (EU Terrorism Situation and Trend Report).

² COM(2010) 386.

1. PREVENT

The prevent strand of the EU Counter Terrorism Strategy remains a central element of the EU common CT policy. With the Stockholm Programme³ the Council stressed again, that activities should be reinforced in the coming five years including all elements of prevention. The EU Action Plan on preventing radicalisation and recruitment and its an implementation Plan⁴ remains the central document of this activities. This is by far the most challenging strand of the Strategy, but also a very important one. There is a strong third country dimension to it, and in the last six months great progress has been achieved in concrete cooperation with EU partners outside of the Union. Such is the case of the United States, with whom the EU is currently engaged in a rich cooperation on Prevent, which includes the development of promising approaches to preventing radicalization and recruitment.

Work streams

The UK initiated work stream on media and strategic communication has identified seven action points, which UK and other Member States are now focusing on. Also at the EU-level there are important challenges to be dealt with, notably in terms of our pro-active communication with people in third states having Muslim majorities as well as with Muslim communities within the EU. The Spanish-led work on imam-training is now being refined into a university-level academic curriculum. Aspiring pastors, rabbis and imams will study together in the first years, with course work on constitutional values and Spanish language

Denmark is in the lead on disengagement and de-radicalisation, particularly among young people. In 2009, the Danish Ministry of Refugee, Immigration and Integration Affairs was granted EU support for a 3-year pilot project on deradicalisation. The aim of the project is to develop tools that can help give individual young persons long-term support and advice needed to break with (and stay out of) extremism. The project is part of the implementation of initiative 1 in the Government's action plan "A common and safe future".

³ OJ C 115, 4.5.2010, p. 24.

⁴ approved by Council in June 2009, 9915/09 + ADD 1 (RESTREINT UE).

One part of the project aims to develop a concept for preventive talks targeted at young people who are already part of extremist groups. This part of the project is being developed and implemented by the Danish security service.

Another part of the project aims to develop a concept for mentoring schemes aimed at young people who socialize with extremists, express extremist views and/or exhibit discriminatory behavior towards other groups in their immediate environment. This part of the project is being coordinated by the Ministry of Integration and implemented in co-operation with the municipalities of Copenhagen and Aarhus, East Jutland Police District and the Danish Security and Intelligence Service.

The preparatory phase (first phase) for this part of the project lasted from October until December 2009. During this first phase, the partners agreed on common ground in terms of the more detailed strategy of the project. The second phase of the pilot consists of the development of tools, the selection of mentors and competency development for municipal employees. This second phase runs January-December 2010. The third phase of the pilot consists of the individual mentoring interventions and a piece of action research focusing on the tools and methodologies to “reach”, “engage”, and “motivate” individual young persons within the target group. In addition to this another piece of research is being initiated to document selected cases regarding individual interventions and preventive measures in relation to radicalization and extremism.

Further emphasis has been put on increasing the capacity of public authorities as well as the civil society in the prevention of terrorism. The project COPPRA on community policing preventing radicalisation and terrorism, led by Belgium, was initiated in the autumn of 2009 and was concluded at a conference on 22-23 September 2010 in Antwerp. It resulted in practical tools to front line police: a Guide to recognise the first signs of violent radicalisation and a Handbook for trainers, be translated into all official EU languages. It was furthermore agreed to carry out five train-the-trainer sessions on the basis of the existing products. A follow-up project, COPPRA II, is being considered, which aims to update the Guide and the Manual, to create a toolbox available for police officers for practical forms of work, and to develop an e-learning module.

The role of front line staff in the prevention of violent radicalisation has been further developed in draft Council conclusions on the role of police and civil society in combating violent radicalisation and recruitment of terrorists, foreseen to be approved by the Council in December 2010⁵. The conclusions emphasise the importance of providing appropriate training to local police and actors in civil society to detect signs of violent radicalisation leading to terrorism and of ensuring efficient cooperation between all the relevant bodies and front line staff that have regular contact with local communities. The Council conclusions build on the results of the above mentioned project COPPRA and of another Belgian initiative, RAVIPO, emphasising a multidisciplinary approach to the prevention of violent radicalisation and the added value created by involving various partners in the civil society to prevention work.

The Commission has co-financed of number of the projects mentioned above.

Check the Web

Check the Web (CTW), a work stream project where Member States work to strengthen the monitoring of militant Islamic websites has been enhanced and transferred into Analytical Work Files at Europol. In two workshops, experts from the Member States and Europol have discussed the further enhancement of the system. A third version of the Check the Web portal was released on 16 August 2010, it contains several technical enhancements such as video streaming capabilities. The Check the Web portal is more and more recognised within the EU Member State Counter Terrorism community as a point of reference for listing Islamist extremist Websites and providing information on Islamist extremist propaganda material found on the Internet.

The number of user accounts have also been increased from 5 accounts per EU Member State to 200 accounts per EU Member State. A fourth version of this portal is in preparation.

⁵ 16178/10

The Commission has taken up the initiative of four Member States and their sub-project "Exploring the Islamist Extremist Web of Europe - Analysis and Preventive Approaches" and started a public/private partnership approach for countering terrorist use of the internet⁶. It has started a dialogue between law enforcement authorities and service providers to reduce the dissemination of illegal terrorism-related content on the internet and organised two conferences (the first in November 2009, the second in May 2010). A European Agreement Model to facilitate public/private cooperation on the issue is under development and will be the subject of the next meeting in December 2010.

Alliance of civilisations

Since 2008, the United Nations Alliance of Civilizations has worked to develop a range of innovative counterterrorism initiatives in Western and Muslim-majority societies. Emphasizing the need to tackle the social roots of extremism and polarization, the Alliance has been at the forefront of the UN's efforts to harness the power of the media to engage with specific at-risk communities.

In the United Kingdom, the Alliance has worked to establish a 'British Muslim media network', composed of civil society leaders and credible voices who have been provided with media training as a means of advancing counter-incendiary messaging within their communities, and communicating effectively on their behalf to a wider audience. Plans are now underway to expand this network across the European Union.

An ambitious project has also been launched in Pakistan that aims to provide conflict resolution training and education about social and religious issues to journalists. The goal is to promote better reporting and commentary about cross-cultural issues. 60 trainings, reaching between 900-1200 journalists are expected to take place in 2011. Additionally, the Alliance is currently exploring a possible coordinating role vis-à-vis the international community in a broader project to empower teachers and administrators of religious schools across Pakistan (madaris) to engage in curricular reform and enhancement.

⁶ The Commission has contracted two studies, one on non-legislative measures to prevent the distribution of violent radical content on the Internet, including co-operation between NGOs and law enforcement authorities, another on methodologies and adapted technological tools to efficiently detect violent radical content on the Internet. The results are expected in 2011.

In the Arab world, the Alliance has been involved in running similar media trainings for opinion-makers. Plans are underway for a major expansion of the Alliance's work in the region, including the mobilizing of a broader network of academics, researchers and thought-leaders to influence mass media outlets. This would be based on an existing international project of the Alliance, Global Expert Finder, which aims to generate moderating media commentary in response to major crises which touch on sensitive social, cultural and political themes. This tool has already been effectively employed in response to incidents such as the release of the Fitna film in 2008, the Gaza war, and terrorist threats to the United States, Europe, Russia and South-East Asia.

The Alliance's role in crisis response is continuing to develop. In response to the recent controversy in the United States connected to the planned building of an Islamic community center near the former World Trade Center site in New York, the Alliance provided project stakeholders with strategic advice, and convened meetings with senior Arab region editors and satellite news producers, in order to help ensure responsible media coverage of the dispute, and to prevent inflaming of popular opinion in the region.

ENER

The European Network of Experts on Radicalisation (ENER) serves as a provider of expertise to the EU and policy-makers in the Member States to gather and critically assess knowledge and expertise on the subject. Since its establishment by the Commission in 2008, ENER has produced a series of policy papers and has hosted seminars for policy-makers, with the most recent taking place in March 2010, titled 'Preventing Radicalisation: Communications, Media and Engagement with Civil Society'. It is presently finalising a website that will be launched soon. The website will serve as a resource for policy makers and practitioners on activities in countering radicalisation across the EU, alongside research, publications, news of importance and emerging trends in the field. It will also offer a moderated forum with ENER experts, alongside password protected forums for policy-makers to disseminate and share information.

Additionally, the ENER is currently preparing its schedule of activities for 2011 including a seminar and policy paper series that will respond to developments in the study of violent radicalisation which have evolved considerably since ENER's inception as well as developments in policy and practice. This will include a focus on the routes into violent radicalisation and recruitment; the influence of extremist propaganda, the role of the internet and assessment measures.

2. PROTECT

The second objective of the Counter-Terrorism Strategy is the protection of citizens and infrastructure. To reduce our vulnerability to terrorist attacks using the whole range of possible means (border control, improved transport security) it remains an urgent task to bring forward research in this area.

To guarantee free movement of citizens without internal borders the exchange of information and external border controls are essential. Therefore the Schengen Information System and the Visa Information Systems are vital elements to ensure an area of freedom, security and justice.

Due to technical problems in the implementation of the second generation of the Schengen Information System (SIS II), the Commission aims at an entry into operation of the system in the first quarter of 2013.

The negotiations to amend the Frontex Regulation (6898/10) are ongoing. One possible option is to give Frontex a limited mandate to process personal data to fight against criminal networks organising illegal immigration. Given the relevance of such illegal trafficking for all sorts of crime, including terrorism, the inclusion of such a competence into the amended mandate would be highly recommendable from the perspective of the Counter-Terrorism Coordinator.

Visas

The Visa Code⁷ entered into force on 5.10.2009, but has only been applicable since 5 April 2010. It constitutes the general legal framework to be applied by Member States in cases where an application for a short-stay visa (90 days in the Schengen area) has been lodged. The Commission is now responsible for the collection of information about Visas and the updating of the code. There existed already the possibility of prior consultation before issuing a visa (Art.22 of the Visa Code: Any Member States can ask in advance that, when an application is lodged with another Member State by a national from a certain third-country, it has to be consulted prior to the issuing of a visa) via the Schengen consultation network. This has been supplemented by the possibility of information ex-post (Art. 31).

In June 2010 Germany organised a conference on Security Policy Aspects of the Visa Consultation Procedure to discuss the aims and coherent application of Articles 22 and 31 of the Visa Code and examine further ways to speed up the consultation procedure whilst maintaining security interests. The legislation related to the Visa Information System (VIS) involves in particular the introduction of biometrics (digital facial image and digital fingerprints) in the visa application procedure for persons 12 years of age and older, the introduction of visa files into a common database and the use of this data for the purpose of border control at the external borders. Provision has also been made for access to the VIS by designated authorities of the Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences.

For technical reasons the date of the implementation of VIS has not been settled yet.

Cyber Security

Terrorist are continuing to adapt to new technologies. Given the increasing dependency of our society on the internet and IT infrastructures, the issue of Cyber Security is an area of growing concern for state and non state actors. Compared to other threats such as cyber espionage and cyber attacks by organized crime groups or state actors, cyber terrorism has not yet become a key concern but action needs to be taken today to be prepared against a future threat. The threat to supervisory control and data acquisition systems (SCADA) used to steer industrial control systems by the stuxnet worm shows that cyber attacks can also create physical damage. The EU is addressing the overall subject of cybersecurity through a series of measures and initiatives.

Under the Spanish Presidency, the Council adopted conclusions on an Action Plan to implement a concerted strategy to combat cyber crime⁸ including short-, mid- and long-term initiatives aimed at better understanding the phenomenon, and strengthen analysis and intelligence as well as institutionalising the fight against it. The conclusions emphasised also Europol's role in this process through the functions assigned to the latter's European Cyber crime Platform (ECCP) as well as the necessity for a centre to carry out these actions.

The Commission proposed two initiatives to ensure that Europe can defend itself from attacks against its key information (IT) systems, a first proposal for a Directive to deal with new cyber crimes, such as large-scale cyber attacks⁹ and second one for a Regulation to strengthen and modernise the European Network and Information Security Agency (ENISA)¹⁰.

The Union participated as observer in and several Member States joined the US "Cyberstorm III" exercise testing the response to large scale cyber attacks in September 2010.

The Commission is working closely with the Member States to enhance cooperation in the field of cybersecurity following the actions laid down in the 2009 communication on critical information infrastructure protection (CIIP)¹¹ and held a first Pan European table top exercise. On 4 November 2010, the first ever pan European exercise to test Europe's preparedness against cyber threats (called "Cyber Europe 2010") was completed with the participation of all Member States and the three EFTA countries. This exercise is an important first step towards working together to combat potential online threats to essential infrastructure and ensuring citizens and businesses feel safe and secure online.

In December 2009 Council adopted a resolution on a collaborative European approach on network and information security¹².

⁷ Regulation 810/2009.

⁸ 5957/2/10 REV 2 CRIMORG 22 ENFOPOL 32

⁹ COM (2010) 517 final.

¹⁰ COM (2010) 521 final.

¹¹ COM (2009) 149 final.

¹² COUNCIL RESOLUTION of 18 December 2009 on a collaborative European approach to Network and Information Security, OJ C 321 of 29.12.2009, p. 1.

Transport Security

Transport remains a target for terrorists. This is the case for all modes – air, maritime and land – and there is no reason to expect this to change in the near future. In November 2009, a high-speed train (the Nevski Express) was attacked in Russia; on Christmas Day 2009, an attempt was made to destroy an aircraft travelling between Amsterdam Schiphol and Detroit; in March 2010, there were terrorist attacks on two Moscow metro stations and in October 2010 an attempt to carry out an attack using explosives hidden in air-cargo was foiled. Passenger transport, including urban transport systems and railways, is the main focus of threat.

In the field of transport security, the European Commission continued its work on maritime and aviation transport security, in close association with Member State experts. The main elements were the work of Regulatory committees (AVSEC and MARSEC), which met every two months, as well as the ongoing programme of inspections (primarily of air and sea ports). A number of ad-hoc meetings also took place in relation to land transport security, aimed at defining and disseminating best practices.

As regards maritime transport security, there is currently little evidence of any direct link between piracy and terrorism, but this cannot be ruled out for the future. In March 2010 the Commission organised a high level seminar on the consequences for seafarers of acts of piracy against international shipping, and adopted a Recommendation on measures for self-protection and the prevention of piracy and armed robbery against ships . In relation to piracy in the Gulf of Aden and off the coast of Somalia, the Commission issued advice on planning and operational practices for owners, operators, managers and masters of ships transiting the area . Furthermore, in order to allow EU NAVFOR operations to benefit from a better operational picture, the Commission through the European Maritime Safety Agency (EMSA) provides ATALANTA Headquarters information (LRIT) on the position of EU Member State flagged ships transiting the Western Indian Ocean, the Gulf of Aden, the Red Sea and the Persian Gulf. Commission inspections of administrations, port facilities, ships and relevant companies continue to take place regularly in EU Member States,

ensuring coherence in implementation of maritime security measures throughout Europe and the exchange of best practices through peer review. Progress has been made at the technical level between Commission services and the US Administration on enhancing the security of containerised cargo, without having recourse to 100% scanning of containers bound for US ports. However, this issue remains politically complex.

As regards aviation security, in April 2010 Regulation 300/2008 on common rules in the field of civil aviation security replaced Regulation 2320/2002. All implementing legislation has been updated, offering increased clarity and simplicity. Existing limitations on the carriage of liquids, aerosols and gels in passenger cabin baggage are to be phased out, and by April 2013 all EU airports must have facilities in place for screening of liquids.

Several EU Member States have started trials with security scanners, expected to improve security at airports. In June 2010, the Commission issued a Communication on the use of Security Scanners at EU airports¹³. After completion of a thorough impact assessment, a legislative proposal to allow such scanners as part of airport security checkpoints is expected to be made in mid-2011.

Aviation security remains a central issue for EU - US cooperation. In reaction to the attack against a US aircraft in Detroit on 25 December 2009 the EU and the US agreed on a joint statement at Toledo, Spain on 21 January 2010¹⁴. EU Ministers of the Interior and US Secretary of Homeland Security Napolitano committed the two sides to cooperate more closely to:

- Identify the illicit materials that such people may be carrying, sending via cargo, or transporting, including through enhanced technologies, to prevent the entry of such materials onto aircraft.
- Support the provision of predeparture information to aid in screening.
- Enhance measures for onboard flight protection and improve mechanisms for emergency communications.

¹³ COM (2010) 311 final of 15 June 2010.

¹⁴ <http://www.eu2010.es/en/documentosnoticias/otrasdeclarac/jaieuusa.html>

- Exchange research results, technical expertise, and practical experiences, including concerning explosives.
- Promote international co-ordination of efforts to build sustainable solutions to the current threat, including through ICAO.
- Prioritise national and cooperative research and development in related subjects such as physical and behavioural explosives detection and mitigation.

The Toledo Statement by the EU and the US later served as a basis for similar agreements between the US and partner States in other regions of the world, and inspired further cooperation in ICAO (the International Civil Aviation Organization).

At the multilateral level, the EU is working closely with other States in the context of ICAO. Significant progress was made at the triannual ICAO Assembly in September/October 2010. Seven strategic focus areas were defined for the period 2011-2016: addressing new and existing threats; promoting innovation; sharing of information; global compliance with ICAO standards; mutual recognition of security processes; improving the human factor; generally emphasis on improving aviation security among stakeholders.

The EU has cooperated closely with European aviation partners in ECAC. European ideas have been taken up at ICAO in relation to the importance of using a risk-based approach to ensure proportionality of security measures at airports; the need to strengthen screening of security staff at airports; a rapid transition from restrictions on carriage of liquids (as applied by approximately 60 States) to screening of liquids. Finally, an EU-ICAO Cooperation (MoC) agreement was initialled, as a framework for enhanced EU-ICAO cooperation.

The JHA Council in November discussed increasing aviation security in the field of air cargo. The Presidency and the Commission have set up a High Level Working Group to prepare a report on measures to take in this field. This report will be presented to the Transport and to JHA Councils in December.

As regards land transport security, the Stockholm Programme called for greater attention to potential targets such as urban mass transit and high speed rail networks. This was taken up by the CTC in his discussion paper to Council from June 2010¹⁵ which proposed discussing further how to raise awareness, discuss common minimum standards and extend the exchange of best practices. It was also recommended that joint discussions should take place between policy makers on Transport and JHA.

Rail and urban transport remain targets for terrorists. In October 2010, both the USA and the United Kingdom issued public warnings of a heightened risk for terrorist attacks in crowded public places including urban transport in a number of European Union Member States.

Security of explosives

Strengthen the security of explosives is an essential part in the prevent strand. The use explosives remains the main threat when it comes to possible terrorist *modus operandi* within the EU.

Since the adoption of the EU Action Plan on Enhancing the Security of Explosives¹⁶, Europol has been working actively to implement the Action Plan. In June 2010 the Commission presented a second interim report¹⁷ on the implementation of the Action Plan on Enhancing the Security of Explosives¹⁸.

The Early Warning System (EWS) on Explosives, CBRN and Weapons, as foreseen in the Article 1.1.1 of the EU Action Plan on Enhancing the Security of Explosives, is being extended to all EU Member States. It has already been established in the Member States involved in the first phase of the project (with Spain as the project leader and France, Germany, Portugal and Europol as project partners). The System allows immediate information exchange on incidents involving theft, disappearance or lack of control of explosives, detonators, precursors and CBRN substances and/or weapons, in case of a potential terrorist use. Its deployment is expected to start at the end of 2010 and continue during 2011.

¹⁵ 9685/10.

¹⁶ 8311/08 (adopted by the Council in April 2008).

¹⁷ 11056/09.

¹⁸ 11929/1/10 REV 1.

The project is co-funded by the Commission under the ISEC Programme. A second request for grants has been submitted by the Spanish Authorities, supported by Europol, to the European Commission for covering three years of maintenance (until the end of 2013) of the system and new enhancements and functionalities.

The System for the Control over Explosives to Prevent and Fight against Terrorism (SCEPYLT) is being developed by Spain with funding support from the Commission under the CIPS programme. The System is enhancing traceability and identification of explosives for civil use in cross-border, intra-EU transport. Twelve countries currently participate in the System and five others have expressed their interest in joining. A seminar took place in February 2010 in Madrid.

The rollout of the EU European Bomb Data System (EBDS), as set out in the EU Action Plan on Enhancing the Security of Explosives, compiling data on incidents related to explosives, improvised explosive devices (IEDs), improvised incendiary devices (IIDs) and CBRN substances took place in October 2010. The multilingual System, hosted in the Europol Secure Network, will include two incident databases, libraries for storing documentation and/or files of interest for the user community, and discussions fora for a better interaction among the experts. The system also has powerful searching capabilities, which allow multilingual searches. It will improve the exchange of information and intelligence between experts in the fields of explosives and CBRN. The project is led by Europol and co-funded by the Commission under the ISEC Programme.

The European Explosive Ordnance Disposal Network (EEODN), established according to the EU Action Plan on Enhancing the Security of Explosives was officially set up at the end of 2008. Its development was co-financed from the Commission's "Prevention of and Fight against crime 2009" programme. Europol operates as the permanent secretariat and co-chairs the Network. Trainings for national administrations on EOD-related topics was held in 2010 in cooperation with Member States (training organised by the Spanish Ministry of Interior) and third parties (such as the US ATF for the "Post Blast Investigation Training") and will continue in 2011 with the support of the incoming Hungarian and Polish Presidencies. The Network facilitates information sharing and contributes to the identification of best practices and keeping EOD units up to date on latest developments.

In February 2010, the European Commission, with the support of the Spanish Presidency of the Council, organised a Second EU-US explosives experts' seminar, a conference where EU experts on explosives from the public authorities of the Member States could exchange experience, information and best practices with their US counterparts. The seminar also contributed to the efforts to implement the Toledo Statement. The Toledo Statement underlines the importance of cooperation in the field of explosives, including intensification of information exchange and sharing of best practices and lessons learned.

In order to further emphasise the significance of the work in the explosives security area, the Council has agreed several Conclusions: In April 2010 the Council endorsed Conclusions on systems and mechanisms for the enhancement of the security of explosives¹⁹ inviting Member States to participate in the European Bomb Data System, the Explosives Control and Protection System (SCEPYLT) and the Early Warning System (EWS), and Europol to continue taking part in the development and extension of the European Bomb Data System and the Early Warning System.

In October 2010, the Council approved Conclusions²⁰ inviting Member States to develop public-private partnerships in combating the acquisition, production and use of explosives and explosive devices by terrorists and other criminals.

In November 2010, the Council approved Conclusions on preparedness and response in the event of a CBRN attack²¹, inviting Member States to ensure that the CBRN risk is properly incorporated into their emergency response planning, in particular by taking its possible terrorist origins into account, and to integrate the different elements of the response (especially police, intelligence, rescue, health, communication) when drawing up such plans.

¹⁹ 7980/10 ENFOPOL 76.

²⁰ 13485/10 ENFOPOL 245 MI 295.

²¹ 15465/10 ENFOPOL 301 PROCIV 130 COTER 78 SAN 216 CODUN 37 CONOP 73

In the framework of the Working Party on Terrorism delegations have shared information and best practices on explosives security, strengthening of public-private partnerships and on the possible threat from CBRN terrorism and measures put in place to combat it. The Working Party has been kept informed of the state-of-play of the development of EWS, EEODN, EBDS and SCEPYLT.

Further progress has also been made in work on enhancing the security of precursors for the manufacture of explosives. In September 2010 the Commission issued a proposal for a Regulation on the marketing and use of explosives precursors²² to fight terrorist and other criminal incidents committed by using explosives. The reliability and potency of home-made explosives would be reduced by setting concentration limits for certain substances. Members of the general public would need a license to purchase substances at concentrations above the specified thresholds. The proposal does not prohibit the use of explosives precursors in professional activities but foresees measures relating to the import, marketing and use of explosive precursors with regard to the general public. In addition, for a number of other chemicals a system of reporting of suspicious transactions is included in the proposal. The proposal was developed in consultation with the Standing Committee on Precursors, which gathers experts from the public authorities of the Member States and the representatives of the private sector.

In 2011, discussions will be held with experts from the Member States and with other relevant stakeholders on the evaluation of the implementation of the EU Action Plan on Enhancing the Security of Explosives and on further development of the explosives security policy.

Security related research

Following three year's of preparation²³, FP7 for the first time included a dedicated theme for Security in the EU Framework Programme for Research and Technological Development.. The FP7 Security theme was attributed a budget of 1.35 million Euros for the period 2007-2013.

²² 14376/10 COMPET 272 CHIMIE 33 ENFOPOL 271 ENV 636 MI 348 ENT 127 CODEC 944.

²³ PASR: Preparatory Action for Security research 2004-2006 – see COM(2004)72.

The Security theme received a clear mandate for delivering mission-oriented results to reduce security gaps. It is structured around four missions:

- Security of the citizen (that includes the fight against terrorism and crime),
- Security of infrastructures and utilities,
- Intelligent surveillance and border security,
- Restoring security and safety in case of crisis.

It "supports²⁴ the implementation of Community policies and initiatives relevant to security such as the establishment of an area of freedom, security and justice, transport, health (including the EU Health Security Programme), civil protection (including natural and industrial disasters), energy, environment and external policies".

After four years of existence, more than 150 projects are being funded, bringing together more than 1500 participants, coming from large industries, SMEs, research centres, universities and also participants from the user side such as firemen, border guards, law enforcement agencies, and airport authorities...

With one of the strongest participation rates of SMEs and its unique involvement of end users, the Security theme is contributing strongly to the emergence of a competitive ESTIB (European Security Technology Industrial Base). Moreover, with the budgetary pressure increasing everywhere in Europe in current circumstances, it aims to concentrate resources on European priorities and on the promotion of common European solutions which are politically, ethically and financially acceptable. It implies the early appropriation by end users of innovative security solutions that would be interoperable, cost effective and globally competitive.

In addition, a number of workshops have been organised by the FP7 Security research team in 2010 in order to disseminate among relevant users results from ongoing research projects and to collect recommendations and requirements for future research topics. Four workshops have already taken place in the past few months and another one is planned²⁵:

²⁴ FP7 Specific Programme

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

²⁵ Updated information available on <http://ec.europa.eu/enterprise/policies/security/>

- Maritime Border Security on 21 May in Gijón within the Maritime European Days;
- Research for Aviation Security on 11 June in Berlin within the International Aeronautics Days;
- Interoperability in First Responder Communications on 28-29 June in Ispra;
- Societal Security Research and Development on 1 July in Brussels.
- Research on CBRN threats, in 9-10 November in Brussels;

Security Research Conference

The Belgian presidency and the Commission co-organised in September in Ostend, the fifth edition of the annual European Security Research conference, SRC'10²⁶. This three-day event brought together government, industry, academia and civil society experts from across Europe who reviewed the current status of EU-supported security research projects, where the programme is headed for the remainder of its 2007-2013 duration and what may unfold for EU security research beyond 2013. Commissioner Tajani stressed the "*need for industrial policy to support the security sector*" and announced the publication in the second half of 2011 of a Communication on the subject, including innovation, standardisation and certification, pre-commercial procurement and synergies with defence R&D. Commissioner Malmström recalled that the Stockholm Programme explicitly recognised the fundamental importance of research for Europe's security. Moreover she stressed that the strategic policy objectives identified in the implementation of the Stockholm's Programme should also serve as key orientations for determining the size and direction of future EU research activities.

²⁶ www.SRC10.be

International Cooperation on Research

The European Commission and the Government of the United States have agreed to enhance cooperation in science and technology research to improve the shared capabilities of both nations to protect against acts of terrorism and other threats to domestic and external security. An Implementing Arrangement for cooperative activities in the field of homeland/civil security research²⁷ is under signature by Vice President Tajani and Mrs Napolitano, US Homeland Security secretary. Discussions on standardisation in the Security field are on going between DHS, NIST (National Institute of Standards and Technology) and the Commission.

3. PURSUE

To pursue and investigate terrorists across Europe and outside is the third pillar of the European strategy combating terrorism. We have to continue and increase our efforts to uncover terrorist networks, to impede communication, travel and planning activities of terrorists and their supporters; to cut off funding and access to attack materials, and to file them in court.

The Framework Decision on combating terrorism (2002/475/JHA)²⁸ defines what acts should be considered terrorist offences by the Member States. It was amended to deal with more specific aspects of prevention²⁹ including public provocation to commit a terrorist offence; recruitment and training for terrorism. The transposition deadlines ends on 9 December 2010. The Commission has organised an expert meeting complement the implementation process.

²⁷ COM decision 2010/293 EU, OJ L25/53) implementing arrangement OJ 21.5.2010 L215/54 to the agreement for Scientific and Technological Cooperation signed in Washington on 5 December 1997.

²⁸ OJ L 164, 22.6.2002, p.3.

²⁹ Framework Decision 2008/919/JHA, adopted on 28 November 2008. OJ L 330, 9.12.2008, p. 21.

Data sharing

Data sharing and information management remain a core challenge in the fight against terrorism. This includes the exchange of Passenger Name Records, the processing and transfer of Financial Messaging Data and the exchange of data within the Schengen area. All these aspects have been of great importance to combat terrorism. To make these instruments more transparent and to help to assess the measures already taken or to be taken in future, the Commission has published a Communication³⁰. This presents an overview of measures at EU level, that are under implementation or consideration that regulate the collection, storage or cross-border exchange of personal information for the purpose of law enforcement or migration management.

At expert level, efforts have been intensified to prepare for the full implementation of the automated exchange of DNA, fingerprint and vehicle registration data pursuant to Council Decisions 2008/615/JHA and 2008/616/JHA (Prüm Decisions), notably by finalising the practical arrangements for the evaluation procedures, identifying the remaining obstacles and providing for support mechanisms. Political awareness is also being raised in the Member States so as to ensure that the legal, budgetary and technical conditions are fulfilled at national level. The implementation is picking up pace, with a number of Member States starting exchanges over the last months and many more planning to do so in the first half of 2011. It should be borne in mind that even after starting these data exchanges, sustained efforts will be necessary in the Member States for some time to come in order to ensure connections with all other Member States.

Taking up the findings of the EU-US High Level Contact Group on data protection and data sharing the EU and the US are preparing to enter into negotiations on an EU-US data protection agreement on the exchange of information in the field of law enforcement. Such an Agreement should provide sound data protection principles to be applied on both sides of the Atlantic, thus strengthening the data protection framework, and thereby creating a legal environment conducive to enhanced information sharing, including in the field of counter terrorism. The negotiating mandate is under discussion in the Council.

³⁰ COM(2010) 385 of 20 July 2010.

PNR

Passenger Name Records (PNR) are a key element in the fight against international terrorism. It has been and remains a valuable tool to detect terrorist networks and movements. Currently the mandates for the Commission to negotiate PNR Agreements with the US, Canada and Australia are under discussion in the Council.

Given the threat posed by terrorists travelling from and into the EU and within the EU, an EU system for collecting and processing PNR data by the Member States would be of great value. The Ministers of the Interior in their Toledo summit in January 2010 asked Commission to present a proposal for an EU PNR. The Commission has promised to present its proposal for an EU PNR Directive in January 2011.

TFTP

On 1 August 2010 the EU-US Agreement on the Terrorist Finance Tracking Programme entered into force. The conclusion of this Agreement closed a security gap of several months after the interim agreement failed to receive the consent of the European Parliament in February 2010. The new Agreement allows the transfer to US Treasury - under strict data protection conditions - of certain categories of data regarding bank operations stored in the territory of the European Union by a designated provider of financial payment messaging services. Each US request has to be verified by Europol as to its necessity for fighting terrorism. The data transferred to the US Treasury can be accessed only for counter terrorist purposes. Extraction from the TFTP database has to be justified by evidence on a case-by-case basis. Independent overseers, one of whom is appointed by the EU, have direct on-the-spot oversight of the data searches within the TFTP database and monitor compliance with privacy provisions under the Agreement. EU citizens have access to administrative and judicial redress.

The Agreement provides for a Commission study into an equivalent EU system.. From the CTC's perspective the establishment of such a system is highly desirable and would allow the EU to conduct its own terrorist finance tracking.

National Structures for Counter Terrorism Coordination

In recent years several Member States have developed initiatives for better cooperation among counter terrorism structures at national level. To enhance the dialogue also between the Member States Spain has continued the initiatives taken by Belgium and France to organise meetings at the level of the directors of these structures. In January 2010 the leaders of coordination structures in EU Member States came together to discuss threat assessments, common interests and current items and examined further ways of cooperation. The Council reiterated in April 2010 that MS are invited to establish national coordinating bodies or structures for assessment and analysis of the terrorist threat, as also set out recommendations resulting from the first round of peer evaluation on national counter-terrorism arrangements. Furthermore, such coordination bodies or structures should interact, on a voluntary and informal basis, through regular meetings of their heads and experts to discuss matters of common interest³¹.

These exchanges among the coordination structures will be continued in the next meeting, at the end of 2010, hosted by the Belgium Presidency.

Following a travel alert by the US in respect of some Member States JHA Ministers discussed in the margins of the Council in October how to improve the exchange of information on changes of the threat level in a Member States.

Europol and Eurojust

Europol was transformed into an EU agency on 1 January 2010³². Under its new legal framework Europol will be able to respond more rapidly to trends in serious crime, also covering terrorism. Counter terrorism action is part of all major fields of Europol activities - from data exchange and information sharing (on CBRN, Check the Web and cybercrime), through operational analysis (e.g. Joint Investigation Teams) and strategic analysis to operational support in case of a terrorist attack. Europol in consultation with MS is working on the merger of the Analytical Work Files (AWF) for non-Islamist terrorism and Islamist terrorism to ensure a more flexible approach towards emerging threats and new trends as well as a more flexible allocation of resources in this merged File and to reflect the administrative set-up and division of work concerning these topics in Member States.

³¹ 8571/10 ENFOPOL 100.

³² OJ L121, 15.5.2009, p 37.

Processing and analysis of information within the single AWF will be done on the basis of focal points and case related target groups to be set up according to specific terrorist organisations, geographical areas or phenomena.

Joint investigation teams

Under the Spanish Presidency the Council approved a resolution³³ on the setting up of ad hoc multinational teams with third countries, which stresses that since terrorists operate on a transnational scale, effective cooperation between competent authorities from EU MS and third countries should be ensured. Joint efforts in preventing terrorist attacks should be strengthened, focusing in particular on the initial stage, i.e. the planning and preparing of an attack.

Criminal law: Approximation of Member States' criminal law and mutual recognition

Based on the Framework Decision from February 2009 on the exchange of information extracted from criminal records between EU Member States³⁴ the Council adopted a Decision in April 2009 to set up a European Criminal Records Information System (ECRIS). Further discussions on the implementation of the Council Decision by setting out the Technical Specifications of the exchange are currently being carried out in Cooperation in Criminal Matters Working Party. In accordance with the Council Framework Decision and the Council Decision Member States should be able to transmit information via ESCRIS by April 2012.

At the JHA Council on 8 October 2010, the CTC presented recommendations for action regarding the Judicial dimension of the fight against terrorism, which had been drawn from a series of five meetings held in the framework of a high-level training project on the fight against terrorism and the judicial response³⁵ organised by the French *Ecole Nationale de la Magistrature*. The recommendations centre around the following themes: judicial organisation, special investigation techniques and terrorist financing, rights of defence, judicial cooperation, international perspective, strategy for EU prosecutions and criminal policy. The matter of following up specific actions is currently being discussed in the Council structures.

³³ 9923/10 ENFOPOL 138 COTER 42.

³⁴ OJ L 93 of 7.4.2009 pp, 23 and 33.

³⁵ 13318/1/10 REV 1.

Procedural Rights:

In November 2009 the Council agreed on a roadmap for strengthening procedural rights of suspected and accused persons in criminal proceedings³⁶ The roadmap identifies six main areas on which legislative or other initiatives are desirable

over the coming months or years:

- translation and interpretation,
- information on rights and information about charges,
- legal advice and legal aid,
- communication with relatives, employers and consular authorities,
- special safeguards for suspected or accused persons who are vulnerable, and
- a green paper on pre-trial detention.

The proposal concerning information on rights and information about charges ('letter of rights') has been tabled by the Commission in July 2010 and is currently under discussion.

On 7 October 2010 EU following this roadmap the Council adopted wide rights to interpretation and translation in criminal proceedings³⁷. This directive sets common minimum standards for the rights of the defence in criminal matters. The law guarantees the right of suspects to obtain interpretation throughout criminal proceedings, including when receiving legal advice, in their own language in all courts in the EU. This directive will have to be implemented in national law within three years.

Customs

In the framework of the Customs Cooperation Working Party counter-terrorism work has been taken forward through a Counter Terrorism Project Group since 2004. The UK has chaired the Project Group since that time, having led many successful actions to deliver the group's objective, which is to identify and promote ways that enable Customs administrations to make a positive contribution to the fight against terrorism.

³⁶ OJ C 295, 4.12.2009, p. 1.

³⁷ DIRECTIVE 2010/64/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 October 2010 on the right to interpretation and translation in criminal proceedings - OJ L 280 of 26.10.2010, p. 1.

Operational cooperation

The Joint Customs Operation ATHENA I on money laundering linked to terrorism financing and other illicit activities was carried out in September 2008 and ATHENA II in April 2010.

The operations focused in particular on detecting breaches of the obligation on individuals to declare cash amounts of EUR 10 000 or more when they enter or leave the Community to identify potential cases of money laundering as well as on improving cooperation between customs administrations in combating money laundering.

The operations helped to update risk criteria and analyse trends and confirmed the importance of customs cooperation in suppressing money laundering. It was noted that controls on reported cash transfers should be intensified, that further training of staff on illegal money transfers and gathering information would be necessary and that cooperation with Europol and third countries in the area of illegal cross-border transfers should be developed. The report on ATHENA II was issued in November 2010.

Terrorist financing

Financing of terrorism was the subject of various legislative initiatives. a more detailed description of the action undertaken within the EU is contained in the revised Terrorist Financing Strategy³⁸. In June 2010 the CTC issued his second report on the implementation of the revised Terrorist Financing Strategy³⁹.

The Stockholm Programme calls upon the Commission to promote further instruments against terrorist financing, e.g. increased transparency and responsibility for charitable organisations with a view to enhancing compliance with Special Recommendation (SR) VIII of the Financial Action Task Force (FATF). The Commission has announced a Communication for 2011 to address the potential vulnerability of non-profit organisations with regard to abuse for terrorist financing purposes. The Commission is considering attaching voluntary guidelines for the sector to that Communication.

³⁸ 11778/1/08 REV 1.

³⁹ 10182/10.

At its last Plenary meeting on 20 to 22 October 2010, the FATF reiterated its concerns regarding the lack of appropriate measures to freeze the funds of "EU internal" terrorists in some EU MS. This has already led to lower compliance rates of these countries with regard to Special Recommendation (SR) III of the FATF. The new legal basis provided by Article 75 TFEU could serve to mitigate these concerns as it enables the EU to define a framework for administrative measures with regard to, for example, the freezing of terrorist funds. The Commission has organised meetings with Member States experts to discuss the issue.

4. RESPONSE

Of course 100% security cannot be guaranteed. Therefore we have prepared ourselves to manage and minimize the consequences of a terrorist attack. Coordinated response, joint action and solidarity between Member States is of great importance in this respect.

Civil protection / CBRN action plan

Within the field of civil protection, work is taking place within the framework of the Community Civil Protection Mechanism. In this respect the Civil Protection Mechanism with its all-hazard approach, covering prevention, preparedness and response, provides an effective and visible demonstration of European solidarity.

In addition the Commission has presented on 26 October a communication on disaster response⁴⁰.

Work is ongoing on further enhancing the EU's disaster response capability. As of October 2010, a total of 94 modules and 8 technical and assistance teams (TAST) have been registered covering different areas, e.g. water purification, high capacity pumping, urban search and rescue, aerial forest fire fighting, CBRN detection and sampling, urban search and rescue in CBRN conditions, forest fire fighting, and medical assistance.

To enhance the preparedness of civil protection and other emergency relief actors, the Commission is also in the process of developing Disaster Management Training Arrangements, which would include a network of EU Disaster Management Training Centres.

⁴⁰ COM 600 (final).

In October 2009 the combined internal and external working groups on Counter Terrorism in the Council structures held a mini-seminar on multiple attacks. 4 Member States gave an overview of their findings on the Mumbai attacks and shared lessons learnt with the other partners.

CCA Exercise 2010

To test its capability to react to crises immediately and appropriately the EU has continued its cycle of regular exercises. The fifth EU-wide exercise of Presidency, the Council Secretariat, the Commission and Member States to test the functioning of the EU's Emergency and Crisis Coordination Arrangements (CCA) was conducted end of September 2010 in Brussels. The crisis scenario simulated a bioterrorist attack during a European football championship. It allowed for testing the coordination in areas like health, transport, border control or civil protection.

Victims of terrorism

Solidarity, assistance and compensation to the victims of terrorism has to remain an integral part of EU policy. On 11 March in Brussels the "6th European Day on Remembrance of Victims of Terrorism" was held. The Member States and the Commission will continue their work and assistance to victims and organisations representing victims of terrorism.

The Commission services are carrying out an impact study on the existing legislative framework in order to propose legislative and non-legislative measures for the protection of victims - as indicated in the Stockholm Programme Action Plan.

Peer evaluation

The second round of peer evaluation of national counter-terrorism arrangements focusing on preparedness and consequence management was finalised in April 2010. The recommendations made in the final report⁴¹ aim to improve crisis and consequence management at EU level and align the 27 crisis management models where appropriate. They in particular suggest developing a

⁴¹ 13153/2/10 REV 2 ENFOPOL 237 PROCIV 102 PARLNAT 78.

generic crisis management plan at national level, reinforcing the coordinating role of national crisis centres, using encrypted digital networks that enable all the emergency services to work together, ensuring the compatibility of digital networks in border areas, establishing direct communication between crisis rooms, improving public-private partnership in the area of counter-terrorism in particular concerning the protection of soft targets, stepping up cooperation between the military and civilian emergency forces, organising cross-border exercises both among EU Member States and with third countries, creation of a dedicated internet site for crisis situations, ensuring full interconnection of all emergency numbers and their centralisation to the number 112 allowing immediate triage according to the type of emergency, and developing a system of psychological support to victims of a terrorist attack.

Chemical, biological, radiological and nuclear threats and risks

On 30 November 2009 the Council approved the EU CBRN Action Plan⁴² and called on the Commission and the Member States to undertake its implementation in order to enhance preventive, detection and response measures in the field of CBRN threats and risks, giving special attention to the implementation of the key actions identified in the Action Plan. The Action Plan focuses on three main strands:

- Prevention - ensuring that unauthorised access to CBRN materials of concern is as difficult as possible;
- Detection - having the capability to detect CBRN materials in order to prevent or respond to CBRN incidents;
- Preparedness and response - being able to efficiently respond to incidents involving CBRN materials and recover from them as quickly as possible.

Under the overall framework of the EU CBRN Action Plan, the Commission has put forward a proposal to develop an EU CBRN Resilience Programme, which aims at improving the CBRN work undertaken within the framework of the Civil Protection Mechanism. The objective is to have better linkages between the different civil protection activities in the field of CBRN and to tackle identified gaps in a streamlined way.

⁴² 15505/1/09 REV 1 + COR 1 + COR 2.

5. INTERNATIONAL COOPERATION

Strategic Cooperation

The relationship with the US remains of vital importance to the EU's security. The CTC is aware of no significant CT investigation in Europe in which US support has not played a crucial role. Reinforcing this relationship is thus a continuing high priority. The agreement on TFTP was an important milestone and it is vital to get positive results from the negotiations on PNR and data protection mentioned above.

The EU's cooperation with the US covered the whole range of counter terrorism and law enforcement. The highlights were the Toledo declaration mentioned above, and the subsequent Counter-Terrorism Declaration agreed in June. The Toledo declaration was of particular importance because of what it showed about the way that working together the EU and US can lead the world. The invitation to Secretary Napolitano to come to the Toledo meeting was issued and accepted within days of the Detroit incident, This gave the US Administration valuable political support for its subsequent handling of aviation security both internationally and domestically. The Administration pursued early and open discussion with the EU, which allowed rapid agreement on a declaration which subsequently became a model for the US in its dealings with other countries. The CT Declaration in June 2010, under the Spanish Presidency, gave a further reaffirmation of the overarching values which define the CT relationship with the US.

In addition to these high level expressions of cooperation, there was a lot of joint activity at the working level.

In addition to the regular political dialogue meetings and workshops on terrorist financing, EU-US expert seminars were organised in 2010 on explosives, critical infrastructure protection and the prevention of violent extremism.

Outside the US, the CTC continued to work to expand the EU's Strategic Relationships in Counter-Terrorism. Most notably he visited India together with the High Representative in order to discuss how the strong mutual interest of the EU and India in controlling international terrorism could be used to reinforce the wider relationship which the EU is hoping to build with that country. A number of ideas in this respect are now under discussion and it is hoped to include these in a specific Joint Declaration or Memorandum of Understanding for which a draft text has just been presented to the Indian Government.

In July, the CTC visited Turkey at the request of the High Representative and the Commissioner for Enlargement, to continue the work he has been doing to reinforce European action against the PKK. This has been the subject of discussion in the new Committee on Internal Security (COSI) set up under the Lisbon Treaty. The relationship with Turkey has developed very well in the last few years, in particular the proactive steps which European countries are increasingly taking against the PKK have reinforced the willingness of Turkey to expand the dialogue into other areas of international terrorism which threaten both sides. Turkey is of particular importance as a transit country for terrorists and would-be terrorists passing from Europe to conflict zones. Turkey is also playing an increasing global role, as shown by its current Chairmanship on the UN Security Council CT Committee (see below).

The CTC has also recently visited Saudi Arabia, where there is also significant potential to work together on issues of PREVENT and also on assistance to third-countries, in particular Yemen. He plans to visit again in the near future. The UN will organise a conference on countering terrorist use of the internet at the Prince Nayaf University at the end of January, which the CTC plans to attend. In the context of the Sahel (see below) the CTC has also taken part in political missions to Algeria. And under the Spanish Presidency a political dialogue meeting on CT was held with Morocco. A political dialogue meeting was also held with Japan, the first such meeting at working level. More generally, as with all the Union's political dialogues, there is now an opportunity for the Union to change the way it does business, following the entry into force of the Lisbon Treaty. The CTC has already had an initial discussion with the US State Department CT Coordinator, and the dialogue to be held with the US in November will be the first on a new, tailored, agenda concentrating on a small number of key issues. The CTC is in touch with his Russian counterpart in order to discuss how to do the same thing in the relationship with Russia.

The CTC participated actively in the successful ASEM meeting on Counter-Terrorism held in Brussels in June in the context of the Belgian Co-chairmanship of the ASEM summit.

Assistance to third countries

The programmes initiated under the 2009-2011 Instrument for Stability with Pakistan, Yemen and the Sahel are now becoming operational. The first to be agreed was the €15 Million programme being implemented by GTZ in Pakistan. The projects in the Sahel (€ 10 Million) and Yemen (€ 15 Million) are also about to get under-way. In Yemen, Civipol will be implementing the major component of the programme, on capacity building for law enforcement. In Yemen, the IfS will also be funding work by the UNODC's Terrorism Prevention Branch on improving Yemeni legislation, and work on counter-radicalisation and conflict reduction.

The CTC participated in the EU Summit with Pakistan. Together with the recent Friends of Democratic Pakistan meeting in Brussels, this has marked a continuing rapid expansion in the EU's support for the continuing transformation of Pakistan into a politically more stable and economically more prosperous country better equipped to deal with the enormous challenges it faces, of which terrorism is one of the most acute.

The CTC took part in the series of Missions to the Sahel which led to the comprehensive strategy for the Sahel presented to the PSC on 5 October 2010 and to an initial discussion among Ministers of Foreign Affairs in the Council in October. It is essential now that this strategy be followed up systematically to equip the States of this fragile region to deal with the safe haven that has been opening up for Al Qaeda in the Islamic Maghreb (AQIM). The continuing tempo of hostage taking, and recent tragic death of a French national show that AQIM continues to flourish.

In November the CTC paid his second visit to Yemen. Recent attempted terrorist spectaculars originating from AQAP in Yemen have demonstrated the need to do more here in addition to EU support provided under the IfS, The Friends of Yemen process gives an opportunity for all those seriously engaged in Yemen, among her neighbours as well as the main western donor countries to ensure that they coordinate their efforts on the ground and deliver consistent messages to the Government of Yemen in support of the country's development.

In addition the priorities above, which are those I identified in my first discussion papers as CTC, there are other areas of actual or potential instability which are of growing concern as potential bases for international terrorist activity. Somalia is a major cause of concern because of the growing involvement of members of diaspora communities in Europe and the United States. There have been a number of major encounters in recent weeks in Tajikistan which give rise to the fear that instability from Afghanistan will spread north. I have been giving close attention to both problems and will develop ideas for programmes in the coming year.

UN

The EU continued to support the UN in its Counter terrorism activities. In September the CTC participated in the second two-yearly review of the UN Global CT Strategy. In the margins the EU held bilateral meetings with, among others, Richard Barrett (Head of the 1267 Monitoring Team), Isabelle Picco (Chair of the UNGA 6th Committee) and Kimberly Prost (Ombudsperson for the 1267/1904 listing process)

The EU delegation used the opportunity to organise a first formal "political dialogue" meeting with the UN system, bringing together the disparate parts of the UN system like CTED, CTITF UNODC (TPB). With a view to enhancing cooperation between the EU and the UNSCR 1373 Committee on Counter-Terrorism, the EU CTC was invited to present the EU's policy in this area in New York. The CTC has also given support to the UN when presenting its activities and policies to decision makers in Brussels. He took part in two discussions in Brussels to promote the UN instruments to fight terrorism within the law in June and in September. The IfS will also be supporting a seminar in Central Asia, at the request of the UN CTITF, to spread knowledge and encourage implementation of the UN Global Strategy on Counter-Terrorism. General lack of knowledge of the UN Strategy, and in particular its comprehensive nature addressing conditions conducive to the spread of terrorism and the importance of human rights in CT was one of the weaknesses identified in the review process in New York.

Sanctions regime

UN SCR 1904 marked a significant reform of the UN SC listing process, in particular with the creation of the Ombudsperson (see above). The CTC remains concerned that current listing and de-listing processes are too cumbersome to allow the system to be used in a dynamic way to encourage changes in behaviour of listed groups and will be considering whether there are ways in which the EU process can be reformed, especially in the light of the new legal basis provided by Article 75. A high-level seminar will be held in Brussels at the end of November to discuss the problems of listing. In the short term, however, there is an immediate need for the Commission, Council and Member States to lodge appeals against the General Court Judgement in the latest case of Kadi vs. Commission. This judgement poses a potentially major problem for Member States in their ability to fulfil their obligations under Chapter VII of the UN Charter, and thus for the EU's stated aim to reinforce the UN as the lynch-pin of an international order based on the rule of law.

Cooperation with the Western Balkans

In line with Council conclusions on co-operation with Western Balkan countries on the fight against organised crime and terrorism⁴³ approved by the Council in July 2008, an initiative to share best practices with the Western Balkan countries has been carried out since 2008. The aim of the initiative, developed on the basis of the first round of peer evaluation on national counter terrorism arrangements, is to present EU efforts on combating terrorism to the Western Balkan countries with a view to raising the security standards of both the EU and Western Balkan states. From February to June 2010 visits to five Western Balkan countries that had expressed their will to participate in the initiative (Albania, FYROM, Bosnia and Herzegovina, Montenegro, Serbia) took place. The recommendations to be issued in the final report in November 2010 indicate among other topics the need to strengthen political coordination of counter-terrorism efforts, inter-agency cooperation and police training in the abovementioned countries. In several fields the capacities of authorities dealing with combating terrorism are already similar to the level in the EU MS, e.g. in areas like coordination of prosecutions, the use of intelligence as evidence, providing a legal basis for a range of investigative techniques and secure communication systems and security clearances⁴⁴.

⁴³ 10931/08 ENFOPOL 123 CORDORGUE 46 COWEB 164.

⁴⁴ The summary of the initiative is contained in the doc. 15672/10 ENFOPOL 311.

CSDP

In the field of CSDP concrete work has continued in particular with an ongoing update of the "military database" and EDA contribution to combating terrorism within the whole range of its activities to improve European capabilities. The Capability Development Plan has identified transnational and locally based terrorism as one of the strategic drivers when exploring future capability development. Furthermore, the capabilities needed to handle asymmetric warfare are closely linked to those needed to combat terrorism. The work is undertaken within two overarching avenues: Prevent and Respond:

All EDA activities that are run in the frame of Intelligence are assisting in combating terrorism: analyst and Open Source Intelligence (OSINT) courses and the Common Standardised User Interface (CSUI) conceptual demonstrator. Space Situation Awareness could also be a way to protect our Space assets from terrorism. Additionally, work on Computer Network Operations (CNO), with an active contribution of the EU Military Committee, supports antiterrorism efforts in the domain of Cyber Space.

Capabilities in the areas of CBRN Detection, Identification and Monitoring (DIM) and CBRN Explosive Ordnance Disposal (EOD) have been further developed. The project "Biological Equipment Development and Enhancement Programme" now with 10 Member States and Norway participating is progressing quickly. It will be ready for handing-over to an executive agency for the final development of a demonstrator by end of 2011.

The work strand to Counter Man Portable Air Defence Systems (C-MANPADS) has progressed; a Project Team has been stood up and already delivered first results which will guide the further work on "Protection of air assets against ground-based threats" in line with a threat-based approach..

The EDA-led work on Soldier Centric Identification System (SCIS) continues as planned and has delivered the first demonstration of a hardware solution. Further demonstration with alternative solutions are planned. The project will significantly contribute to enhancing the protection of European personnel on Counter Terrorism operations.

II. Ongoing and to-be-achieved actions

	Measure/Action	Competent Body	Deadline	status/observations
1 PREVENT				
1.1 DISRUPT THE ACTIVITIES OF THE NETWORKS AND INDIVIDUALS WHO DRAW PEOPLE INTO TERRORISM				
1.1.1	Implementation of the Council strategy and action plan on radicalisation and recruitment.	Council / MS / Commission	Ongoing	Implementation plan on Action Plan was updated under Czech Presidency. State of play and results of the different projects and work streams will be reported regularly.
1.1.2	Promote community policing including through improved training.	MS / CEPOL / Council	Ongoing	As a follow up to the BE lead initiative COPPRA there will be an updated training manual and 5 train-the-trainer-sessions.
1.1.3	Put in place a legal framework to prevent individuals from inciting violence and exchange information on incitement.	MS / Council / Commission	December 2010	Implementation of the amending Framework Decision 2008/919/JHA (<u>deadline December 2010</u>) setting the framework for EU-wide criminalisation of “public provocation to commit a terrorist offence”, “recruitment for terrorism” and “training for terrorism”.
1.2 ENSURE THAT VOICES OF MAINSTREAM OPINION PREVAIL OVER THOSE OF EXTREMISM				
1.2.1	Empower moderate voices by engaging with Muslim organisations including through support for	MS / Commission /		DE and UK have applied for COM-funding for a programme involving political foundations in outreach work.

	the Muslim community.	Council		
1.2.2	Encourage Muslim communities not to rely on external Imams, including through enhanced training.	MS	Ongoing	Spain is the lead Member State on a project mapping out imam-training.
1.2.3	Develop a comprehensive communication strategy to explain EU policies and hold a conference with media professionals and terrorist experts to discuss radicalisation. Put in place funding for journalist training programmes and regional language broadcasts of European television and radio news and other initiatives in ME and North African countries.	MS / Commission / Council / CTC	Ongoing	UK is in the lead of a project on CT-communications.
1.3 PROMOTE SECURITY, JUSTICE, DEMOCRACY AND OPPORTUNITY FOR ALL				
1.3.1	Target inequalities and discrimination where these exist within the EU and promote long-term integration where appropriate.	MS / Commission	- implementation phase Nov. 2010 - review: 2013	

1.4 ASSESSMENTS AND ANALYSIS				
1.4.1	Continue to investigate the links between extreme religious or political beliefs, as well as socio-economic and other factors, and support for terrorism, and identify response measures.	Council / Commission	Ongoing	A research project, SAPHIRE, under 7th Framework Programme was proposed and shall include research on links between socio-economic and other factors contributing to terrorism. Results are expected in 2012.
1.5 PREVENTION OF CBRN RISKS				
1.5.1	Implementation of an EU CBRN Action Plan	MS / Commission	Ongoing	<p>In November 2009 the Council approved an EU CBRN Action Plan..</p> <p>The Action Plan focuses <i>inter alia</i> on:</p> <ul style="list-style-type: none"> - developing EU lists of high-risk CBRN materials; - enhancing the security of high-risk CBRN materials and facilities; - enhancing control over high-risk CBRN materials; - contributing to the development of a high security culture of staff; - improving the identification and reporting of suspicious transactions and behaviour; - enhancing the security of transport; - strengthening the import/export regime; - strengthening cooperation on the security of nuclear materials. <p>In February 2010 the Commission set up a CBRN Advisory Group and its subgroups, bringing together State representatives, technical experts and relevant stakeholders, including, where appropriate, the private sector, in</p>

				order take forward the implementation of the EU CBRN Action Plan. These groups have met for a total of 13 meetings during 2010 to discuss and support the implementation of the Action Plan.
2. PROTECT				
2.1 PROTECTION OF CRITICAL INFRASTRUCTURE				
2.1.1	<p>Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p. 75)</p> <p>- European Programme for Critical Infrastructure Protection (EPCIP)</p> <p>- Proposal for a Critical Infrastructure Warning and Information Network (CIWIN) .</p>	Council / Commission	<p>Implementation phase</p> <p>poss. December 2010</p>	<p>Council Directive 2008/114/EC establishes a common procedure for identifying and designating European critical infrastructure (ECIs) , at this stage concentrating on energy and transport sectors. Builds on the European Programme for Critical Infrastructure Protection (EPCIP) establishing a horizontal framework for protection of ECIs. The future work under the external 'pillar' of EPCIP is currently being examined by the Council.</p> <p>The Council examined the proposal for Critical Infrastructure Warning Information Network (CIWIN) in 2008 and 2009. A CIWIN pilot project is currently ongoing – the evaluation of the pilot will take place during November 2010.</p>
2.2 PREPAREDNESS FOR INCIDENTS INVOLVING CBRN MATERIALS				
2.2.1	Implementation of an EU CBRN Action Plan	MS / Commission	Ongoing	<p>for state of play CBRN action plan: <i>see 1.5.1</i></p> <p>The Action Plan focuses <i>inter alia</i> on:</p> <ul style="list-style-type: none"> - developing minimum detection standards; - improving emergency planning; - improving training.

2.3 BORDER CONTROL				
2.3.1	Negotiation of a new proposal for a Regulation amending regulation 2007/2004 (Frontex Regulation)	Commission / EP / Council	Ongoing	
2.3.2	Submit proposal for a Regulation establishing an entry/exit system	Commission	2011	Use of new technologies including gates for automated border control is part of the draft Stockholm program
2.3.3	Submit Proposal for a Regulation establishing a registered travellers program	Commission	2011	Use of new technologies including gates for automated border control is part of the draft Stockholm program
2.3.4	Submit proposal for a Regulation amending Regulation 562/2006 (Schengen Borders Code) as regards the entry-exit system	Commission	2011	Linked to the use of new technologies including gates for automated border control, which is part of the draft Stockholm program
2.3.5	European Border Surveillance System (EUROSUR)	Commission / MS	2011	A proposal for a Regulation regarding the establishment of EUROSUR is foreseen by the second semester of 2011..
3. PURSUE				
3.1 INFORMATION GATHERING, ANALYSIS, AND EXCHANGE				
3.1.1	Implementing principle of availability for DNA, fingerprint and vehicle registration data (Prüm Decision).	MS	by August 2011	Council adopted the so-called Prüm Decision on 23 June 2008 ¹ . MS shall implement the chapters on exchange of DNA, fingerprint and vehicle registration data by August 2011. Several MS have already implemented parts of this exchange, others are preparing the legal and technical measures

¹ 2008/615 JHA and 2008/616 JHA.

				at national level.
3.1.3	Ensure access of authorities responsible for internal security measures and Europol to Eurodac.			The amended COM proposal for a Regulation regarding Eurodac (submitted October 2010) does not include a provision for the access of authorities responsible for internal security measures.
3.3 TERRORIST FINANCING see also Revised Strategy on Terrorist Financing (11778/1/08 REV 1) and the implementation report (8864/1/09 REV 1)				
3.3.1	Take forward guidance for Non-Profit Organisations (implementation FATF SR VIII).	MS / Commission	Ongoing	Council agreement on principles (December 2005). Commission communication in November 2005; presentation in MDG (May 2006) and TWG (June 2006). Commission ordered two studies ¹ and had two conference meetings with relevant stakeholders. Currently guidelines are drafted.
3.4 INTERNATIONAL DIMENSION				
3.4.1	Ratification of 16 UN legal instruments against Terrorism and continue to lobby for this in third countries both bilaterally and at EU level.	Council / CTC / Commission / MS	Ongoing	Not all Member States yet have a full record on ratification/implementation. To do: Work to ensure early ratification and implementation of all UN Conventions and Protocols on terrorism, including the UN Convention on the Suppression of Acts of Nuclear Terrorism, which was adopted on 13 May 2005. This convention was signed by all EU MS on 14 September 2005.

¹ http://ec.europa.eu/justice_home/doc_centre/terrorism/docs/study_abuse_non_profit_orgs_for_financial_criminal_purposes_avril09.pdf
http://ec.europa.eu/justice_home/doc_centre/terrorism/docs/initiatives_improving_transparency_accountability_npos_avr09.pdf

3.4.2	Support the adoption of a Comprehensive Convention on Terrorism including through proactive outreach.	Council / CTC / Commission / MS	Ongoing	EU has constantly raised this question in political dialogue meetings with third countries and in regular COTER Troika meetings.
3.4.3	Sign and ratify Council of Europe Convention on prevention of acts of terrorism.	Council / CTC / Commission / MS	As soon as possible	Work to ensure early ratification and subsequent implementation (Only 1 MS has not signed but 11 have not yet ratified). Lobby for signature and ratification in third countries.
3.4.4	Continue to make available voluntary contributions for the UNODC's Global Programme against Terrorism.	MS	Ongoing	UNODC terrorism branch is facing significant shortfall of contributions.
3.4.5	Deliver technical assistance to Morocco and Algeria in order to build their CT capacity, working closely with UN and other donors.	Council / MS / Commission	Ongoing	Algeria and Morocco both exhibited a preference to work in bilateral formats rather than through the EU. CTC has been in contact with Rezaq Bara. COTER troika with Morocco.
3.4.6	Develop and implement technical assistance programmes to other priority countries in order to build their CT capacity, in co-ordination with the UN and other donors and review existing projects in priority countries to identify duplication. Further develop political dialogue with priority countries in order to strengthen political capacity in the fight against terrorism.	Council / CTC / Commission / MS	Ongoing	Continuing efforts to reinforce political dialog with priority countries including the COTER troika with Pakistan, missions to SAHEL countries and Yemen. Possibility of expanding to Somalia and Tajikistan being explored.

4. RESPOND

4.1 CIVILIAN RAPID EU RESPONSE CAPABILITY TO DEAL WITH THE AFTERMATH OF A TERRORIST ATTACK				
4.1.1	Recast of the Community Civil Protection Mechanism (established by Council Decision of 8 November 2007) Civil Protection Financial Instrument (established by Council Decision of 5 March 2007).	Commission / Council MS / Commission Commission	Beginning of 2011	<p>- First regular third-year evaluation of the Community Civil Protection Mechanism and evaluation of the Civil Protection Financial Instrument.</p> <p>- The Commission is currently working on scenarios for various types of disasters to explore potential gaps in the current civil protection response capacities, and is carrying out other pilot projects and preparatory actions.</p> <p>- By October 2010 , 94 civil protection modules and 8 technical and assistance teams are registered. The Commission and Member States are currently working on setting up a core group of experts who might be deployed very rapidly as a first step in the deployment of assessment and coordination teams.</p> <p>The Commission has proposed to increase the number of CBRN exercises to be organised under the Civil Protection Financial Instrument and facilitate inter-agency response to CBRN incidents bringing together national civil protection health, law enforcement investigators, civil military responders and European civil protection modules. A major field exercise was held in Spain in June 2010 under the EU Rapid Response Capability 7, one of the projects financed under the Preparatory Action.</p>
4.1.2	Improve exchange of information on victim identification	Council		Council in dialogue with Interpol on the use and further development of Interpol's database.

4.1.3	Protect minority communities which may be at risk of a backlash in the event of a major attack.	Council / Commission	Ongoing	Continued monitoring by the Fundamental Rights Agency.
4.2 MILITARY RAPID RESPONSE CAPABILITY TO DEAL WITH THE AFTERMATH OF A TERRORIST ATTACK				
4.2.1	Adapt the military database of assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks (including CBRN) to reflect its expansion to all types of natural and man-made disasters.	Council / Commission / MS	Ongoing	Update by EUMS is ongoing
4.2.2	Follow-up the "trilateral initiative" at NATO in the framework of civil emergency planning in crisis management (cf. 14797/04 sub 19.1).	Council / Commission	Ongoing	The EU continues to seek ways to cooperate with NATO in the context of the "trilateral initiative". The Secretariat, with the participation of the Commission, will continue to maintain the necessary contacts with the International Staff to ensure the exchange of information and to enable PSC-NAC and PMG-PCG meetings to be held with all the Member States.
4.2.3	Ensure the terrorist threat is incorporated into the illustrative scenarios of the Headline Goal.	Council	Ongoing	This has been done but the terrorist threat should continue to be incorporated in future possible revisions of the illustrative scenarios
4.2.4	Improve protection of all personnel, material and assets deployed for crisis management operations under Title V of the TEU, including, as appropriate, the ability to protect possible key civilian targets, including critical infrastructure, in the area of operations within available means and capabilities	Council / EDA	Ongoing	This issue is taken into account in all operations. It is also factored into both the civilian and military headline goal processes. The European Defence Agency (EDA) is working on several projects to enhance protection. These projects encompass the physical protection of personnel as well infrastructure in a conventional and/or CBRNE environment. Also, possibilities for better informed decision-making are being worked on; these

	and on a case by case basis based on the threat analysis.			will contribute to improved prevention and consequence management.
4.2.5	Counter improvised explosive devices (C-IED)	EDA / MS	Ongoing	- Guidelines for developing national capabilities to counter IEDs have been developed and distributed to pMS. - A project for the development and deployment of a deployable level 2 exploitation capability has been launched by Defence Ministers. Work is progressing quickly and the start of the operational phase is foreseen in 2011.
4.2.6	EU-wide Maritime Surveillance (MARSUR) network for ESDP operations	EDA / MS	end 2010	All preparations for a demonstration phase encompassing 6 pMS in early 2011 have been finalised. Preparatory work for follow-on activities like improving and expanding the demonstrator network have already started.
4.2.7	Future Unmanned Aerial Systems (FUAS) project	EDA / 7 MS	2015	ISTAR platforms for use on the tactical level
4.3 EFFICIENTLY RESPOND TO INCIDENTS INVOLVING CBRN MATERIALS				
4.3.1	Adoption and implementation of an EU CBRN Action Plan	Council / MS / Commission	Ongoing	for state of play CBRN action plan: <i>see 1.5.1</i> The Action Plan focuses <i>inter alia</i> on: - strengthening countermeasure capacity; - improving information flows in case of CBRN emergency; - strengthening decontamination capacity; - improving the capacity to conduct criminal investigations.
4.4 ASSISTANCE TO VICTIMS				
4.4.1	Ensure that support and assistance is provided to the victims of terrorism	MS /	Ongoing /	Commission will continue co-financing projects aimed at supporting victims

		Commission	legislative proposal 2011	<p>of terrorism and enhancing the solidarity of EU citizens.</p> <p>Commission has set up the European Network of Associations of Victims of terrorism to stimulate trans-national co-operation between associations of victims of terrorism and enhance the representation of victims' interests at EU-level.</p> <p>The Commission will put forward proposals in line with what is set out in the Council conclusions on a strategy to ensure fulfilment of the rights of and improve support for persons who fall victim to crime. Victims of terrorism will be covered by this general strategy on victims of crime.</p>
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