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**ADDENDUM TO NOTE**

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

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Subject: Annual report on the implementation of the EU Counter-Terrorism Strategy

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*The European Council requested regular reporting on ongoing activities in the field of combating terrorism in the EU by Member States and supporting EU institutions and the implementation of the EU Action Plan on combating terrorism. This is the update of the last report, issued at the end of 2011<sup>1</sup>.*

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<sup>1</sup> 17594/1/11.

This year was marked by some deadly attacks on EU soil. In March 2012 Mohammed Merah killed seven people in three different attacks in the South of France. In Bulgaria Israeli tourists and a Bulgarian bus driver were killed in a bomb attack. Arrests of terrorists and dismantling of terrorist networks continued within and outside the EU. Travel movements by terrorists to crisis regions such as Afghanistan/Pakistan, Somalia, Yemen, Libya and Syria continued to be an issue of concern. The deteriorating situation in Northern Mali, where extremists and terrorist organisations took over control of an area the size of France, has become even more threatening and has become a danger to its neighbours. The increased attacks by Boko Haram in Nigeria show that terrorism is a serious threat in the whole region.

Recent developments in North Africa have shown that democratic transition remains a challenge and further and increased support to these states is urgently needed - in particular in the field of security sector reform. The killing of the US Ambassador and other US officials in Benghazi were a sad reminder of how volatile and fragile the situation still is.

The development in Syria is a key concern and there are warnings that this state might turn into a new jihadist theatre and also spill over into neighbouring countries.

Terrorists continue to spread their propaganda and to use the Internet to recruit new terrorists and to provide online training.

The Member States and the European institutions have continued to implement the EU Counter-Terrorism Strategy and have made strong efforts to fight terrorism under the four main pillars of the European Union Counter-Terrorism Strategy: prevent (1.), protect (2.), pursue (3.) and respond (4.). They have also increased their international cooperation in the fight against terrorism (5.).

As required by the Treaties and restated by the EU CT Strategy, when implementing the Strategy, the Member States and the European institutions develop their CT policy in full respect for the rights and principles recognised by the Charter of Fundamental Rights.

## 1. Prevent

In the past year, EU Member States have taken a number of new initiatives not only on preventing and countering radicalisation and violent extremism in all its forms, but also in rehabilitating those who already embrace violent extremism through disengagement and/or de-radicalisation programmes. In relation to the latter, Council conclusions<sup>2</sup> were adopted in April 2012 on de-radicalisation and disengagement from terrorist activities which underlined the importance of cooperation between national, regional and local authorities and non-governmental organisations when encouraging individuals to give up terrorism.

The Cyprus Presidency took the initiative of updating the implementation plan for the revised EU Radicalisation and Recruitment Action Plan, which was endorsed by the Council in October 2012. The update lists the various measures taken by Member States and different EU bodies with a view to preventing and countering radicalisation to terrorism. The update was a timely and useful exercise given that the previous update dated back to 2009.

### *Work streams*

The Belgian-led COPPRA II project (Sep 2011 - Sep 2013) is currently halfway. The COPPRA team is in the process of updating the trainers' manual and the pocket-guide for first-line police officers. The COPPRA manual has been transformed, in cooperation with CEPOL, into an e-learning module which can be consulted on the CEPOL website. In the first six months of 2012, the COPPRA team organised 5 "train the trainers" sessions. 120 future COPPRA trainers from 22 European Member States participated in the training.

Last year, the Netherlands concluded the implementation of the "Action plan against Radicalisation and Polarisation 2007-2011". Lessons learnt and best practice have been gathered and made available on an on-line facility of the Ministry of Security and Justice ([www.nctv.nl](http://www.nctv.nl)). The Dutch government in the meantime is continuing its - mostly locally geared - prevention and preparation policies concerning counter-terrorism and counter-extremism. The national consultancy function, which allows local partners to contact the Ministry with questions and concerns, will be continued. More intensive national government support will be made available on the basis of a risk analysis: municipalities or institutions (i.e. prisons, higher education institutions) with indications of

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<sup>2</sup> 8624/12.

extremist activities will be supported with tailored advice or, if necessary, project co-financing.

Other activities on a national level include:

- development of additional training tools for recognition and intervention (advanced courses for professionals and de-radicalisation experts)
- multidisciplinary training of professionals (police, youth work, mental health care) on how to recognize and deal with 'lone actors'
- work on counter-narrative material
- projects concerning CT-priorities, in particular dealing with 'lone actors' and strengthening local capacity to detect international movements by foreign fighters.

In May 2012 the Danish Presidency hosted a two-day conference in Copenhagen on tackling extremism through de-radicalisation and disengagement initiatives. The conference illuminated efforts on de-radicalisation and disengagement from a number of different perspectives - including mentor schemes, de-radicalisation in prisons, working with family networks and the role of extremist narratives.

The Danish government, with support from the EU, has continued its activities in the context of the "De-radicalisation - Back on Track" project launched in May 2011. Mentors, who are to assist prison inmates in disengaging from extremism, have accomplished the first part of the training programme. The first mentor schemes started in the autumn of 2012.

In the next four years, Denmark will launch three related projects aimed at early prevention of extremism in a number of local communities. The first project aims at offering a trained local mentor to young people involved in extremist environments. The second project will focus on parents of young people who are part of a mentor programme and on their peers, while the third project concerns a concept whereby role models will try to engage with young people and their peers in the same local community.

Other Danish efforts are related to the mapping of anti-democratic and extremist environments in Denmark in order to improve existing prevention efforts.

### Check the Web

Europol continues to support the implementation of the EU Radicalisation and Recruitment Action Plan. A key focus for Europol is the Check the Web programme, which developed a web portal with wide access to Member States' experts in Islamist propaganda on the Internet. Member States are requested to contribute to this portal as much as possible. Check the Web activities in 2013 include, among others, a training programme, the development of a new Check the Web portal and new technical functionalities.

### Clean IT project

Clean IT, a Dutch-led project within the Internet work stream, started in 2011. Initial project partners were DE, UK, BE, and ES. New supporting government partners are DK, RO, HU and AT. The EC is providing financial support via the ISEC fund.

The idea behind the Clean IT project is to tackle use of the Internet for terrorist purposes through a public-private partnership, and to develop a non-legislative framework that consists of general principles and best practice. The project has reached out to many different interest groups to participate in the discussions in order to get well balanced end results. The Clean IT project has so far held six open discussions with the Internet industry, government, law enforcement, non-governmental organisations and user organisations. A final report is currently being drafted and the concluding conference is scheduled to take place early in 2013.

### Radicalisation Awareness Network

The Radicalisation Awareness Network (RAN), an initiative stemming from the EU Internal Security Strategy (ISS), was launched by Commissioner Cecilia Malmström in September 2011.

In the meantime, a charter and rules of procedure have been adopted to govern the organisation and its activities. Also the RAN-TAS (Technical Assistance and Support), financed by the Commission, has been established to provide logistical, technical and administrative support.

The RAN is organised in thematic working groups, guided by a Steering Committee chaired by the Commission, including the leaders of the working groups and the Committee of Regions.

Under the RAN, eight working groups have already been set up on the following topics:

- RAN-POL: the role of local and community police in preventing radicalisation leading to terrorism or violent extremism
- RAN-VVT: the use of voices of victims of terrorism in fighting radicalisation
- RAN INTERNET & SOCIAL MEDIA: Internet as a counter messaging vector
- RAN-PREVENT: early interventions with individuals and groups most vulnerable to radicalisation leading to violent extremism and/or terrorism
- RAN-DERAD: getting out of radicalisation leading to terrorism or violent extremism
- RAN PRISON & PROBATION: the possible role of prison administrations and staff and probation officers in the fight against radicalisation
- RAN HEALTH: awareness raising in the health sector
- RAN INTERNAL/EXTERNAL: from radicalisation to foreign fighters / what role can the diaspora play in the fight against radicalisation?

The outcome of the work of the RAN will be reported back to policy makers both at EU and Member State levels. During a high-level Symposium on Countering Violent Extremism in January 2013, the RAN working groups will feed into the policy-level work with lessons learnt and recommendations. A compilation of good practice and lessons learnt will be also issued in 2013.

#### *Policy Planners Network on Countering Radicalisation and Polarisation*

In April 2012, the Policy Planners Network on Countering Radicalisation and Polarisation (PPN) met in The Hague to discuss the issue of lone actors. Another meeting on right wing extremism is due to take place in December 2012.

## **2. PROTECT**

The attack in Burgas in Bulgaria in July has again underlined that coordinated activities to protect the public and infrastructures have to be a central element of the implementation of the Counter-Terrorism Strategy. The aim of the second pillar of the Strategy is to reduce vulnerability to terrorist attacks by improving, for instance, border control, transport security, the protection of critical infrastructure and cyber security.

Under the Cyprus Presidency the Council adopted in October 2012 conclusions on the protection of soft targets from terrorist activities inviting i.a. Member States to increase the exchange of information and best practise<sup>3</sup>.

### Border management

The exchange of information and external border controls remain essential to ensure that people can move freely within an area of freedom, security and justice. For that reason the Visa Information System and the Schengen Information System are vital. In addition the Commission is currently finalising the impact assessments and legislative proposals on an Entry/Exit System (EES) and a Registered Traveller Programme (RTP). The EES would permit the accurate and reliable calculation of authorised stays as well as detection of overstays by third-country nationals by recording electronically the date and place of entry and exit.

The RTP would further facilitate border crossings for frequent, pre-vetted and pre-screened third-country travellers at the Schengen external border, without undermining security. The RTP would offer simplified, even automated border checks to non-EU nationals complying with certain vetting criteria. Both systems would rely on effective technologies offering efficiency and cost savings in the mid- to long-term.

The Commission's aim is that the second-generation Schengen Information System (SIS II) should enter into operation in the first quarter of 2013.

### FRONTEX

New rules for FRONTEX, the European Agency for the management of operational cooperation at the external borders of the EU, were adopted in October 2011. Following this revision of its mandate, the Agency's tasks have been reinforced to enhance its role as regards the coordination of Member States' activities for the management of the external borders, thus helping combat illegal migration and the trafficking of human beings more efficiently as well as to reduce threats to internal security. Under the new Frontex mandate the Agency will "inter alia" be able to process personal data of certain categories of persons collected in the context of the Agency's operational activities under certain conditions and safeguards, namely for risk analysis purposes, subject to depersonalisation, and for the purpose of forwarding them to Europol.

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<sup>3</sup> 14591/12 ENFOPOL 316.

The Agency is currently taking the necessary measures for the implementation of the new rules as regards in particular the transformation of the Frontex Joint Support Teams (FJST) and Rapid Border Intervention Teams (RABIT ) into the new European Border Guard Teams (EBGT ) pool, the implementation of the Frontex Fundamental Rights Strategy, including the establishment of a Consultative Forum on Fundamental Rights and the appointment of a Fundamental Rights Officer, and the revision of the Code of Conduct.

### EUROSUR

EUROSUR is a mechanism whereby Member States' authorities in charge of border surveillance can cooperate with one other, with Frontex and with countries in the neighbourhood to reinforce control of the Schengen external borders to prevent illegal migration and cross-border crime. It focuses especially on the southern maritime and eastern land borders.

The Commission submitted a proposal for a Regulation regarding the establishment of EUROSUR in December 2011, suggesting that EUROSUR should become operational as of 1 October 2013. This proposal is currently being discussed within the Council. Negotiations with the Parliament have not started yet.

The development, testing and implementation phases of EUROSUR are continuing, based on a roadmap<sup>4</sup>, according to which, for instance, all 18 Member States located at the eastern land and southern maritime borders will have established National Coordination Centres by the end of 2012, but several will still need to be adapted to EUROSUR requirements in 2013. Frontex will have connected all these centres to the EUROSUR communication network on a pilot basis by the end of 2012.

### Visas

The Visa Code<sup>5</sup> is the general legal framework to be applied in cases where an application for a short-stay visa (90 days in the Schengen area) has been lodged .

The Visa Information System (VIS) went live in October 2011 in the first region of deployment (Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia). It was deployed in the second region (Middle East) on 10 May 2012 and in the third region (Afghanistan, Iran and Arab countries) on 2 October 2012.

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<sup>4</sup> Presented by the Commission, doc. COM (2008) 68 final.

<sup>5</sup> Regulation 810/2009.



### Lone actor terrorism

Also in 2012, persons travelling from Europe to terrorist hotspots to receive training or to join in the fighting and then returning to the EU remain a key problem to be addressed. After the Merah incident the CTC presented a discussion paper on 'preventing lone actor terrorism - food for thought', suggesting further measures to counter-terrorism by lone actors, for instance to amend the Framework Decision on terrorism to make it a crime to attend a terrorist training camp, to further support ideas to counter the terrorist narrative or to intensify law enforcement and judicial cooperation with countries of transit<sup>6</sup>.

### Critical infrastructure protection

The European Programme for Critical Infrastructure Protection (EPCIP) of 2006 constitutes a framework to raise critical infrastructure protection capability across all EU Member States and in all relevant sectors of economic activity. The implementation phase of the Directive on European Critical Infrastructures<sup>7</sup>, which sets the conditions for identifying and designating European Critical Infrastructures and establishes the minimum requirements for their protection, ended in January 2011. By 2012 all Member States had notified full transposition and reported on the first results of its application. As a follow-up the Commission started a review of the Directive in early 2012 which has led to recommendations<sup>8</sup> for revision of the EU approach to critical infrastructure protection (a Commission Communication is planned for April 2013).

An additional tool initiated by the Commission to facilitate the exchange of information on EU trans-boundary critical infrastructures is the Critical Infrastructure Warning and Information Network (CIWIN). In October 2012 the Commission moved to the production phase of CIWIN, which should be fully operational by the end of the year.

The Commission is continuing work on a first EU risk assessment for critical infrastructures. First steps towards such a risk assessment will be an analysis of dependencies and interdependencies, the assessment of methodologies to evaluate vulnerabilities, and an assessment of resilience measures.

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<sup>6</sup> 9090/12.

<sup>7</sup> 2008/114/EC.

<sup>8</sup> See Commission staff working paper SWD(2012) 190 final (22 June 2012), [http://ec.europa.eu/dgs/home-affairs/pdf/policies/crisis\\_and\\_terrorism/epcip\\_sw\\_d\\_2012\\_190\\_final.pdf](http://ec.europa.eu/dgs/home-affairs/pdf/policies/crisis_and_terrorism/epcip_sw_d_2012_190_final.pdf).

On the external dimension of EPCIP, in 2011 the Council adopted conclusions inviting the Commission and the Member States to step up cooperation with third countries. Following these Council conclusions, the Commission reported on the EPCIP external dimension during the Danish Presidency in June 2012<sup>9</sup>.

On 22-23 May 2012 the 3<sup>rd</sup> EU-US expert meeting was held in Brussels, formally extended to include Canadian experts. To ensure the continuity of the progress of EU-US-Canada cooperation in this field, possibilities are currently being explored for developing a global infrastructure security toolkit.

### Cyber Security

Cyber security is an issue of growing concern. Whereas a systematic campaign of cyber attacks by established terrorist groups is yet to be experienced, Europol's TESAT 2012 reports that recent developments point to a convergence of factors that might prove fertile ground for a continued increase in ideologically motivated electronic attacks. Furthermore the distinction between organised crime and terrorism is increasingly blurred as perpetrators of electronic attacks use the same tools and methods for a range of criminal and political purposes<sup>10</sup>.

The EU and its Member States have continued to address this challenge through various initiatives. The High Representative and the Commission intend to table a draft for an EU cyber security strategy to bring the different EU policy areas together in the beginning of 2013.

Member States have stepped up action to prepare for mayor cyber incidents. The "Cyber Europe 2012" exercise built on and brought together extensive activities in the EU, at both national and European level, to improve the resilience of critical information infrastructures. 26 countries and the European institutions joined together on 4 October 2012 in Athens to participate in the second pan European cyber incident management exercise that aimed to test the effectiveness and scalability of existing mechanisms and procedures and the information flow between public authorities in Europe in the event of large-scale cyber incidents; explore the engagement and cooperation between public and private stakeholders in Europe in the event of large-scale cyber incidents; and identify shortcomings and challenges as regards how large-scale cyber incidents could be handled more effectively in Europe.

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<sup>9</sup> SWD(2012) 190 final, p. 16-18.

<sup>10</sup> TESAT 2012, p. 11.

Subsequent to the 2011 UK initiative to work on appropriate principles of behaviour in cyber space at the "London Conference on Cyberspace", a Conference on Challenges in Cyber-security – Risks, Strategies and Confidence-Building took place in Berlin in December 2011. In October 2012 Hungary hosted the follow-up conference to the 2011 London Conference. Regarding Confidence Building Measures (CBM) in cyber security the OSCE Security Committee launched an informal working group in June 2012. This group aims to build trust between state actors on cyber security issues and to develop transparency and cooperation measures to reduce the risk of escalation and misperception of state behaviour.

The EU-US Working Group on Cyber-security and Cyber-crime (EU-US WG), established after the Lisbon summit in 2010, has continued its work in its four working groups (Cyber Incident Management; Public-Private Partnerships (PPP); Awareness Raising and Cybercrime).

The EU and India agreed at the 11th EU-India summit in December 2010 to enhance cooperation in the security field, with a focus on counter-terrorism, cyber security, and counter piracy<sup>11</sup>. The 2<sup>nd</sup> round of these consultations on cyber security and cyber crime between the EU and India took place in New Delhi on 26 October 2012, within the broader political context of EU-India security cooperation.

To build more robust structures for the EU institutions the EU has continued its efforts to build up emergency response structures. After one year of a pre-configuration team the EU's Computer Emergency Response Team, or CERT-EU, was established on a permanent basis in September 2012. It works with resources provided by the major EU institutions and agencies, including the Commission, the Council, the European Parliament, the Committee of the Regions, the Economic and Social Committee and the European Network and Information Security Agency (ENISA).

In December 2011 the Council took note of a progress report on the proposal for a Regulation of the European Parliament and of the Council concerning ENISA<sup>12</sup>. This proposal intends to strengthen and modernise the ENISA and to establish a new mandate for a period of five years. The current mandate of the ENISA will expire in September 2013.

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<sup>11</sup> 18036/10 PRESSE 352.

<sup>12</sup> 18156/11.

Following the Council conclusions on an action plan to implement a concerted strategy to combat cyber crime<sup>13</sup>, the establishment of a cyber crime centre in the EU has advanced during this period: in March the Commission presented its Communication "Tackling Crime in our Digital Age: Establishing a European Cybercrime Centre"<sup>14</sup>, proposing that the centre should be based at Europol and act as the focal point in the fight against cybercrime with four core functions (act as the EU cybercrime information focal point, pool expertise to support the Member States, support cybercrime investigations and become the "collective voice" of cybercrime investigators). The European Cybercrime Centre (EC3) will be launched in January 2013.

On cybercrime the Council adopted in June 2011 a general approach on a draft directive on attacks against information systems<sup>15</sup>. In June 2012 the negotiations with the European Parliament with a view to a first reading agreement were successfully concluded. The Council will adopt the directive once the plenary vote in the EP has taken place.

### Transport Security

Transportation remains at the centre of terrorist attention. This includes all sectors of transport – aviation, maritime and land. One example was the attack in Burgas, Bulgaria in July, where a terrorist killed half a dozen people who just were leaving the airport by bus. Another example are indications that anti-aircraft weapons looted in Libya after the fall of the Gaddafi regime have been smuggled into other regions, which continue to be an issue of concern for aviation security.

Work in the field of transport security has continued, mainly in the regulatory committees (AVSEC and MARSEC). In May the Commission issued a staff working paper entitled "Transport Security Policy"<sup>16</sup>.

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<sup>13</sup> 5957/2/10 REV 2 CRIMORG 22 ENFOPOL 32.

<sup>14</sup> COM(2012) 140 final.

<sup>15</sup> Interinstitutional File: 2010/0273 (COD); the proposal builds upon the 2005 Framework Decision (2005/222/JHA).

<sup>16</sup> SWD(2012) 143 final, <http://ec.europa.eu/transport/themes/security/doc/2012-05-31-swd-transport-security.pdf>

## Aviation Security

Since 1 February 2012, new rules for EU-inbound cargo and mail apply. Any EU or foreign air carrier has to register with an EU Member State if transporting cargo or mail into the EU from a foreign airport. The registration demonstrates the carrier's commitment to apply basic security measures according to an air carrier security programme that covers all air cargo operations into the EU including relations with agents from which the carrier receives cargo or mail. By 1 July 2014, an EU aviation security validation should be the underlying basis for such registration. In November 2012, new rules with regard to EU aviation security validation were adopted. These rules lay down how such validation should be conducted and the prerequisites for becoming an EU aviation security validator.

As concerns high-risk cargo and mail, the EU follows a risk-based approach - the EU risk assessment. As a general principle, cargo and mail originating from locations where there is an EU focused threat and insufficient compliance with ICAO rules is considered high-risk. Additional controls apply to high-risk cargo or mail identified through the risk assessment. In 2012, the application of EU risk assessment methodology twice led to adjustments to the original risk assessment performed in 2011.

A further debate on the issue of air cargo security is taking place in respect of new customs rules in a further attempt to render EU-bound air cargo and mail more secure. Pilots are currently being undertaken with regard to the exchange of advance cargo data. Pilot results will form the basis for future rule making based on common worldwide standards.

At the initiative of the EU and several Member States this year's Universal Postal Union Congress held in Doha decided to close a gap regarding cargo sent via postal services. In October 2012 they extended the exchange of advance electronic data on relevant postal consignments. This allows customs to conduct security risk analysis for postal items. Article 9 of the Universal Postal Convention has been changed accordingly. It obliges operators to provide electronic advance data.

While air cargo remains high on the agenda, progress was also made in other areas of aviation security. The EU is holding a debate on the future agenda for aviation security and seeking more effective and sustainable ways to improve aviation security. Technology is essential for delivering effective and sustainable aviation security controls. Improvement of public security is highly dependent on continued technological development. Therefore, research and innovation has to be encouraged at all levels. Several initiatives by individual Member States as well as the aviation industry are being analysed and discussed. All seem to attempt to achieve more risk-based and outcome-focused security measures that are both sustainable and of high security relevance.

Under the Cyprus Presidency a conference on "Aviation security against terrorist threats" was organised jointly with the Commission in Nicosia on 31 October. It assessed the challenges and ways to improve the understanding, prevention and reduction of the terrorist threat against aviation security. The Conference focussed in particular on the extension of risk assessment and management methodology, hitherto applied to air cargo and liquid explosives, to other domains within the EU aviation security regime. This is in association with the risk assessment activities planned in the Commission's Internal Security in Action Communication.

The restrictions on the carriage of liquids that are applicable at airports in the European Union serve to address the threat posed by liquid explosives that may be concealed in liquid, aerosol, or gel containers.

The Commission is working towards the removal of all restrictions on the carriage of liquids in hand luggage. Restrictions would be replaced by methods for screening liquids for potential threat substances. The Commission has recommended that starting in January 2014, passengers transferring at EU airports should be able to carry as hand luggage liquids, gels and aerosols purchased as duty free at non-EU airports and on non-EU air carriers. Certain conditions would apply, however, for example, those purchases would need to be sealed inside a security tamper-evident bag. To implement these recommendations, the Commission intends to bring forward proposals in autumn 2012. In the light of the experience gained by this step forward, the Commission would then bring forward proposals for subsequent phases of removing restrictions more widely with the final objective of a total end to the ban.

The EU continued to actively build international relations that focus on improving aviation security. Close cooperation with international partners in ICAO continued and the EU participated in the ICAO High Level Conference on Aviation Security of September 2012.

## Maritime Security

In the maritime sector the main security issue continues to be piracy. During 2012 the number of incidents in the Horn of Africa region declined. Several factors are responsible – the fact that more ships were applying in full the best management practices (BMP) on measures for self-protection and the prevention of piracy and armed robbery against ships (as laid down in Commission Recommendation 2010/159/EU<sup>17</sup>) and the continued success of the EU NAVFOR military naval presence in the region being two factors. However, the main factor has undoubtedly been the growth in merchant ships' use of privately contracted armed security personnel (PCASPs) on board ships to provide the necessary deterrent. To date, no ship with PCASPs has been the victim of a successful pirate hijacking in the Horn of Africa region.

However, whilst the number of successful attacks declined in 2012 it should be noted that there are still some 180 seafarers and around a dozen ships still being held for ransom in Somalia, with the period of captivity often long (in some cases over two years) and the seafarers held in appalling conditions.

If the slow decline in successful attacks in the Horn of Africa is somewhat positive, this is offset by the increase of incidents of armed robbery at sea<sup>18</sup> in the Gulf of Guinea in 2012. This is a worrying development.

## Land Transport

Following the announcement in its Communication "Internal Security in Action" (ISS AP) in 2010 that it would be extending its work in the field of urban transport security the Commission took the decision on 31 May 2012 to establish an Expert Group on Land Transport Security. The Expert Group will consist of two representatives per Member State with one from the ministry of transport and one from the ministry in charge of law enforcement. A stakeholder group will be attached to the Expert Group. The first meeting is planned for 2013.

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<sup>17</sup> OJ L67 of 17.3.2010, p.13.

<sup>18</sup> Incidents that take place on the high seas are considered to be "piracy", whereas incidents in territorial waters are deemed to be acts of "armed robbery at sea".

## Nuclear Security

In June 2012 the Ad Hoc Group on Nuclear Security (AHGNS) - established in 2011 to work on the security of nuclear power plants - concluded its activities with the publication of its final report<sup>19</sup>. It includes 32 good practices that should apply to any Member State, taking due account of its specific characteristics and circumstances. The report also lists nine main conclusions. These main conclusions are aimed at all entities involved in nuclear security and will, according to the AHGNS, if given adequate consideration, contribute to a higher level of nuclear security in the EU Member States. The report was noted by the June 2012 European Council, which called for the rapid implementation of the recommendations of the AHGNS.

On 26-27 March 2012, 53 heads of state and government, as well as representatives of the United Nations (UN), International Atomic Energy Agency (IAEA), European Union (EU) and INTERPOL attended the 2012 Seoul Nuclear Security Summit. All participants renewed the political commitments entered into at the 2010 Washington Nuclear Summit to work toward strengthening nuclear security, reducing the threat of nuclear terrorism, and preventing terrorists, criminals, or other unauthorized actors from acquiring nuclear materials. It was acknowledged that nuclear terrorism continues to be one of the most challenging threats to international security. Hence, defeating this threat requires strong national measures and international cooperation given its potential global political, economic, social, and psychological consequences.

## Security related research

In 2011 the 7th EU Framework Programme for Research and Technological Development (FP 7) continued to "support<sup>20</sup> the implementation of Community policies and initiatives relevant to security such as the establishment of an area of freedom, security and justice, transport, health (including the EU Health Security Programme), civil protection (including natural and industrial disasters), energy, environment and external policies". The FP7 Security theme was allocated a budget of EUR 1.4 billion for the period 2007-2013.

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<sup>19</sup> 10616/12.

<sup>20</sup> FP7 SpecProg.:<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:400:0086:0242:EN:PDF>



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

After four years of existence, the Commission has committed over one billion Euros spread over 250 projects, 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.

In addition, a number of workshops have been organised by the FP7 Security research team since 2010 in order to disseminate among relevant users results from ongoing research projects and to collect recommendations and requirements for future research topics. In 2012 the following workshops took place:

- 25.01.2012: Toward a Demonstration Programme on Crisis and Disaster Management
- 31.01.2012: Towards an R&D Demonstration Programme on Logistic and Supply Chain Security
- 09.02.2012: 5th Unmanned Aircraft Systems (UAS) EU Workshop – Research and Development for UAS
- 23.10.2012: Workshop on Research & Innovation for Cyber Defence and for combating Cyber Crime

#### Security Research Event

The Commission organised on 25 – 26 September 2012 a "Security Research Event" in the context of the Essen Security Fair. The Essen Security Fair is the largest civil security fair in Europe.

The security research event was focussed on the concrete results of FP7 security research projects and the close connection between research and industry. This is reflected in the motto of the event: "Security Research meets Industry: Growth - Technology - Markets" as well as in the content of the various panels:

- A Strategy for the Security Industry
- Alerting the population
- Joining forces to secure EU Borders
- Research meets industry - experiences from national programmes
- Horizon 2020

## Security Industry Policy

The Commission also published in 2012 a first Communication on a Security Industrial Policy, the "Action Plan for an innovative and competitive Security Industry"<sup>21</sup>. This Communication sets out eight specific actions aimed at enhancing the competitiveness of the EU security industry.

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

This Communication is based on a series of studies, public consultations and workshops organised by the Commission during the process of drafting the Communication.<sup>22</sup>

## Standardisation

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

The remit was divided into two distinct phases:

Phase 1 (inventory of market/stakeholders' needs and a set of recommendations on priorities and proposals for the range of standards that will fulfil those needs) is expected early 2012. The kick-off meeting was in September 2011 in Brussels, including the Commission, national standardisation bodies, European associations and several national stakeholders.

The final report on phase 1 of the remit was submitted to the Commission by CEN on 9 May 2012.

This report can be found on the CEN website<sup>23</sup>:

In 2012 phase 2 will include establishing a set of in-depth standardisation roadmaps in selected priority fields.

This report included an initial assessment of the existing landscape of security standards in the EU as well as a list of recommendations, including areas in which the Commission should promote the development of standardisation roadmaps.

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<sup>21</sup> COM (2012) 417. The Communication and the accompanying Staff Working Document can be found on the following website: [http://ec.europa.eu/enterprise/policies/security/industrial-policy/communication/index\\_en.htm](http://ec.europa.eu/enterprise/policies/security/industrial-policy/communication/index_en.htm).

<sup>22</sup> Public Consultation [http://ec.europa.eu/enterprise/policies/security/industrial-policy/public-consultation/index\\_en.htm](http://ec.europa.eu/enterprise/policies/security/industrial-policy/public-consultation/index_en.htm); studies: [http://ec.europa.eu/enterprise/policies/security/documents/index\\_en.htm](http://ec.europa.eu/enterprise/policies/security/documents/index_en.htm); workshop: [http://ec.europa.eu/enterprise/newsroom/cf/itemdetail.cfm?item\\_id=5316&lang=en&title=Workshop%2Don%2DSecurity%2DIndustrial%2DPolicy%2D](http://ec.europa.eu/enterprise/newsroom/cf/itemdetail.cfm?item_id=5316&lang=en&title=Workshop%2Don%2DSecurity%2DIndustrial%2DPolicy%2D).

<sup>23</sup> <http://www.cen.eu/CEN/sectors/sectors/security%20and%20defence/security/Pages/default.aspx>.

## Security of explosives and CBRN materials

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

Member States and EU bodies have made good progress in the implementation of the EU Action Plan for the Enhancement of the Security of Explosives<sup>24</sup>, adopted in 2008 and containing about 50 actions on the prevention and detection of, and response to, incidents involving malicious use of explosives.

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

### Explosives precursors

As regards access to explosives precursors<sup>25</sup>, in 2012 a triologue on the Regulation on the use and marketing of precursors to explosives took place between the Council, the European Parliament and the Commission, lasting until July 2012, when a compromise text was agreed on<sup>26</sup>. It is envisaged that the Regulation will be formally adopted by the end of 2012 or early 2013.

The Regulation, based on a Commission proposal from 2010, establishes restrictions on making available, possessing and using seven chemical substances above certain concentration limits. The restrictions apply to transactions by private individuals. As these chemical substances are dual use goods, the Regulation also allows for the possibility of creating exceptions to the restrictions if deemed appropriate by the Member State, either through a system of licensing or a system of registration of transactions in these substances (in the case of three of the substances within certain lower concentration margins and in the case of countries that already have a system of restricting access to explosives precursors in place). In addition, a system of obligatory reporting of suspicious transactions for 15 chemicals is envisaged in the Regulation. Prior to the date of application, the Commission will issue guidelines on the implementation of the Regulation.

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<sup>24</sup> 8109/08.

<sup>25</sup> actions 2.2.1, 2.2.2, 2.3.1 and 2.3.2 of the EU Action Plan on Enhancing the Security of Explosives.

<sup>26</sup> 12478/12.

## EU CBRN Action Plan

The EU CBRN Action Plan<sup>27</sup> was adopted in 2009 and comprises 124 detailed actions from prevention and detection to preparedness and response. Some of the main achievements in the CBRN Action Plan are the agreement in 2011 on three EU lists of high-risk substances (chemical, biological and radioactive/nuclear materials), development of EU level training for the Member States' CBRN community, enhanced networking as well as exchange of information and good practice, development of detection technology and relevant research.

The Commission issued a detailed progress report on the implementation of the Action Plan in May 2012<sup>28</sup>. Despite progress in carrying out many of the activities set out in the Action Plan, further efforts are needed to ensure more even and comprehensive implementation of its objectives.

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

### Detection of explosives and CBRN materials

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

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<sup>27</sup> 15505/1/09 REV 1.

<sup>28</sup> 10441/12.

### Training and exchange of best practice

In the area of training and exchange of best practice among experts, good progress has been made within the European Explosive Ordnance Disposal Network (EEODN) set up in 2008 (action 4.1.1 of the EU Action Plan on Enhancing the Security of Explosives). The activities of EEODN are coordinated by Europol and co-funded by the Commission. In May 2012, the CBRN community of Member States' law enforcement authorities was integrated into EEODN, following action H.34 of the EU CBRN Action Plan.

EEODN facilitates information sharing, contributes to the identification of best practice, keeps national EOD and CBRN units up to date on latest developments and pursues as appropriate approximation of procedures and techniques. Conferences for EOD and CBRN specialists take place regularly with an enhanced focus on training within specific areas of expertise. As from 2013, the European Police College (CEPOL) will start to contribute to the organisation of EEODN's conferences and training courses.

### Platforms for information exchange

The Early Warning System (EWS) on explosives, CBRN materials and firearms (action 1.1.1 of the EU Action Plan on Enhancing the Security of Explosives) allows for immediate information exchange on incidents involving theft, disappearance or lack of control of explosives, CBRN substances and firearms when a terrorist involvement is suspected. The system was made available to Member States in 2010. The second phase of the development of EWS is ongoing, co-funded by the Commission.

The European Bomb Data System (EBDS), which also became operational in 2010, is a tool for the storage and exchange of information on incidents related to explosives, improvised explosive devices (IEDs), improvised incendiary devices (IIDs) and CBRN substances (action 1.1.2 of the EU Action Plan on Enhancing the Security of Explosives). This multilingual system, hosted by Europol and operating through the Europol Secure Network, includes two incident databases (EOD and CBRN), libraries for storing documentation, discussion fora for better interaction among experts and powerful searching capabilities. EBDS is co-funded by the Commission. By autumn 2012, 25 Member States were connected to the system. The daily administration of the EBDS has now been taken over by Europol's CT Unit. One priority identified in the context of the last "EU-US Explosives Experts Seminar", on 28 March 2012, is the development of common information sharing platforms to enhance communication among US and EU explosives experts. In this context, Europol extended the EBDS connection to Europol's Liaison Office in Washington in April 2012 and granted EBDS access to US ATF and FBI liaison officers at Europol.

The Explosives Control and Protection System to Prevent and Fight against Terrorism (SCEPYLT) was set up in 2011 based on Commission Decision 2010/347. SCEPYLT is aimed at issuing and monitoring electronic approval forms to transfer explosives across borders within the EU. The project is coordinated by Spanish authorities, with 12 Member States participating in the project and the system being actively used by three Member States as of October 2012. Some other Member States should be ready to use the system by the end of 2012.

### International cooperation

The fourth EU-US explosives experts' seminar was organised in March 2012 in Brussels. The seminar re-emphasised the importance of the following areas of mutual concern: the benefits of information sharing including recent case studies, the need for civilian and military cooperation, the importance of expert databases, the comparison of regulatory frameworks for explosives and their precursors, establishing a comprehensive approach to transport security, addressing the challenges in detection technology, harmonised activities for canine detection, as well as relevant training. In order to further enhance the cooperation and build upon the existing networks, it was agreed to identify specific priorities and establish concrete objectives focused on information sharing, training and detection.

### **3. PURSUE**

To investigate, prosecute and secure conviction of 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 by terrorists and their supporters; to cut off funding and access to attack materials, to investigate terrorist offenses and to bring terrorists to justice.

### Implementation of the Framework Decision

Acts considered terrorist offences by the Member States are defined by the Framework Decision on combating terrorism (2002/475/JHA)<sup>29</sup>, amended by the second Framework Directive in 2008, which was to be implemented by 9 December 2010<sup>30</sup>. In November 2012 the Commission commissioned an implementation report on the Framework Directive, which will be presented in 2013.

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<sup>29</sup> OJ L 164, 22.6.2002, p.3.

<sup>30</sup> Framework Decision 2008/919/JHA, adopted on 28 November 2008. OJ L 330, 9.12.2008, p. 21.

### Criminal law: Approximation of Member States' criminal law

Based on the Framework Decision of February 2009 on the exchange of information extracted from criminal records between EU Member States<sup>31</sup> the Council adopted a Decision in April 2009 to set up a European Criminal Records Information System (ECRIS). ECRIS was created to establish an electronic interconnection of criminal records databases to ensure that information on convictions is exchanged between EU Member States in a uniform, speedy and easily computer-transferable way. In cooperation with the Member States, the Commission prepared a series of technical implementing measures (the ECRIS blueprint) to assist the Member States in the interconnection of their criminal records databases (adopted by the Council in June 2011). The Commission has developed the interconnection software ('reference implementation') required for the information exchanges. The test campaign validating the full version of the ECRIS Reference Implementation has been successfully completed. The system will give judges and prosecutors easy access to comprehensive information on the history of criminal offenses committed by any EU citizen, irrespective of which EU countries that person may have been convicted in in the past. By making it impossible for offenders to escape their criminal past simply by moving from one EU country to another, the system could also serve to prevent crime. ECRIS has been implemented in Member States since 27 April 2012. The initial experience is positive, showing a steady increase in exchanges, reaching already 50.000 messages per month.

### Judicial cooperation in criminal matters

Judicial cooperation has an essential role to play in the fight against terrorism. In this respect the Mutual Legal Assistance (MLA) agreements are useful tools that should be considered and implemented to their full potential. In the case of the EU-US MLA and extradition agreements, a seminar co-hosted by Eurojust on 25-26 October 2012 brought together practitioners from both sides of the Atlantic to exchange views and best practice to foster implementation and cooperation. With regard to India, discussions on a possible MLA continue.

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<sup>31</sup> OJ L 93 of 7.4.2009 pp, 23 and 33.

### Mutual recognition

The Council reached a general approach on the Directive regarding the European Investigation Order in criminal matters (EIO) in December 2011. The objective is to provide a comprehensive instrument covering the gathering of all types of evidence on the basis of the principle of mutual recognition. It would replace the 2000 MLA Convention 2000/C197/01, Framework Decisions 2008/987/JHA on the European Evidence Warrant, 2003/577/JHA on freezing orders (as far as evidence is concerned) as well as mutual legal assistance agreements. The LIBE Committee took an orientation vote on the subject on 8 May 2012. Trilogues have started.

### Procedural rights

In November 2009 the Council agreed on a roadmap for strengthening procedural rights of suspected and accused persons in criminal proceedings<sup>32</sup>. The roadmap identifies six main areas on which legislative or other initiatives are desirable over the coming months or years:

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

Implementation of the roadmap has progressed further, with the adoption of a directive on rights to interpretation and translation in criminal proceedings in 2010<sup>33</sup>:

The right to information in criminal proceedings: on 27 April 2012, the Council adopted a Directive<sup>34</sup> which guarantees the right of a suspected or accused person to receive information about his rights (Letter of Rights) and the charges against him and to have access to the case file in criminal proceedings, including for persons subject to a European Arrest Warrant. Member States will have to implement the Directive by June 2, 2014.

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<sup>32</sup> OJ C 295, 4.12.2009, p. 1.

<sup>33</sup> OJ L 280 of 26.10.2010, p. 1.

<sup>34</sup> OJ L 142, 1.6.2012, p. 1.



Access to a lawyer and right to communicate upon arrest: based on a Commission proposal submitted in June 2011, the Council is currently in negotiations with the European Parliament regarding a Directive on the right of access to a lawyer upon arrest and in criminal proceedings and on the right to communicate upon arrest and in detention with one's family, relatives and consular authorities. The directive does not deal with the issue of legal aid. The Council reached a general approach on 7 June 2012, and the LIBE Committee in the EP took an orientation vote on 10 July 2012. Steady progress has been made in trilogues with a view to finalizing the work on the Directive in the coming months.

### Victims' rights

Work continued on strengthening the rights of victims of terrorism. The *Directive establishing minimum standards on the rights, support and protection of victims of crime* was adopted by the Council on 4 October 2012 (PE-CONS 37/12) and entered into force on 16 November 2012. It establishes minimum standards for the level of protection, support and access to justice for victims in all EU countries. Specific references to victims of terrorism can be found in Article 22(3) and recitals (2), (8), (16) and (57). The directive makes it incumbent on the Member States to provide information to victims, such as information on a decision not to proceed with the case, and to provide the information in a language the victim understands. The directive ensures that every victim is offered protection measures during the criminal proceedings in accordance with their needs, and that support measures are available to victims and their families. All victims (and also, to a certain extent, their family members) will receive an individual assessment to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings. This assessment should take into account the personal characteristics of the victims such as age, gender, race, religion or sexual orientation, and the nature and circumstances of the crime. The directive will also oblige Member States to ensure that not only victims but also their family members have access to confidential victim support services, free of charge, in accordance with their needs and the degree of harm suffered. Member States will have three years after the entry into force of the directive in which to implement these measures.

To help protect victims of violence from any further harm by their attacker, the Commission is also proposing a Regulation on mutual recognition of civil law protection measures, which is still under discussion within the preparatory bodies of the Council. It will ensure that victims of violence can still rely on restraint or protection orders issued against the perpetrator if they travel or move to another EU country. This initiative complements the Member States' initiative for a directive (European Protection Order – "EPO Criminal"), which was adopted in December 2011.

### Data sharing and data protection

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 when it comes to combating terrorism.

On 27 January 2012, the Commission presented its legislative proposals for a new data protection package. This comprises two legislative proposals: one for a General Data Protection Regulation, which is intended to replace the 1995 Data Protection Directive, and one for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data, which is intended to replace the 2008 Data Protection Framework Decision. The proposals maintain the two key objectives of the EU Data Protection framework, namely, to ensure a high level of protection of individuals' personal data and the free flow of such data within the EU. The proposed Regulation aims, in particular, at making the current framework future-proof by adapting it to the challenges posed by globalisation and new technologies, and at strengthening the internal market dimension of data protection. There should be one single law and a one-stop-shop, backed up by close cooperation between different Data Protection Agencies. Data-processing activities with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data will fall within the scope of the proposed Directive, which takes account of the specific nature and needs of this area. These instruments will increase trust and facilitate cooperation between the Member States as well as between member States and third countries and international organisations. They will ensure that the fundamental rights of citizens are protected while giving law enforcement authorities the flexibility they need to operate effectively.

The scope of the proposed Directive will be wider than the current Framework Decision, which is limited to cross-border data, and include as well domestic processing at national level. Work on the proposals is ongoing in the Council and in the European Parliament as co-legislator. Negotiations are focusing on the draft Regulation for the time being.

### EU-US data protection Agreement

Taking up the findings of the EU-US High Level Contact Group on data protection and data sharing, the EU and the US started negotiations in December 2010 on an EU-US data protection agreement on the exchange of information in the field of law enforcement. Such an agreement should provide a high level of data protection principles to be applied on both sides of the Atlantic, thus strengthening the data protection framework for individuals and creating a legal environment conducive to enhanced information sharing, including in the field of counter-terrorism. At the last EU-US JHA Ministerial meeting on 21 June 2012 in Copenhagen, Commission Vice-President Reding and US Attorney General Holder reiterated their determination to finalise negotiations on a comprehensive EU-US data privacy and protection agreement that provides a high level of privacy protection for all individuals and thereby facilitates the exchange of data needed to fight crime and terrorism. Stock was taken of the progress made so far and the issues which will have to be tackled were identified. It was agreed to reflect on the progress made in 2013 and to consider next steps in order to ensure the continued rapid advancement of the negotiations.

### Prüm

The "Prüm Decisions"<sup>35</sup> aim to provide Member States' law enforcement agencies with additional tools for fighting serious crime and terrorism, in particular by enhancing automated data exchange regarding DNA, fingerprints and vehicle registration data (VRD). Their implementation is monitored by the Council on an ongoing basis (5086/12), taking stock of the situation and, by raising awareness at national level, encouraging Member States that are not yet operational to take appropriate measures in order to speed up the implementation process .

Keeping in mind the the deadline of 26 August 2011, experts continued to prepare for the full implementation of the automated exchange of DNA, fingerprint and vehicle registration data, notably by organising the evaluation procedure and providing for support mechanisms. The Mobile Competence Team (MCT) and the Europol Prüm helpdesk, provide the necessary support for implementation and maintenance issues.

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<sup>35</sup> Council Decisions 2008/615/JHA and 2008/616/JHA.

By the end of November 2012, 16 Member States will have started the exchange of DNA profiles, 14 will be participating in the fingerprint exchange and 13 will be participating in the VRD exchange. Further evaluations will be concluded by the end of 2012 and it should be borne in mind that sustained efforts will be necessary in order to ensure full connection among all Member States that are already operational.

### EURODAC

The current EURODAC Regulation, which provides for the establishment of a database of the fingerprints of applicants for international protection, is complementary to the Dublin Regulation, which determines the Member State responsible for examining an application for international protection. The fourth EURODAC proposal, which is part of the Common European Asylum System, was submitted by the Commission in late May. Since then the Council has been able (on 10 October 2012) to agree on a text which forms the basis for the Presidency's mandate to start negotiations with the Parliament. The latter is scheduled to hold its orientation vote in the LIBE Committee in December 2012. The main new feature of this fourth proposal is the access of the law enforcement authorities to the EURODAC central database for the purposes of fighting terrorism and serious crime. This access will be allowed only after strict conditions have been met.

### PNR

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

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 Commission presented its proposal for an EU PNR Directive on 3 February 2011<sup>36</sup>, on which the Council reached a general approach on 26 April 2012. Informal triilogue meetings with the EP are due to start after the LIBE Committee has held an information debate.

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<sup>36</sup> 6007/11.

The European Union concluded PNR Agreements in the past with Canada (2005), the United States of America (2007) and Australia (2008). On 5 May 2010 the European Parliament adopted a resolution on the launch of negotiations for new passenger name record (PNR) Agreements with those countries. The EU-Australia PNR Agreement was signed on 29 September 2011. On 27 October the EP gave its consent to the Agreement, which entered into force on 1 June 2012. The EU-US PNR Agreement was signed on 14 December 2011 and the EP gave its approval on 19 April 2012. The Agreement entered into force on 1 July 2012. The new EU-Canada PNR Agreement is still being negotiated. In the meantime, the old EU-Canada PNR Agreement is being applied provisionally.

### TFTP

On 1 August 2010 the EU-US Agreement on the Terrorist Finance Tracking Programme entered into force. The Agreement allows the transfer to the US Treasury - under strict data protection conditions - of certain categories of data concerning 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-terrorism purposes. Extraction from the TFTP database has to be justified by evidence of a terrorist threat. Independent overseers, two of whom are 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. An evaluation of the functioning of the agreement, including Europol's role, has taken place. The second Joint Review foreseen in the Agreement took place in October 2012 in Washington DC.

Throughout 2012, Europol's Terrorist Finance Tracking Program (TFTP) continued to provide proactive support for EU Member States in their counter-terrorism investigations and prosecutions. Europol has provided approximately 600 intelligence leads to EU Member States since the introduction of the programme in August 2010. In 2012 an awareness programme designed to promote the use, and identify the added benefit, of the TFTP was delivered to the competent authorities of all EU Member States. Following delivery of this TFTP awareness programme, there was a notable increase in use of the programme.

Furthermore in 2012, a single point of contact (SPOC) for TFTP protocols was established in all EU Member States.

The Agreement provides for a Commission study into an equivalent EU system. On 13 July 2011, the Commission issued a communication on the options available as regards setting up a Terrorist Finance Tracking System (TFTS) in the European Union. The Commission communication has been discussed at both technical and ministerial level. Most delegations are of the opinion that the Commission needs to provide further legal, operational and financial details in the impact assessment before any position can be taken regarding the expediency of a TFTS. The results of the impact assessment are still awaited.

### Europol

Burgas terrorist attack: Europol's CT Unit has worked closely with the Bulgarian authorities in support of the investigation into the terrorist attacks at Burgas Airport on 18 July 2012. The EBDS proved an invaluable tool in assisting experts in identifying components of the Improvised Explosive Device (IED) used in the attack. A Europol expert on bomb-scene management provided on-the-spot assistance for investigators. An operational meeting was held at Europol in the aftermath of the attack. Investigators from several MS with known links to the investigation attended the meeting. Europol continues to support the ongoing investigation within the framework of the CT AWF. Related reports from the EBDS were also shared with Interpol via SIENA.

Task Force on Extreme Right-Wing terrorism: Following on from the attacks in Norway on 22 July 2011, a Task Force on Extreme Right-Wing terrorism (XRW) was established. Concerned MS appointed experts to the Task Force, whose work is chiefly centred on a Europol Platform of Experts (EPE) created specifically for this purpose in 2011. Members of the Task Force are engaged in scoping the potential for an EU-wide risk management model and in data collection for a full EU Threat Assessment on XRW. The Threat Assessment will be delivered in December 2012

Various other Europol activities in the field of CT are reported in the relevant chapters of this document.

## Eurojust

Since the beginning of 2011, Eurojust's coordination role has been further enhanced with the introduction of coordination centres, intended to provide increased operational support during common action days in different Member States. The setting-up of a coordination centre ensures a secure, real-time connection between Eurojust and the prosecutors, judges and police officers carrying out the operation in the Member States involved.

The fight against terrorism counts as a priority in Eurojust's operational work. 27 terrorism-related cases, including cases of terrorism financing, were registered at Eurojust in 2011. As of 1 October 2012, 26 cases had been registered in 2012. One coordination meeting was held in 2011, and three in the first three quarters of 2012. In 2012 Europol also participated in one of the terrorism-related coordination meetings.

As in previous years, Eurojust and Europol demonstrated their willingness to cooperate in the fight against terrorism in several common projects in 2012. The two bodies met on several occasions to reach a common understanding of the issues surrounding the TFTP and a possible EU version. Following discussions in several liaison meetings and the recommendations for action annexed to the May 2012 EU Counter-Terrorism Coordinator's discussion paper on the EU Counter-Terrorism Strategy, Eurojust is currently in the process of drafting a feasibility study with a view to becoming associated with the target groups set up in the context of Europol's Analytical Work Files dealing with terrorism. Eurojust and Europol are carrying out common initiatives with the EU's neighbouring countries as well as initiatives of a transcontinental nature.

In December 2012, a practitioners' workshop will be jointly organised by Eurojust and Europol and will bring together counter-terrorism specialists from India and the EU for two days in The Hague. Its aim is to promote judicial cooperation by defining common interests and discussing standards. In order to collect relevant information prior to the debates, to help to focus the discussions, Eurojust's Counter-Terrorism Team distributed a questionnaire on these matters to the EU counter-terrorism authorities. The replies are being analysed and will be shared with participants in the workshop.

Eurojust and Europol held regular liaison meetings and attended each other's high level counter-terrorism events. Eurojust has been invited to Europol's Counter-Terrorism Week, and Europol took part in Eurojust's annual Strategic Meeting on Terrorism 2012, which took place on 20 June.

This year's event covered two topics: "*The phenomenon of the lone individual involved in terrorism (lone wolf)*" and "*Social networks in a terrorism context*". Prior to and on the occasion of the annual networking meeting of the Eurojust National Correspondents for Terrorism Matters, the CTT compiled and circulated a questionnaire on the phenomenon of the lone individual involved in terrorism. The role of social networking in terrorism and the potential judicial response to it were also discussed. Presentations were given based on real solo terrorism cases, which were analysed.

Special attention was also given to Eurojust's *Terrorism Convictions Monitor* (TCM) - objectives, content, future developments – as this concept was revisited in 2012 and recommendations made by its readers have been implemented. It is issued every four months and provides an overview of terrorism-related judicial developments in the Member States, as well as judicial analysis of selected cases.

During the past year, Eurojust has made further progress on the issue of maritime piracy, and its Counter-Terrorism Team has been deeply involved in the project to launch a Maritime Piracy Judicial Monitor, to be published annually.

In addition, Eurojust has presented to the European Commission a Handbook on chemical, radiological, radioactive and nuclear (CBRN) terrorism, which focuses on the legal aspects and aims to provide EU practitioners with specialist legal, diachronic support for investigations and prosecutions related to CBRN transnational crimes.

### *Joint Investigation Teams*

Joint Investigation Teams (JITs) have established themselves as useful tools in the fight against cross-border crime. The steadily increasing number of JITs established with Eurojust's assistance and participation shows that national authorities are becoming more familiar with this instrument and are increasingly ready to use it in their operational work. In 2011 Eurojust became home to the JITS Network Secretariat. So far in the counter-terrorism field, two JITs have been established with the involvement of Eurojust, with the aim of supporting transnational investigations. No new terrorism-related JIT was set up in the first three quarters of 2012.



At the JHA Council on 8 October 2010, the CTC presented 22 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 response (doc 13318/1/10 Rev 1)<sup>37</sup> 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. Since then, the relevant bodies in the EU (CATS and COSI) have agreed on a way forward in procedural terms for the recommendations and have established for each recommendation whether follow-up may be given through either legislative or operational action or even both, and have listed the relevant institutions and working groups (5764/1/11 REV 1). Work has started on implementation and further discussion as to how the recommendations could be implemented.

In the past year, Eurojust has followed the CTC's recommendations: it has undertaken extensive collaboration with the European Judicial Training Network (**R 1**); some of Eurojust's College members have attended EJTN seminars and provided substantial input as key speakers, and several EJTN trainees have been or are currently hosted by different Eurojust National Desks. Eurojust is also actively supporting the establishment of the Eurojust National Coordination System in the Member States (ENCS), as described in article 12 of the 2009 Decision.

The goal of the Eurojust Counter-Terrorism Team is to become a proactive centre of expertise on counter-terrorism. Eurojust regularly holds tactical and strategic meetings on terrorism trends in which leading EU magistrates and experts in terrorism law share their expertise on operational matters. Common issues are identified, as well as best practices (**R 2**).

Eurojust actively supports JITs and encourages their establishment by providing information and advice to practitioners (**R 17**). A total of 33 JITs were formed with Eurojust's assistance in 2011. Eurojust prosecutors, judges and police officers participated in 29 of these JITs, in accordance with Article 9f of the new Eurojust Decision, which states that the Eurojust National Members can participate in JITs, acting either on behalf of Eurojust or in their capacity as national competent authorities. Eurojust also provides financial and logistical assistance to JITs operations (**R 16**).

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<sup>37</sup> 13318/1/10 REV 1.

Under the project “*Supporting the Greater usage of JITs*”, Eurojust supported 34 JITs in 2011, involving 16 Member States.

Article 27b of the new Eurojust Decision provides that Eurojust may post Liaison Magistrates to third States, whose presence could prove to be extremely valuable when dealing with transnational counter-terrorism cases (**R 20**). Eurojust is in the process of drawing up rules on the posting of such Liaison Magistrates and adopting the necessary implementing arrangement, in collaboration with the Commission and the Member States.

### *Terrorist financing*

The CTC will issue his fourth report on the implementation of the Revised Strategy on Terrorist Financing in March 2013. This report will provide an overview of initiatives and actions that have been undertaken and the progress that has been achieved within the EU as well as in other international forums since the last implementation report<sup>38</sup> of October 2011.

The Lisbon Treaty introduced a new legal basis for the freezing of terrorist funds, which is placed in the Title on the Common Area of Freedom, Security and Justice. The Commission discussed the relevance of this new provision at three expert meetings with Member States and commissioned an impact assessment study from an external contractor in early 2012. Based on its own impact assessment, the Commission intends to table a proposal to address the freezing of terrorist funds in the second quarter of 2013.

With regard to the abuse of non-profit organisations for terrorist financing purposes, the Commission had initiated a feasibility study to look at the establishment of an EU NPO observatory in this context. This study is currently being finalised and should serve as input for the Commission when deciding on how to proceed on this specific issue.

A terrorist financing workshop involving experts from Member States and EU institutions took place with the US in Copenhagen in June 2012.

### *National Structures for Counter-Terrorism Coordination*

Efforts to ensure better cooperation among Member States' counter-terrorism structures at national level have continued. More than half of the Member States have such structures. The Belgian Coordinating Unit for Threat Analysis (OCAM) has followed up the initiative to enhance the dialogue between the Member States by organising meetings of these structures at the level of the directors in Brussels in September 2012.

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<sup>38</sup> 15062/11.

#### 4. RESPONSE

##### Solidarity Clause

The Commission and the High Representative of the Union for Foreign Affairs and Security Policy continued their preparations with a view to presenting a joint proposal to implement the solidarity clause laid down in Article 222 TFEU.

##### Crisis Coordination Arrangements

The new Crisis Coordination Arrangements (CCA) are currently under preparation in the Council. A well functioning mechanism is needed for the EU to react in case of an internal or external crisis.

##### Civil protection

As far as civil protection is concerned, work is taking place in the framework of the EU Civil Protection Mechanism (OJ L 314, 1.12.2007, p. 9). With its all-hazard approach, covering prevention, preparedness and response, the Civil Protection Mechanism provides an effective and visible demonstration of European solidarity.

On 20 December 2011, the Commission submitted a proposal (18919/11) to replace the Civil Protection Mechanism and the Civil Protection Financial Instrument (OJ L 71, 10.3.2007, p. 9), which provides funding for the actions under the Mechanism to ensure protection against natural and man-made disasters.

The proposal, based on new Article 196 TFEU (providing for the ordinary legislative procedure), is aimed at improving the effectiveness of systems for preventing, preparing for and responding to natural and man-made disasters of all kinds within and outside the Union, by ensuring better risk assessment and planning, better predictability and quality of assistance, and increased cost-efficiency. The proposal builds on the existing Council Decisions and provides a basis for the continuation of existing cooperation, which has proved its worth in the past and consists of a series of actions that are favourably accepted by all Member States (e.g. training, exercises, exchanges of experts, development of modules, deployment of expert missions, etc.). It also contains important new elements for strengthening the overall approach to disaster management at EU level.

In the Council, discussions started in the competent Working Party under the Danish Presidency (2012) and are continuing under the Cyprus Presidency. The Presidency intends to draw up a clear mandate by the end of this year, and to create the necessary conditions to secure a first-reading agreement with the European Parliament in early 2013.

In the meantime, work is continuing on further enhancing the EU's disaster response capability. As of October 2012, a total of 143 modules (up from 128 last year) and 10 technical and assistance teams (TAST) have been registered covering different areas, e.g. water purification, high-capacity pumping, urban search and rescue, aerial and ground forest fire-fighting, CBRN detection and sampling, medium and heavy urban search and rescue in CBRN conditions, forest fire-fighting, and medical assistance (advanced medical post with surgery and medical aerial evacuation of disaster victims, field hospital), flood containment, flood rescue and temporary shelters.

## **5. THE EXTERNAL DIMENSION**

### *Internal-external dimension*

Counter-terrorism requires a coherent approach to internal and external action. The Council therefore called in its Conclusions of June 2011 for enhancement of the links between internal and external aspects of counter-terrorism policy<sup>39</sup>. As requested by these conclusions, the implementation report was prepared in the relevant Council working groups and presented to the Council in October 2012<sup>40</sup>.

### *Political Dialogues*

Political Dialogues with key partners of the EU have continued in 2012 under EEAS leadership. CT dialogues were held with the UN, the United States, Russia, Turkey, Pakistan, India and Saudi Arabia. Terrorism-related issues have also been discussed in a range of other EU dialogue meetings, including foreign policy security dialogues and JHA sub committees.

### *The Transatlantic Relationship*

The EU-US relationship remains an essential part of arrangements for ensuring Europe's security, and there is fruitful cooperation with the United States on almost all aspects of implementing the EU CT strategy and in major terrorist investigations within the EU.

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<sup>39</sup> 11075/11 ENFOPOL 185 COTER 54 JAIEX 56 COSI 47 CATS 47.

<sup>40</sup> 14819/1/12 REV 1 ENFOPOL 323 COTER 95 JAIEX 84 COSI 86 CATS 66.

Terrorism issues have been discussed at the highest level between the EU and the USA: At the summit on 28 November 2011 US President Obama, President of the European Council Van Rompuy, and Commission President Barroso concluded that the EU and the USA would continue to work closely together, both bilaterally and through the UN and the Global Counter-Terrorism Forum (GCTF). In that context, H.R./V.P. Ashton participated in the second ministerial meeting which took place in Istanbul on 6 June 2012. In June 2012, an EU-US ministerial meeting on Justice and Home Affairs took place in Copenhagen. The agenda items relevant to counter-terrorism included: countering violent extremism, the confiscation of criminal assets, global supply chain security, EU-US cooperation on explosives, cyber security and cyber crime, as well as the counter-terrorism provisions of the US National Defense Administration Act (NDAA) 2012. The NDAA provided, inter alia, for mandatory military detention for a certain subset of foreign terrorist suspects and indefinite detention of terrorist suspects without trial. In order to avoid problems for transatlantic counter-terrorism cooperation, the EU and its Member States had provided input to the US Administration in the context of the development of implementing regulations for the NDAA. Many of the EU's concerns were taken into account in the Presidential Policy Directive which President Obama issued on 28 February 2012 (which foresees waivers, for example in the event of problems for counter-terrorism cooperation with third countries or extradition requests).

The successful entry into force of the new PNR Agreement on 1 July 2012 marks a major step forward in protecting Europe's citizens who fly on transatlantic routes, while upholding the individuals' data protection. The negotiations towards a comprehensive EU-US data privacy and protection agreement in the context of police and judicial cooperation in criminal matters that provides a high level of privacy protection for all individuals and thereby facilitates the exchange of data needed to fight crime and terrorism are also advancing. A joint ministerial statement issued at the EU-US JHA Ministerial (20-21 June, Copenhagen) took stock of the progress made and reaffirmed the will to consider next steps in order to ensure progress at the negotiations..

After the highly successful EU-US seminar on the role of the Somali diaspora in countering violent extremism (2010), a further seminar was held on Pakistan and the Pakistani diaspora on 24-25 January 2012. There was a general understanding that countering violent extremism, whatever form it takes, is best achieved by engaging and empowering communities who can more readily identify problems as they emerge and customise responses.

A workshop for practitioners from both sides of the Atlantic involved in the application of the EU-US Mutual Legal Assistance and extradition agreements was held on 25 October 2012 at Eurojust in The Hague. Both agreements are recent and constitute a major step forward in the quality of cooperation. The workshop recalled the importance of transatlantic cooperation and highlighted imbalances such as the higher number of requests for extradition from the U.S. and for assistance from the EU, including the connection with the search of digital evidence. During the workshop, the need to improve and use channels of co-operation that guarantee individuals' rights was highlighted in order to avoid incompatibilities with the EU *acquis* that result from direct requests to companies by third countries' authorities.

Since the action against international terrorism raises important legal questions, the EU and its Member States have continued in 2012 to hold a semi-annual dialogue with the US Department of State Legal Adviser on counter-terrorism and international law, in which international legal principles applicable to the fight against terrorism are discussed. The dialogue has the objective of fostering an improved mutual understanding of our respective legal frameworks, and developing common ground enabling us to work more effectively on combating terrorism. Topics included the international legal framework applicable to drone strikes, the closure of Guantanamo, the counter-terrorism provisions in the 2012 NDAA, Military Commissions, sanctions, international law and cyberspace.

### Other Strategic Partners

The EU CTC attended a meeting in St Petersburg in October 2012 of specialised agencies working on counter-terrorism. Subjects relevant to CT were also discussed at the JHA EU-Russia Permanent Partnership Council (PPC) on Freedom, Security and Justice in Nicosia in October.

The January 2012 CT political dialogue with India was followed by the 6th EU-India Security Dialogue on 25 October 2012. In the latter meeting, both sides agreed that experts should start implementing the conclusions agreed in the CT political dialogue, such as mutual legal assistance and extradition, counterfeiting of currency, counter radicalisation, enhanced judicial cooperation and tracking of financial flows. In addition to CT, the discussions on security issues focused on counter-piracy, cyber-security and non proliferation and disarmament.

India also committed itself to participate in the upcoming Joint Practitioners' Workshop on CT, hosted by Europol and Eurojust in The Hague on 11-12 December 2012.

## Central Asia

Last year's High level meeting in Ashgabat (Turkmenistan) on 30 November 2011 concluded the joint EU - UN/CTITF initiative on "implementing the UN Global CT Strategy in Central Asia", which led to the adoption by the countries of the region of an action plan and the Ashgabat Declaration (see previous report). In terms of follow-up, the EU is continuing its activities on border management and drug trafficking through BOMCA and on criminal justice and the rule of law through the European Rule of Law initiative. Action should, however, also be considered on countering radicalisation and recruitment. Several associated technical assistance projects have already been carried out or are currently being implemented, but it is particularly important for the EU, together with the OSCE and the UN, to maintain its support for the Central Asian states in the field of countering and combating radicalisation. Tajikistan might have the most favourable conditions to start working on this, since there is already an ongoing OSCE effort and considerable accumulated knowledge.

Politically, the EU has confirmed its engagement through the announced launch of an EU-Central Asia high-level dialogue on security (no date confirmed yet) and through the EU-Central Asia Ministerial on 27 November 2012 in Kyrgyzstan. The EU's continued commitment to the region is of key importance, not only owing to EU interests in the region, which include energy and regional security (including the fight against drugs and border management), but also because of the challenge linked to the withdrawal of the international coalition forces from Afghanistan by the end of 2014 and the potential implications for the Central Asian states in terms of security and the emergence of radical ideology and fundamentalism.

## Pakistan

In February 2012, the Council adopted the EU-Pakistan 5-year Engagement Strategy. Under this plan, both sides committed to comprehensive cooperation on CT and in a number of related areas. The Engagement Strategy was followed by the adoption of the EU CT / Security Strategy on Pakistan, which outlines the position of the EU and its Member States on CT cooperation with Pakistan. The CT Strategy contains two action plans: a CVE action plan and a Rule of Law action plan, which are currently being drafted.

The Commission has continued to implement projects on counter-terrorism under the Instrument for Stability (IfS). Under the short-term IfS, the Civilian Capacity Building for Law Enforcement (CCBLE) project (EUR 15 million) in KP and Punjab finished in February 2012 and the draft project evaluation is now under discussion. In the meantime, discussions are ongoing to provide for a follow-up project. Under the long-term IfS, the CT-related Prosecutorial Reform Initiative in Punjab is about to start and an identification and formulation mission for a project on countering violent extremism in Pakistan took place in November 2012. Also, four projects were selected under the long-term IfS peace-building partnership. All peace-building projects have the potential to tackle radicalisation indirectly through promoting a culture of tolerance and developing skills on conflict resolution and dialogue in areas affected by violent extremism.

### Sahel

Given the developments in Mali and the risk of the creation of a terrorist sanctuary in the North, which is controlled by AQIM, Ansar Eddine and MUJAO, as well as spill-over risks to other countries of the region, the Sahel has become a priority for EU foreign policy. The Council has discussed Mali / Sahel several times and recognised that implementation of the European Strategy for Security and Development in the Sahel needs to be accelerated and stepped up. The EEAS has been active politically, in cooperation with the UN, the AU and ECOWAS, in stabilising the situation in the South after the military coup and supporting the transitional government. In July 2012, EUCAP Sahel, a civilian CSDP operation in Niger was launched. EUCAP has a regional dimension with liaison officers in Mali and Mauritania and could be expanded to these countries in the future. It is meant to help strengthen Niger's counter-terrorism capacities and is working with all relevant actors in this context. It helps to avoid spill-over effects from the crisis in Mali. A crisis management concept was developed for EUTM Mali, a military CSDP operation intended to train and restructure Malian forces so that they can re-conquer the North of the country. The EU is also contemplating support for a potential ECOWAS mission. In this context, a military liaison officer was posted to the EU delegation in Abuja.



The EU has continued to implement the comprehensive European Strategy for Security and Development in the Sahel. A progress report was presented by the EEAS in early 2012. Assistance not directly benefiting the population in Mali was suspended after the coup. The launch of the Sahel Security College took place in September 2012 in Niamey, Niger, with high-level participation from the region. It is modelled on CEPOL and meant to facilitate joint CT training activities for the countries of the region. The other capacity-building aspects of the project CT Sahel have also started and training workshops have been carried out in Mauritania and Niger. In Niger, projects are carried out under the Instrument for Stability (short term) and deal with disarmament, demobilisation and reintegration (DDR). These projects are addressed at returnees from the Libyan conflict and provide them with new prospects for their lives. Border management projects are continuing in Mauritania. Regarding the part of the Sahel Strategy on prevention of radicalisation, work has so far only taken place in Mauritania. A workshop was organised by the EU delegation in December 2011 with local government officials and NGOs, to identify problems and generate possible project ideas. PREVENT projects are currently being developed. Additional funding has also been granted to Mauritania for assistance to the security sector, and support activities are currently being identified.

In December 2011, the foreign ministers of the "pays du champ" (Algeria, Mali and Niger) and the Ambassador of Mauritania visited Brussels to identify further support from the EU to the "pays du champ process". In this context, the CTC was invited to visit Algeria to explore assistance to the Unité de Fusion et de Liaison (UFL), an intelligence fusion centre of the "pays du champ" and neighbouring countries, which is also working on counter-narratives and prevention of radicalisation. The CTC visit, accompanied by the EEAS, the Commission and Europol, took place in July 2012. Several ideas for support to the UFL were identified, which will be further explored. The CTC also visited the CAERT, the African Union's Center for Counter-Terrorism Research, and met with its director and the AU's CTC coordinator, Ambassador Madeira. The EU is supporting the CAERT financially through an IfS project.

## Security and Development

The EU Sahel Strategy has continued to serve as a model for a comprehensive security and development strategy. In his latest discussion paper of June 2012 (9990/12), the CTC explored the existing legal framework and best practices for security and development, including in the context of the OECD-DAC. It was shown that under the OECD-DAC, a broad range of security sector reform ("SSR") measures and actions with a significant impact on prevention of terrorism could be financed with development money. Based on this analysis, the Council, in its implementation report on the internal/external conclusions (see above), stated: "The EU should take a comprehensive approach to its external assistance programming, taking the security and development nexus fully into account, based on an analysis of how to tackle the underlying factors of instability, including terrorism. The EU should make full use of the opportunities provided under the OECD-DAC to address SSR and terrorism prevention in its development assistance. Further, the current process of revising the DCI and ENPI instruments offer an additional potential tool for long term capacity-building work."

The Commission has continued to implement projects on counter-terrorism under the Instrument for Stability (IfS), in particular the Civilian Capacity Building for Law Enforcement (CCBLE) project in Pakistan, and projects in the Sahel and South-East Asia. Identification missions took place to identify CVE projects in Pakistan and the Horn of Africa, as well as other projects in the Horn. Unfortunately developments in Yemen meant that law enforcement capacity-building had to be suspended in 2011.

## Nigeria

The worsening level of violence by Boko Haram in Northern Nigeria and the growing links with AQIM in the Sahel and Al Shabab are a concern to the EU. At the EU-Nigeria ministerial meeting in February 2012, a local security dialogue was established. The CTC and the Senior EU Sahel Strategy Coordinator visited Nigeria in November 2011 and February 2012, and identified the need for an in-depth field study on Boko Haram, to understand the movement better and the drivers of radicalisation, as well as potential entry points for CVE assistance and for a CT assistance package. The study will take place in early 2013. The scoping mission for the planned CT assistance package (IfS short-term support), led by the EEAS, will take place in early December 2012. The current programming of the 12th EDF could play an important role in helping to address the security and rule of law concerns in Nigeria, as well as supporting the creation of economic opportunities in the North, to prevent radicalisation.

### Northern Africa, Arab Spring, Middle East

The 2011 Communication by the HR and the Commission on the Southern Neighbourhood refers to support for deep democracy, which includes rule of law and security sector reform (SSR), in line with the aspirations of the people who have called for human rights and the rule of law. The EU has offered assistance on comprehensive SSR to the countries of the Southern Mediterranean. Counter-terrorism is an important aspect of SSR. Cooperation on SSR, including CT, was recognised in the joint declaration at the meeting of the EU-Tunisia Association Council (19 November 2012), and would be one of the priority areas of the European Neighbourhood Policy Action Plan currently under negotiation with Tunisia, which is meant to be finalised by the end of 2012. The EU is also exploring how to cooperate with the regional organisations, such as the League of Arab States (the EU-LAS Ministerial in November 2012 adopted an Action Plan which includes counter-terrorism cooperation, partly on criminal justice, and the exploration of the start of a dialogue between legal advisers) and the Arab Maghreb Union.

The EU has taken the lead on integrated border management in Libya, which has relevance for CT (fighters moving from training camps in Libya to the Sahel, for example) and for the supply routes of the terrorist groups in North Mali.

The CTC visited Tunisia in order to understand the threat better and discuss security sector reform, which should be in line with human rights and the rule of law.

The CTC also visited Lebanon to discuss the impact of the Syrian crisis, the possible spill-over effects and the terrorist threat in Lebanon and to explore possible trends of radicalisation and influence of international terrorism in the country.

The CTC visited Morocco to understand to understand the threat better and explore deepening of CT cooperation, including EU support to ongoing reform initiatives.

### Horn of Africa and Yemen

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

The CTC has paid visits to the Horn of Africa region (including Yemen), in particular the in the neighbouring countries of Somalia before the end of the transition phase and met relevant actors for the security situation in Kenya and Djibouti, as well as officials of the exiled government of Somalia and from the IGAD. In Addis Ababa it also held talks with the Ethiopian Prime Minister and with the relevant actors in the African Union and IGAD.

In July, the EU CTC visited Yemen for the first time after the transition and met the new president to discuss the threat situation in Yemen, the counter-terrorism activities against Al Qaida undertaken by the new government and support by the EU and MS for the new government. Regarding counter-terrorism measures in the Horn of Africa and Yemen the Commission and the High Representative issued a Communication on a CT Action Plan covering the region in August.

Taking into account the broad scope of EU counter-terrorism activities and following the entry into force of the Lisbon Treaty, it would be desirable to extend EU cooperation with the Gulf Cooperation Council beyond the current focus, which is on countering terrorism financing.

### Counter-terrorism and human rights

The Danish Presidency organised a workshop on counter-terrorism and human rights, with a particular focus on capacity-building assistance, in March 2012. During the workshop, the Danish Minister of Foreign Affairs, the CTC and the UN Special Rapporteur on CT and human rights published a joint op-ed entitled "Counter-Terrorism and Human Rights: you can't have one without the other". There were also presentations of best practices, such as the practical guidance paper on counter-terrorism and human rights by the Danish Institute for Human Rights and the UK's Overseas Security and Justice Assistance Human Rights Guidance. As part of the Human Rights Strategy agreed in June, the Council called for the development of EU guidelines on CT and human rights for CT capacity-building assistance, based on the best practices discussed at the Copenhagen seminar. The EEAS and the Commission, with support from the CTC, have been asked to develop these guidelines, which are currently being prepared.

A resolution was adopted by the European Parliament on 11 September 2012 concerning the alleged transportation and illegal detention of prisoners in European countries by the CIA<sup>41</sup>.

### United Nations

In addition to the Political Dialogue meetings mentioned above, contact with the UN system has been extensive at all levels, including briefings by relevant UN agencies in the margins of Working Group meetings. The UNODC Terrorism Prevention Branch has been chosen as the implementing agency for the project CT Global Outreach in South-East Asia. The CTC office participated in the follow-up seminar on bringing terrorists to justice, entitled "The Prosecution and prevention of Terrorism", organised by the informal network of high-level CT prosecutors and held in Algiers in June 2012.

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<sup>41</sup> Resolution adopted on the basis of a report prepared by Mrs. Flautre (2012/2033 (INI)).

In light of the international concern about the threat of nuclear terrorism, the UN Secretary-General convened a High-Level Meeting on Countering Nuclear Terrorism, with a specific focus on strengthening the legal framework, in 28 September 2012. The meeting was intended to strengthen the legal framework on countering nuclear terrorism whilst enhancing capacity-building efforts to assist States with implementing their international obligations and enhancing nuclear security<sup>42</sup>.

### Global Counter-terrorism Forum (GCTF)

The GCTF continued the process of securing closer cooperation between its 30 founder members (29 countries plus the EU) which started in 2011. Implementing work was done through its regional working groups (the Horn of Africa/Yemen and the Sahel and South-East Asia) and the thematic groups on Countering Violent Extremism (CVE) and on Criminal Justice and the Rule of Law. In the context of the GCTF, a number of standard-setting documents have been developed, which are intended to collate good practices and form the basis for capacity-building assistance. The purpose of the GCTF was meant to be coordination of capacity-building assistance, which will be an important task for the future.

### GCTF CVE

The inaugural meeting of the GCTF Countering Violent Extremism Working Group took place in Abu Dhabi on 3-4 April 2012. Members discussed and agreed on a substantive work plan for the GCTF CVE Working Group for the 12 months ahead. The work plan, which will be reviewed in Spring 2013, is based on discussions on 4 priority areas: 1. setting up the International Centre of Excellence for Countering Violent Extremism; 2. CVE through communications; 3. measurement and evaluation of CVE programmes; and 4. the role of institutions and civil society.

On 10-11 May 2012, the Government of Italy, in cooperation with UNICRI and the ICCT, hosted a GCTF CVE Working Group experts' workshop on the rehabilitation and reintegration of terrorists and other violent extremists. On 9-10 July 2012, the Government of Spain and the European Commission organised a High-Level Conference on Victims of Terrorism, which resulted in a GCTF Plan on Action on Victims of Terrorism and the Madrid Declaration on Victims of Terrorism. The conference also served as an opportunity to learn from victims of terrorism and representatives of victims' associations on the various ways they contribute to countering the extremist narrative and, more broadly, preventing terrorism.

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<sup>42</sup> <http://www.un.org/en/terrorism/ctitf/hlm-nuclear.shtml>.

Many of these ideas could be pursued and/or implemented at the CVE Centre of Excellence in Abu Dhabi. On 7 November, a GCTF expert meeting was organised to discuss the Madrid memorandum on good practices for assistance to victims of terrorism immediately after the attack and in criminal proceedings. The opening of the Centre of Excellence is scheduled to take place on 13-14 December.

### GCTF Rule of Law Working Group

The EU is promoting a criminal justice approach to the fight against terrorism and is providing capacity-building assistance to third countries (such as Pakistan and the Sahel) to strengthen their criminal justice systems, so that they are able to investigate and prosecute terrorists more effectively and in full compliance with human rights and the rule of law. The EU is consequently fully supporting the work done in the criminal justice/rule of law working group which is co-chaired by the US and Egypt. At the GCTF Ministerial in June 2006, the Rabat Memorandum on Good Practices for Effective Counterterrorism Practice in the Criminal Justice Sector was adopted, which is meant to provide assistance in particular to countries in democratic transition. Aim is to move to a criminal justice system that is based on sophisticated investigation techniques, instead of reliance on confessions, which raises the risk of human rights violations. Possible ways to provide capacity-building assistance on the basis of the Rabat Memorandum and other relevant international standards were discussed at a meeting of the GCTF rule of law group in The Hague in May 2012. As announced by HR Ashton, the EU will also support a related initiative, the establishment of the International Institute on the Rule of Law and Criminal Justice, in Tunisia. The EU is currently participating in brainstorming on the setting-up of the institute and identifying forms of possible support. The institute is meant to focus on approaches to the fight against terrorism based on human rights and the rule of law, in particular in the criminal justice sector, and would begin by offering training opportunities to interested countries in transition in the Mediterranean region.

### GCTF Sahel Working Group

The first meeting of the Sahel working group, co-chaired by Algeria and Canada, was held in November 2011 in Algiers, with active participation from the countries of the region and regional and sub-regional organisations. The EU, represented by the Senior Sahel Strategy Coordinator, presented its comprehensive Sahel Strategy, which was regarded by other participants as a useful reference document, as well as the activities undertaken under the strategy. A second meeting on borders, at which the EU was represented by DG Home and Frontex, took place in May 2012 in Niamey. A third meeting will take place in Abuja in December 2012 and focus on terrorist financing.

### GCTF Horn of Africa Working Group

The inaugural meeting of the Horn of Africa region working group took place in Dar es Salaam on 8-10 February 2012 with broad participation from the countries in the region and international and regional organisations. The EU is co-chairing this working group together with Turkey. In this framework, Denmark supported an Experts Forum in Brussels on Mutual Familiarization of Eastern African Financial Intelligence Units with International Anti-Money Laundering and Combating the Financing of Terrorism Bodies of Eastern Africa on 10-11 October 2012, which provided an opportunity for officials from the financial intelligence units (FIUs) and AML/CFT bodies of Eastern African countries to meet with expert practitioners from international and sub-regional organisations working on issues of anti-money laundering and countering the financing of terrorism.

Subsequently an Informal Experts' Meeting of the GCTF Horn of Africa Region Working Group took place in Brussels to discuss "Enhancing Anti-Money Laundering /Countering terrorist financing Capacity-Building and Cooperation", with the participation of experts from the region.

### Southeast Asia Working Group

The inaugural meeting of the Southeast Asia Working Group of the Global Counter-Terrorism Forum (GCTF) was held from 6-7 March 2012 in Semarang, Indonesia. Discussions focused on future activities and four key areas were identified: prisons management, de-radicalisation and countering violent extremism, law enforcement cooperation, and judicial and prosecutorial cooperation. In addition, participants explored the issue of custody and management of terrorist

detainees in prisons. On the same topic, a first follow-up workshop was held in Sydney on 7-9 November. A second workshop is scheduled for 28-29 November 2012 in Manila on the issue of youth radicalisation.

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

In 2012, at the invitation of the organisations concerned, visited the Council of Europe in Strasbourg and the OSCE in Vienna, the CTC presented EU action in the fight against terrorism, explored synergies and identified areas for strengthened cooperation, which have been discussed by the relevant Council Working Groups. There is a consensus to strengthen counter-terrorism cooperation with both organisations. Areas of particular interest with the OSCE include Central Asia, particularly with a view to the withdrawal from Afghanistan in 2014, and prevention of radicalisation, an area in which the OSCE is running some innovative projects, in particular in Central Asia and the Balkans, as well as counter-terrorism and human rights. The areas of expertise of the Council of Europe, in which cooperation in the context of CT could be strengthened, include the conventions, a criminal justice approach to the fight against terrorism (criminal justice chain), human rights, the rule of law and constitutional aspects (in the context of security sector reform for example or in capacity-building), prevention of radicalisation, integration, intercultural dialogue and de-radicalisation in prisons.

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

### Alliance of Civilisations

Dialogue went on between the UNAOC and the European Union regarding media communication in the field of prevention and radicalisation, specifically countering incendiary narratives on all sides. The Alliance shared with the European Network of Experts on Radicalisation insights on its own experience in organising skills-building workshops for journalists in Pakistan, Indonesia, the US, Europe and the Arab World on exploring the role of the media in addressing tensions across communities. The Alliance has also brought to bear its experience in the area of counter-narrative programming and at-risk youth empowerment projects in various policy-setting conversations, including with actors in East Africa, Central Asia, and South and Southeast Asia. The Alliance plans to embark on a new set of programmes in this area, with a focus on Pakistan and Somalia.



In response to the demonstration and partially violent protests against the film "The Innocence of Muslims" put on the internet, H.R./V.P. Ashton issued a joint statement on Peace and Tolerance with the OIC Secretary General, the Arab League Secretary General, and the AU Commissioner for Peace and Security, underlining the shared profound respect for all religions and condemning any message of hatred and intolerance, as well as violence.

*Programmes implemented under the Instrument for Stability (long term)*

**CAERT:** EUR 585 000, 36 months (01/10 – 01/13), African Union (AU). The objective is to support the fight against terrorism in the African Union by strengthening the African Centre for Studies and Research on Terrorism (ACSRT – or CAERT in FR) and the AU focal points structure.

**Global Outreach:** EUR 2 000 000, 24 months (01/05/2012 – 30/04/2014), Cambodia, Indonesia, Lao PDR, the Philippines and Vietnam. The objective of the programme is to contribute to global security through supporting regional and national capacity in Southeast Asia, so as to: (a) counter terrorism while fully respecting human rights; and (b) undertake related regional cooperation.

**CT Sahel:** EUR 6 696 750, 36 months (25/10/2011 – 24/10/2014), Mali, Mauritania and Niger. The aim of the programme is to strengthen the capacities of law enforcement officers (police, gendarmerie and garde nationale) and the judiciary in the Sahel to fight against terrorism and organised crime and thereby support the progressive development of regional and international cooperation against these threats.

**CT Pakistan (CAPRI):** EUR 1 800 000, 36 months, starting in January 2013, Punjab Province. The overall objective is to support national capacities for combating terrorism and organised crime networks. The purpose of the action is to improve the ability of Punjabi agencies to successfully investigate, prosecute, convict and detain terrorists.

**CVE Pakistan/HoA:** EUR 5,000,000 for Pakistan and EUR 2,000,000 for HoA, starting in 2013 in HoA and early 2014 in Pakistan. The European Commission (EC) has undertaken the identification/formulation of potential actions for countering violent extremism (CVE) in HoA (and Yemen) and Pakistan by performing a mapping and gap analysis of existing actions in the regions. The assignments will provide the EU with input for a coherent proposal to support projects related to CVE. The programmes aim to supplement existing programmes on countering violent extremism. It will seek to identify activities that will prevent radicalisation processes and the preparedness to use violence for ideological or political ends.

**CVE Expert Workshop:** The workshop, to be held in Brussels on 26-27 November 2012, will address the nexus between development and security, and focus in particular on how the EU can better support third countries in their efforts to address violent extremism and recruitment. A second objective will be to assist the EC in establishing guidance on possible future CVE actions under the IfS and other development instruments. In addition, the aim is to identify possible CVE actions under the IfS planned in the HoA (including Yemen) and Pakistan.

**CFT HoA:** EUR 6 000 000. The EC has undertaken to produce a coherent proposal to support a potential future project related to Regional Law Enforcement and cooperation on countering the financing of terrorism (CFT) in the Horn of Africa and Yemen. The precise geographical scope will be defined during this assignment and will take into consideration ongoing actions as well as ways and means of achieving optimal efficiency and effectiveness through mapping and gap analysis.

*Targeted sanctions adopted by the Council against terrorists (individuals and entities) under Common Position n°2001/931/CFSP*

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

The lists of persons subjected to the freezing of their assets pursuant to Common Position n°2001/931/CFSP are reviewed at least once every six months. On 13 March 2012, by means of Decision 2012/150/CFSP, the Council removed 14 individuals from the list which had been annexed to Council decision 2011/872/CFSP of 22 December 2011. Through Decision No 2012/333/CFSP of 25 June 2012, the Council renewed the measures on the freezing of assets for 12 individuals and 25 groups and entities.

In October 2012, 5 cases lodged by individuals, groups or entities, which are challenging Council acts listing them, are pending before the EU General Court or the Court of Justice.

*Targeted sanctions adopted by the Council against Al-Qaida ("UN List")*

Pursuant to UNSC resolution 1989 (2011), adopted on 17 June 2011, the sanctions committee of the UNSC amended the list of persons, groups and entities associated with Al Qaida to which the UN measures on the freezing of funds and economic resources apply. From January to October 2012, the Commission amended, by several implementing regulations, the Annex to Council Regulation (EC) No 881/2002 of 27 May 2002 *imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network* under which more than 300 persons, groups or entities, are subjected to the freezing of funds in the European Union.

On 19 July 2012, the Court of Justice dismissed a case brought by the European Parliament (C-130/10) concerning the restrictive measures regime directed against persons and entities associated with Osama Bin Laden, the Al-Qaida network and the Taliban. The Court confirmed that Article 215(2) TFEU is the appropriate legal basis for measures directed against persons and entities associated with Al-Qaida since, having regard to Al-Qaida's activities globally and to the international dimension of the threat it poses, such measures come within the scope of the Union's external action. It dismissed the European Parliament's claim that these measures should have been based on Article 75 TFEU, which provides for the freezing of funds for the purpose of combating terrorism and related activities.

As of October 2012, 6 cases lodged by individuals, groups or entities which challenged the Commission's implementing regulations in which they were listed, are pending before the EU General Court or the Court of Justice.