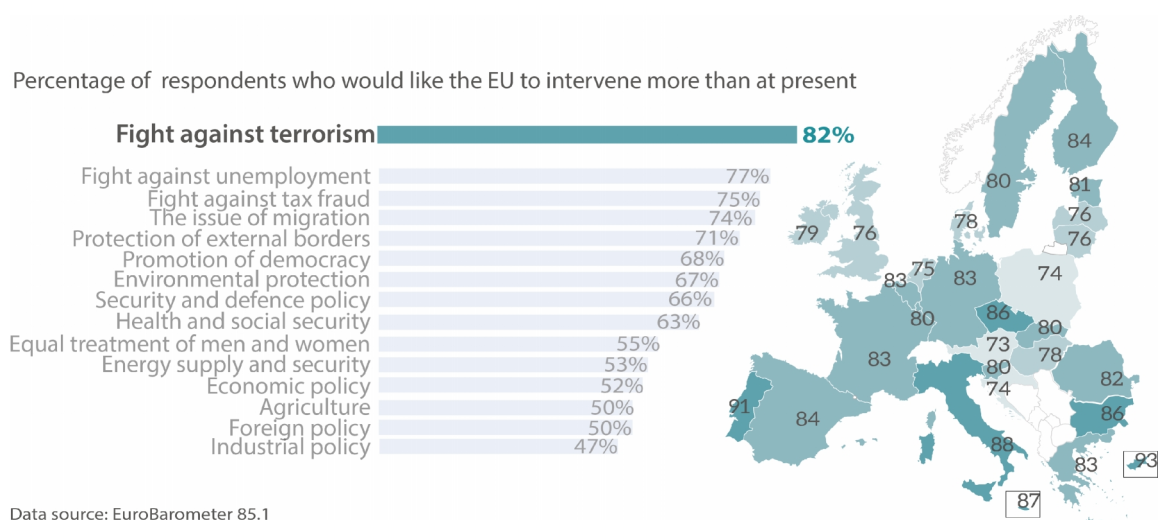


Fight against terrorism

OVERVIEW

EU citizens show strong expectations for increased involvement of the EU in the fight against terrorism. The current EU legal framework is limited by the primary role of the Member States in this area. Nevertheless, there is still the scope and potential for increased EU involvement within the current legal framework. This briefing considers this and also covers current and potential relevant financing at EU level. Financial instruments that tackle counter-terrorism directly, indirectly or partially are spread across the EU budget and are increasing.

Public expectations and EU commitment on the fight against terrorism – is there a gap?

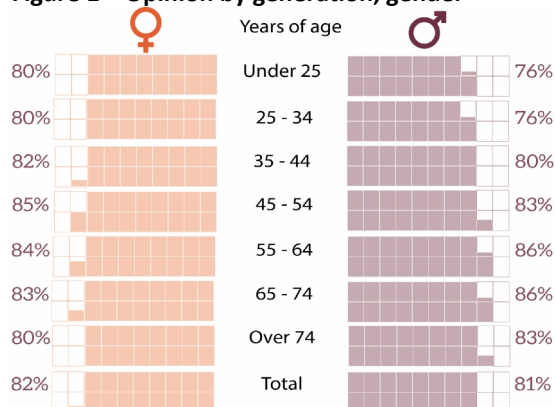


According to a new Eurobarometer survey of the European Parliament on '[perceptions and expectations](#)', EU citizens demonstrate overwhelming and rather consensual support for increased EU intervention in the fight against terrorism. 82% of all EU citizens want expanded Union involvement in the future. This is the highest support for more European action of all researched policy areas. Differences between countries are smaller than in other policy areas. The highest support for more significant EU involvement is seen in Cyprus (93%), Portugal (91%) and Italy (88%), and the lowest in Austria (73%), Croatia and Poland (74%). The differences between countries are not related to the feeling of threat of terrorist attacks, which varies from 7% in Slovenia to 64% in France.

The differences between the opinions of women and men on this issue are almost non-existent. The older generations demonstrate only slightly stronger support for increased EU involvement compared to the younger generations, but the differences are neither considerable nor linear (see figure 1).

The fight against terrorism is an area with an explicit and very strong perception of a gap between the expectations of EU citizens and the actual level of the Union's involvement – 69% consider the current EU involvement to be insufficient. The EU measures that are perceived as most urgent are the fight against the financing of terrorist groups and against the roots of terrorism and radicalisation, and strengthened control of the external EU borders. The recent terrorist attacks in Paris and Brussels, and the follow-up given to them by the media and experts, also demonstrated that the fight against terrorism is expected to be tackled in coordination between Member States and with the involvement of policies at EU level. The cost of not doing that could be measured in human lives, which explains the sensitivity on this topic.

Figure 1 – Opinion by generation, gender



Data source: EuroBarometer 85.1

Legal framework

The relevant Treaty provisions in this area are those on the Area of Freedom, Security and Justice (AFSJ), i.e. Title V of the Treaty on the Functioning of the European Union (TFEU), Article 222 TFEU ('solidarity clause'), and those pertaining to a range of indirectly related policies (e.g. internal market).

The roots of EU counter-terrorism policy can be traced back to the TREVI group set up in 1976. The Maastricht Treaty created the third 'pillar' of Justice and Home Affairs, covering *inter alia* police and judicial cooperation, as a result of the necessity to address issues such as terrorism. The Lisbon Treaty abolished the pillar structure and extended the scope of co-decision (now 'ordinary legislative procedure') including in the AFSJ.

Current implementation and EU action

The fight against terrorism lies primarily with EU Member States, the Union's competence being limited to coordination, provision of support and – only to a limited extent – harmonisation of national laws. However, following the 9/11 terrorist attacks, the EU has been very active in counter-terrorism which has resulted in a somewhat complex and multi-faceted legal and policy framework. The tools mentioned below are but a few major pieces of the puzzle.

Under the so-called '[solidarity clause](#)' of Article 222 TFEU, the EU is supposed to mobilise all the instruments at its disposal, including the military resources made available by the Member States, to prevent or respond to a terrorist attack in any one of them.

The **European Police Office** (Europol) links police forces across the EU. Set up by a 1995 convention, it became an EU agency in 2010. Following a series of terrorist attacks in 2015, its previously scattered counter-terrorism capacities were pooled and streamlined with the creation, within the Agency, of the European Counter Terrorism Centre (ECTC). [Council Framework Decision 2002/475/JHA](#) on combating terrorism – a criminal justice harmonising tool [amended](#) in 2008 – requires that Member States criminalise specific terrorism-related offences, defined by the Decision and provide for effective, proportionate and dissuasive penalties. In its [implementation report](#) of 2014, the Commission concluded that all but two Member States had implemented the Decision.

As regards **terrorist financing**, the EU has closely followed up on international developments, as illustrated, most importantly, by a series of **EU anti-money laundering (AML) directives**. While its activities in the field of **counter- and de-radicalisation** are often overlooked, the EU has a [Strategy for Combating Radicalisation and Recruitment to Terrorism](#) and launched, in 2011, the [Radicalisation Awareness Network](#) (RAN), linking around 2000 practitioners. October 2015 saw the establishment of the RAN Centre of Excellence.

Capacity-building efforts, economic assistance, political dialogue and counter-terrorism clauses in international agreements are among many counter-terrorism elements in EU **external policy**. Although a variety of tools are used, many have remained largely under-developed due to both internal (competence) and external (third countries' non-willingness to cooperate) limitations.

Potential for better implementation and further EU action

New EU tools underway

The dramatic incidents of 2015 proved yet again how quickly the EU's untapped potential can be unlocked under general public and political pressure. Rising to the challenge, the EU has sought to establish itself as the main counter-terrorism 'broker' coordinating Member States' action, harmonising criminal laws and providing a platform for intelligence sharing.

In December 2015, the Commission presented its [proposal](#) for a new directive on combating terrorism, replacing the 2002 Framework Decision. The [current legal framework](#) seems insufficient to meet Member States' obligations resulting from new international laws and standards (at [UN](#), [Council of Europe](#) and [FATF](#) level). The proposal seeks to address this by criminalising travelling for terrorist purposes; the funding, organising and facilitating of such travel; receiving training for terrorist purposes, and providing funds for terrorist activities. Moreover, the Commission has made proposals for a new [firearms directive](#), a targeted amendment of the [Schengen Border Code](#) ([mandatory systematic checks](#) of EU citizens at EU external borders), a regulation on the [European Border and Coast Guard](#) (enhancing contribution of Frontex to counter-terrorism) and for a directive improving the exchange of information on non-EU nationals in [ECRIS](#). It also [announced](#) new measures to address terrorist financing, such as targeted amendments to the [Fourth AML Directive](#) and legislative proposals to harmonise criminal sanctions for money laundering across the EU. Finally, the long-awaited post-Lisbon [Europol Regulation](#), adopted in May 2016, increases the flexibility of the Agency in terms of setting up specialised units (such as the ECTC) to better respond to emerging threats.

Possible ways forward

Under the existing legal framework there is scope for further developing EU counter-terrorism capacities. A comprehensive evaluation of the plethora of relevant EU measures could be a starting point. Better use of existing tools and improved coordination across policy fields may be a better way forward than hasty adoption of new measures without proper reflection on their possible impact.

Member States will retain control over national security issues. Given that their unwillingness to share intelligence seems to be the single most important obstacle to successful cooperation at EU level, their increased contributions to the Schengen Information System, the Europol Information System and other EU information-sharing tools would appear to be crucial. The improved technical design of these databases could considerably facilitate border checks and law enforcement. In the short term, cross-matching capabilities of EU databases could be enhanced in order to achieve complete interoperability in the more distant future.

At institutional level, the setting up of the [European Public Prosecutor's Office](#) (EPPO) could be an important EU contribution as Article 86 TFEU allows for extending the EPPO's competence to serious crime having a cross-border dimension (such as terrorism).

As regards external aspects of EU counter-terrorism, better use could be made of the AFSJ agencies in the MENA region and more emphasis placed on addressing root causes of radicalisation outside EU borders.

The EU budget and the fight against terrorism

It is not possible to calculate total [EU spending on counter-terrorism](#) (CT) with any precision. CT spending takes place mainly at the national level. Member States play a primary role in allocating resources to combat radicalisation, adopt new security measures (or strengthen existing ones) and to enhance security against terrorist attacks. Furthermore, the EU budget is not conceived as a flexible tool adaptable to contingencies. It is aimed at distributing the available resources across the main fields of EU action, on a cyclical basis. The 2007-13 MFF

included a **€140 million** programme for the 'Prevention, Preparedness and Consequence Management of Terrorism and other Security-related Risks', designed to protect citizens and infrastructure from terrorist attacks. Under the 2014-20 MFF, the [Internal Security Fund](#) is the financial instrument designed to support security-enhancing initiatives in the EU. The '[ISF-Police](#)' component is aimed at combating serious and organised crime and includes (but is not limited to) CT. For 2014-20, this instrument has a budget of **€1 004 million** (**€662 million** through shared management, where actions are carried out by the Member States, and **€342 million** through direct management by the Commission).

Examples of funds available for CT related actions under budgetary lines spread across the EU budget include: (1) title 18.02.01.02 '*Prevention and fight against cross-border organised crime and better management of security related risks and crisis*'. This not only addresses CT, but includes funding for actions related to terrorism (e.g. information-sharing, cooperation among Member States). (2) Funds used to support bodies aimed at, inter alia, CT. One case is the recently created European Counter-Terrorism Centre (ECTC) within Europol. For the 2016 budget, the Commission [proposed](#) **€2 million** in both commitment and payment appropriations, to be financed with resources from the Internal Security Fund, to increase the staffing of the ECT, a proposal accepted by Parliament and Council. Another example is the Radicalisation Awareness Network Centre of Excellence which was created on 1 October 2015 to step up support to Member States and priority third countries. The Centre has a budget of **€25 million** until 2020. (3) Funds for actions aimed at preventing radicalisation through education. Under Erasmus+, for instance, up to **€400 million** is available in 2016 for fostering inclusion and promoting fundamental values (the Commission has launched a specific €13 million call to identify and spread best practices). (4) Research funds made available by the Commission for security research. For example, **€1.7 billion** under Horizon 2020 for 2014-20, with a number of actions relating to enhancing security against terrorist threats planned.

Financial instruments outside the EU budget

Since 2013 the Commission is entitled to create and administer [Union Trust Funds](#) in the field of external action: these are multi-donor trust funds for emergency, post-emergency or thematic actions and may be eligible to cover CT-related expenses, or to help partner countries improve their capacities to fight terrorism and organised crime. In October 2015, the Commission established the [EU Emergency Trust Fund](#) addressing the causes of irregular migration and displaced persons in Africa, and also aimed at fighting terrorism and enhancing security.

Potential for further financing at EU level

Potential areas of increased expenditure might include the administrative structures aimed at fighting terrorism – e.g. Europol (between 2002 and 2009, Europol's budget increased from **€53 million to €68 million**, and its 2016 budget is over **€100 million**) and Eurojust (whose budget in 2015 was nearly **€34 million**). Another potential area concerns the implementation of the improved design and interoperability of **EU databases** mentioned above.

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