

# The fight against terrorism

## SUMMARY

Faced with a growing international terrorist threat, the European Union (EU) is playing an ever more ambitious role in counter-terrorism. Even though primary responsibility for combating crime and ensuring security lies with the Member States, the EU provides cooperation, coordination and (to some extent) harmonisation tools, as well as financial support, to address this borderless phenomenon. Moreover, the assumption that there is a connection between development and stability, as well as between internal and external security, has come to shape EU action beyond its own borders. EU spending in the area of counter-terrorism has increased over the years and is set to grow in the future, to allow for better cooperation between national law enforcement authorities and enhanced support by the EU bodies in charge of security, such as Europol and eu-LISA. Financing for cooperation with third countries has also increased, including through the Instrument contributing to Stability and Peace.

The many new rules and instruments that have been adopted since 2014 range from harmonising definitions of terrorist offences and sanctions, and sharing information and data, to protecting borders, countering terrorist financing, and regulating firearms. To evaluate the efficiency of the existing tools and identify gaps and possible ways forward, the European Parliament set up a Special Committee on Terrorism (TERR), which delivered its report in November 2018. TERR made extensive recommendations for immediate or longer term actions aiming to prevent terrorism, combat its root causes, protect EU citizens and assist victims in the best possible way.

In line with these recommendations, future EU counterterrorism action will most probably focus on addressing existing and new threats, countering radicalisation – including by preventing the spread of terrorist propaganda online – and enhancing the resilience of critical infrastructure. Foreseeable developments also include increased information sharing, with planned interoperability between EU security- and border-related databases, as well as investigation and prosecution of terrorist crimes at EU level, through the proposed extension of the mandate of the recently established European Public Prosecutor's Office.

*This is an update of an earlier briefing issued in advance of the 2019 European elections. Visit the European Parliament homepage on the [fight against terrorism](#).*



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## State of play

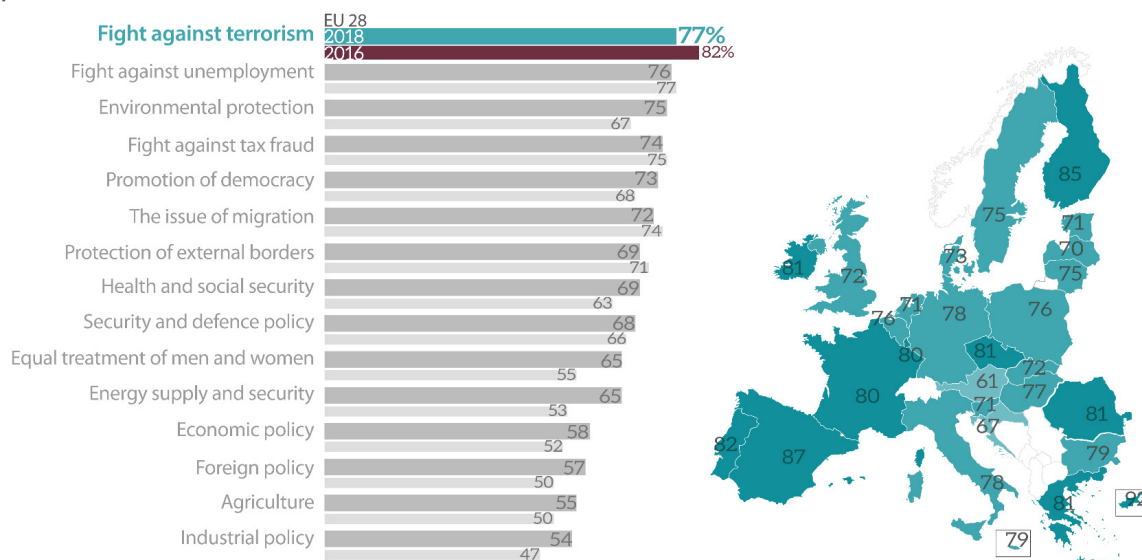
Terrorism is not a new phenomenon in Europe. Several EU Member States (such as France, Italy, Spain and the United Kingdom) have a long history of fighting domestic terrorist groups. However, with the 11 September 2001 attacks on United States soil, the terrorist threat has evolved to a more global scale. According to recent [research](#), between 2000 and 2018, 753 people lost their lives in terrorist attacks in the EU, and 1 115 EU citizens fell victim to terror in non-EU countries. Most fatalities in the EU and in the world are caused by [jihadist terrorism](#). The recent wave of terrorist attacks that hit Europe posed a number of **challenges** for the EU and its Member States.

- **Foreign fighters:** with the proclamation of the so-called Islamic State (ISIL/Da'esh), [thousands](#) of young Europeans left for conflict zones in Syria and Iraq to fight for ISIL/Da'esh. Some of them came back to organise and carry out deadly attacks on European soil, such as the November 2015 attacks in Paris.
- **Lone wolves:** some radicalised individuals, unwilling or unable to join ISIL/Da'esh in Syria, attacked ordinary people or police forces in their own countries after pledging allegiance to ISIL/Da'esh. Such lone-wolf attackers, with only a loose link to Islamic State and often using everyday tools such as knives or cars, became a [growing concern](#): such attacks multiplied as ISIL/Da'esh was losing both territory and its ability to orchestrate military-type attacks.
- **Home grown terrorism and online radicalisation:** most of the [perpetrators](#) of the attacks on European soil in recent years were European citizens, born in Europe and radicalised without even leaving Europe. The digital environment offers easy ways to radicalise: jihadists use the internet, the darknet and encrypted communication channels such as Telegram for spreading propaganda, training and for recruitment purposes.
- **Cyber risks:** more generally, the digital environment offers numerous opportunities for [cyber-attacks](#) making it particularly important to protect critical infrastructure (such as transport networks, energy grids and hospitals, etc.). Even though for now jihadists do not seem to possess the required skills to conduct cyber-attacks, they could recruit more skilled individuals or buy readily available cyber-attack tools on the darknet.
- **Firearms and explosives:** terrorists' access to [firearms](#), sometimes sold legally as deactivated and reactivated afterwards, and to explosive precursors used to produce home-made bombs poses another challenge for law enforcement in the EU Member States.
- **Borders:** although many perpetrators did not cross any borders to commit their attacks, some benefited from the refugee flows to enter the EU without being noticed. The foreign fighters' phenomenon and the high terrorist threat have challenged the principle of free movement across EU internal borders and exposed flaws in [external border control](#).
- **Returning foreign fighters:** the defeat of ISIL/Da'esh on the ground poses yet another challenge – European foreign fighters [returning](#) to their home countries. The fighters may not be returning on a massive scale, as many have died or moved to other conflict zones, but there are fears that they could carry out new attacks or radicalise other individuals.
- **Women and children:** another [issue](#) concerns women returning from war zones and children born there – how should they be integrated into society? Are they to be considered as victims or as a potential threat?
- **Fundamental rights:** the focus the EU and individual Member States put on security while trying to protect their citizens can be [challenging](#) from a fundamental rights perspective. Security measures can interfere with rights and freedoms protected by the EU [Charter of Fundamental Rights](#); therefore adequate safeguards and remedies have to be in place.
- **Victims:** last but not least, assisting the victims of terrorism is a particular challenge for public authorities. These victims have specific needs and they should [benefit](#) from full rights and adequate help irrespective of their place of residence or nationality.

These multiple and evolving challenges call for common action at EU level and for international cooperation, no Member State being able to respond alone to the global terrorist threat.

## Public expectations for EU involvement<sup>1</sup>

Figure 1 – Percentage of respondents who would like the EU to intervene more than at present

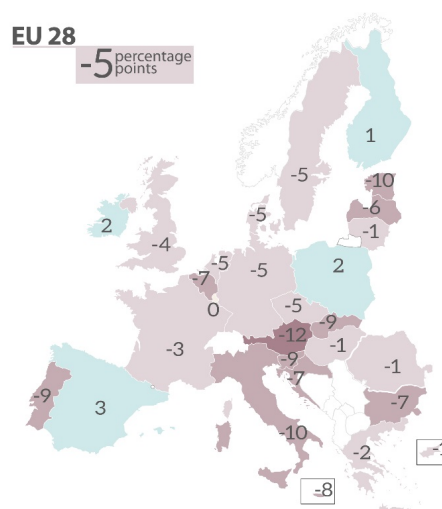


Source: Eurobarometer [85.1, 2016](#); [89.2, 2018](#).

According to a series of Eurobarometer surveys carried out for the European Parliament on perceptions and expectations, EU citizens' support for stronger EU involvement in the fight against terrorism fell from 82 % in 2016 to 77 % in 2018. This is a 5 percentage point decrease in citizens' expectations. However, this is still the policy area with the highest level of citizens' expectations for more EU involvement. Although there are variations in support for increased EU involvement across the Member States, this particular policy wins more than just support from the majority, it can even be said that there is an EU-wide consensus on the issue. The highest expectations for more EU involvement were registered in Cyprus (92 %), Spain (87 %) and Finland (85 %). The weakest expectation for more involvement in the fight against terrorism was in Austria (61%) and Croatia (67 %) – in both countries the opinion was shared by about two thirds of the population.

Despite the overall fall in the expectation for more EU action on fighting terrorism, there are some differences between Member States. The most prominent reduction in support for more EU involvement was registered in Austria (a decrease of 12 percentage points), Estonia and Italy (decrease of 10 percentage points in both countries). Increased expectation of more EU involvement in this policy was registered in Spain (increase of 3 percentage points), Ireland and Poland (increase of 2 percentage points in both countries) and Finland (increase of 1 percentage point).

Figure 2 – Expectations for more EU action than at present: percentage points difference between 2016 and 2018

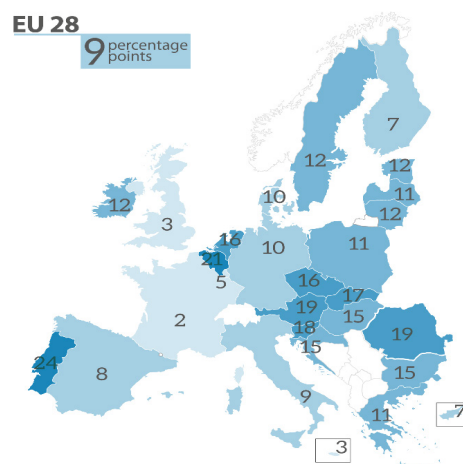


Source: Eurobarometer [85.1, 2016](#); [89.2, 2018](#).

Back in 2016, less than a quarter of EU citizens surveyed evaluated current EU involvement as sufficient (23 %). Today, this share of satisfied citizens has reached almost one third (32 %), which is an improvement of 9 percentage points. Similarly, the share of citizens who evaluate current EU involvement as insufficient has dropped from 69 % in 2016 to 57 % in 2018. Together with protection of external borders, the fight against terrorism is the policy area that shows the most significant improvement in citizens' evaluation of EU performance.

This trend towards an improved evaluation of EU involvement in the fight against terrorism is shared by citizens of all EU Member States. The most significant improvement was registered in Portugal (an increase of 24 percentage points) and Belgium (21 percentage points). The increase is least significant in France and the UK (only 2 and 3 percentage points respectively).

Figure 3 – Perception of EU action as adequate at present: percentage points difference between 2016 and 2018



Source: Eurobarometer [85.1, 2016](#); [89.2, 2018](#).

Although the gap between public expectations of EU involvement in fighting terrorism and the evaluation of its current involvement is one of the widest in the policy areas included in the study, it is actually the gap that has shrunk most significantly. This positive change is mostly due to the notable improvement in citizens' perception of what the EU delivers in the area of fighting terrorism.

## EU framework

### Legal framework

The EU action in the area of counter-terrorism is based on the Title V of the Treaty on the Functioning of the European Union (TFEU) on the Area of Freedom, Security and Justice. Article 83 TFEU lists terrorism among the serious crimes with a cross-border dimension for which provision is made for the possibility to establish common minimum rules. However, the Union's competence is limited by Article 4(2) of the Treaty on the European Union (TEU), which states that 'national security remains the sole responsibility of each Member State' and by Article 72 TFEU, which confirms national prerogatives for maintaining law and order and safeguarding internal security.

Another relevant provision is what is referred to as the '[solidarity clause](#)' (Article 222 TFEU), under which the EU should mobilise all the instruments at its disposal, including military resources made available by Member States, to prevent or respond to a terrorist attack in any one of them. Counterterrorism measures can also be taken on the basis of legal provisions pertaining to a range of indirectly related policies (e.g. internal market).

### Policy developments

The roots of EU counter-terrorism policy can be traced back to the [TREV group](#) (*Terrorisme, Radicalisme, Extrémisme et Violence internationale*), an intergovernmental network of representatives of justice and home affairs ministries, set up in 1976. Its subsequent development was however hugely influenced by the 11 September 2001 attacks in the USA, which triggered the perception of the terrorist threat as global and borderless. In the aftermath of 9/11, the EU adopted its first action plan and, in June 2002, a fundamental piece of legislation: the [Framework Decision on Combating Terrorism](#), providing a common definition of terrorist offences across Europe.



In 2005, following the Madrid and London attacks of 2004 and 2005, the EU adopted an overarching [counter-terrorism strategy](#) based on four pillars: prevention, protection, pursuit and response. The strategy was also designed to have global reach and emphasised the importance of cooperating with non-EU countries and international institutions. In 2004, the EU appointed a [counter-terrorism coordinator](#) for the Union to monitor the strategy's implementation and support cooperation between Member States and with international partners. The strategy was last updated in 2014.

The fight against terrorism is also a main priority in broader strategic documents, such as the EU's [internal security strategy](#), adopted in 2010 and renewed in 2015 on the basis of the Commission's communication on a [European agenda on security](#) (see below). It is also part of the [EU global strategy](#) adopted in 2016 with the idea of joining up internal and external policies.

## International cooperation

In the fight against terrorism, the EU cooperates with international organisations and bodies including the United Nations (UN), the Global Counterterrorism Forum, the Global Coalition against ISIL/Da'esh, the Financial Action Task Force (FATF) and the Council of Europe.

The EU is actively implementing the [UN global counter-terrorism strategy](#) adopted in 2006, and relevant [UN Security Council resolutions](#) and [sanctions regimes](#) for suspected terrorists (individuals or groups). The EU has acceded to the 19 [UN conventions](#) dealing with terrorism that have been issued since 1963. The UN has set standards on preventing and combating terrorism, including criminal law measures and tools to address terrorist financing, as well as [foreign terrorist fighters](#).

The EU and seven individual Member States belong to the [Global Counterterrorism Forum](#), an informal, multilateral counterterrorism platform launched in 2011 to promote a strategic long-term approach to counter terrorism and the violent extremist ideologies that underpin it.

The EU and 27 individual Member States are members of the [Global Coalition against Da'esh](#), set up in 2014 to counter the group's spread and ensure its defeat. In addition to military campaigns in Iraq and Syria, the coalition seeks to tackle ISIL/Da'esh's financing infrastructure, counter its propaganda and stem the flow of foreign fighters. The [EU strategy for Syria](#) adopted in 2017 (and re-endorsed in 2018) and the [EU strategy for Iraq](#), adopted in 2018, are also part of the EU's efforts to combat ISIL/Da'esh.

The [FATF](#) issues anti-money laundering (AML) [recommendations](#) that also cover terrorist financing and that are recognised and implemented by many countries around the world. The EU has implemented the FATF's recommendations through successive [AML directives](#).

The Council of Europe (CoE) has adopted several major [conventions](#) setting legal standards on law enforcement and human rights in the area of counterterrorism. In 2018, the EU [ratified](#) the CoE Convention on the Prevention of Terrorism, as well as its Additional Protocol. The convention aims to strengthen the fight against terrorism, while reaffirming that all measures taken to prevent or suppress terrorist offences must uphold the rule of law, human rights and fundamental freedoms.

The EU cooperates bilaterally with third countries in the field of counterterrorism. Since 2001, the EU has included counterterrorism clauses in bilateral and multilateral agreements, such as the [partnership and cooperation agreements](#), association agreements, and [stabilisation and association agreements](#) with the Western Balkans countries. The scope of the agreements differ, but the [provisions on countering terrorism](#) are phrased similarly and include references to the relevant UN resolutions and to the sharing of information and best practices.

The EU has also concluded sectoral agreements with non-EU countries (on police and judicial cooperation). These include counterterrorism objectives: mutual legal assistance and extradition agreements, [passenger name record](#) (PNR) agreements, and [Europol](#) and [Eurojust](#) cooperation agreements. In 2010, the EU concluded the [EU-US Terrorist Finance Tracking Programme \(TFTP\) Agreement](#) with the USA on the exchange of financial information to allow law enforcement access

to financial transaction data. Specific [counterterrorism action plans](#) are meanwhile in place with Jordan, Lebanon, Egypt, Israel and Tunisia, and the [Western Balkans](#).

## Financial framework

It is impossible to make a precise estimate of total [EU spending on counterterrorism](#), for two reasons. First, Member States play a primary role in allocating resources to combat radicalisation, adopting new security measures (or strengthening existing ones) and enhancing security against terrorist attacks. Second, the EU budget is not conceived as a flexible tool adaptable to contingencies. It is aimed at distributing the available resources on a cyclical basis.

Under the 2014-2020 multiannual financial framework, the [Internal Security Fund](#) (ISF) is the financial instrument designed to support security-enhancing initiatives in the EU. For 2014 to 2020, the total ISF budget amounts to €3.8 billion. Within the ISF, the main component related to counterterrorism is the '[ISF-Police](#)'. This is designed to ensure a high level of security in the EU and combat serious and organised crime, including terrorism. The ISF-Police has a budget of just over €1 billion (€662 million through shared management, where actions are carried out by the Member States, and €342 million through direct management by the Commission). Funding from ISF has been used in part to support EU bodies involved in counterterrorism, such as the recently created [European Counter Terrorism Centre](#) within Europol, which received €2 million in 2016 to increase its staffing. Another example is the [Radicalisation Awareness Network Centre of Excellence](#), created in 2015 to step up support for Member States and priority non-EU countries and allocated a budget of €25 million until 2020.

Other funds are available for counter-terrorism related actions under budgetary lines spread across the EU budget. Examples include:

- funds for actions aimed at [preventing radicalisation through education](#). In 2016, for instance, up to €200 million were made available under [Erasmus+](#) for fostering inclusion and promoting fundamental values;
- research funds made available for [security research](#). For the 2018-2020 period more than €1 billion were allocated to research and innovation under [Horizon 2020](#) to improve security, including €135 million for [projects](#) targeting crime and terrorism threats.

The EU also financially supports counter-terrorism activities in non-EU countries, in several ways.

- The [Instrument contributing to Stability and Peace](#) (IcSP) can be used, inter alia, to fund measures to promote cooperation with third countries in the fight against terrorism. Cooperation can be with individual countries, or regional and sub-regional organisations.
- Common security and defence policy (CSDP) missions provide another framework through which the EU tries to address both the root causes and the symptoms of terrorism and radicalisation. Civilian missions under the CSDP are financed by the common foreign and security policy (CFSP) [budget](#).

There are also financial tools outside the EU budget, funded through contributions from EU Member States – and, in some instances, other donors – that allow the EU to tackle the issue of terrorism.

- Of particular relevance are the [Union Trust Funds](#) – multi-donor trust funds for emergency, post-emergency or thematic actions that the Commission is entitled to create and administer in the field of external action. These funds can cover counterterrorism-related expenses, or help partner countries improve their capacities to fight terrorism and organised crime. The [EU Emergency Trust Fund for Africa](#), for instance, addresses the causes of irregular migration and displaced persons in Africa, and also aims at fighting terrorism and enhancing security. So far, [€4.2 billion](#) have been pledged to the fund.

## Deliveries of the 2014-2019 parliamentary term

Since mid-2014, the EU has taken a wide range of legislative and non-legislative measures to prevent and combat terrorism, in line with its strategies and action plans.

On 28 April 2015, the European Commission adopted the [European agenda on security](#) – the major policy instrument defining the EU response to security challenges for the years 2015 to 2020. The agenda is structured around three priorities: terrorism and radicalisation, organised crime, and cybercrime. It covers, in particular, issues such as information exchange between law enforcement authorities and EU agencies, operational police cooperation, and co-funding for security at EU level.

The action to be taken was further specified by a number of action plans adopted between 2015 and 2018: on [firearms and explosives](#) (2015); [strengthening the fight against terrorist financing](#) (2016); strengthening the [European response to travel document fraud](#) (2016); [protection of public spaces](#) (2017); [preparedness against chemical, biological, radiological and nuclear security risks](#) (2017); and on [maritime security](#) (2018).

Recent EU action has developed following a two-pronged approach, aiming on one hand to deny terrorists and criminals the means to act, while on the other building resilience against attacks and enhancing the response.

Newly adopted **legislation** includes the following.

- **Harmonising criminal laws:** in March 2017, the European Parliament and Council (the co-legislators) adopted the [Directive on Combating Terrorism](#) to update the 2002 framework and to implement new international standards. It criminalises a wide range of terrorist activities, including travelling for terrorist purposes or receiving terrorist training. It also adds cyberattacks to the definition of terrorist offences, allowing for prosecution of cyberterrorism.
- **Assisting victims of terrorism:** the rights and needs of victims of terrorist attacks have been covered by European legislation on [victims of crime](#) since 2012. However, the Directive on Combating Terrorism mentioned above added new provisions to improve the response to the specific needs of such victims and for assistance to be provided equally in any EU country for all EU nationals, as well as in their own countries upon return home.
- **Combating terrorism financing:** the recently adopted [Fifth Anti-Money-Laundering Directive](#) complements the existing [EU framework](#) for combating money laundering and terrorist financing. It will increase transparency, facilitate the work of [financial intelligence units](#), set up centralised bank account registers to identify holders, and address risks linked to virtual currencies and anonymous pre-paid cards. Three other pieces of legislation harmonise or update existing rules: a Directive on [countering money laundering by criminal law](#) establishes common minimum sanctions, a regulation on [controls on cash entering or leaving the Union](#) upgrades the definition of cash to include, for instance, virtual currencies, and a regulation on the [mutual recognition of freezing and confiscation orders](#) facilitates the freezing or confiscation of criminal assets across Europe. All these new rules entered in force in 2018 and will start to apply from 2020.
- **Regulating weapons:** in order to prevent terrorists from easily acquiring firearms or reactivating de-activated weapons, the co-legislators adopted two legislative acts – a directive on the [control of the acquisition and possession of weapons](#) and a regulation on [deactivation standards](#) to ensure that deactivated firearms are rendered irreversibly inoperable; both laws apply since 2018.
- **Protecting EU borders:** to prevent terrorists from circulating freely within the EU, several countries have introduced [temporary controls](#) at their borders, and the Commission has proposed [new rules](#) on the possibility to adopt such temporary measures in cases of a serious threat to internal security. The European Parliament having adopted its first reading position, further work on the proposal is likely to be continued under the new term. When it comes to external border protection, the EU has sought to optimise the use of existing databases and to close information gaps by creating new ones. In 2017, a targeted [amendment to the Schengen Borders Code](#) introduced an obligation to carry out systematic checks against

relevant databases at external land, sea, and air borders on all persons, including EU nationals. More recently, two new information systems were adopted: an [entry/exit system](#) (EES) to register entry and exit data for non-EU nationals crossing EU borders, and a [European Travel Information and Authorisation System](#) (ETIAS) to bolster security checks on visa-exempt non-EU nationals. These systems should be operational from [2020](#) and [2021](#) respectively.

- **Exchanging information:** data is an important tool in the fight against terrorism, but it is crucial that law enforcement authorities in different EU countries share information. Several steps have been taken to enhance the collection and exchange of data. The [EU PNR Directive](#) of April 2016 established an EU system to collect flight passenger data in order to detect suspicious travel and counter the foreign fighters' phenomenon. In 2018, the co-legislators [adopted](#) new rules to strengthen the Schengen information system (SIS), including in the field of [police and judicial cooperation](#). The SIS allows police and border guards to enter and consult alerts on wanted or missing persons and lost or stolen property. The reform introduced new types of alerts for cases related to terrorist activities. The co-legislators also approved a new centralised [system](#) for the exchange of criminal records of non-EU nationals in the EU (ECRIS-TCN), complementing the existing decentralised European criminal records information system (ECRIS) for EU nationals. Finally, to use existing and future databases in a more intelligent and targeted way, the Commission issued proposals on [interoperability](#) between [EU information systems](#). The new interoperability architecture, formally adopted in spring 2019, should become operational after 2023 and would provide border guards and law enforcement authorities with a single interface for their searches, as well as a biometric matching service to facilitate identification. A special feature would also help to address the issue of false or multiple identities.
- **Enhancing cybersecurity:** EU legislators have taken important steps to increase the Union's resilience to cyber-attacks (also to protect against cyberterrorism). The [Network and Information Security](#) (NIS) Directive, which has applied since May 2018, identifies 'essential services providers' and imposes obligations to report cyber-incidents to competent authorities. Another piece of legislation, adopted in April 2019, will establish an [EU Cybersecurity Agency](#) and voluntary certification for cybersecurity products.
- **Reinforcing the institutional framework:** the EU has completed a new security architecture by upgrading the powers and means of its bodies active in the area of security and justice. The European police agency (**Europol**), set up in 1995, has seen its role reinforced, with a new [mandate](#), in force since May 2017, and the creation, within the agency, of the [European Counter Terrorism Centre](#) (ECTC) – a specialised unit acting as a central information and coordination hub in the EU fight against terrorism. The ECTC provides strategic and operational support and is also in charge of the Internet Referral Unit ([IRU](#)), tackling online terrorist propaganda, and the Terrorist Financing Tracking Programme ([TFTP](#)). [New rules](#) have also been adopted for the EU agency for criminal justice cooperation (**Eurojust**), in order to improve its operational effectiveness. **Frontex**, the agency in charge of EU border management, has undergone an ambitious [reform](#) to become the European Border and Coast Guard. Finally, the co-legislators [revised](#) the mandate of the EU Agency for the Operational Management of Large-Scale IT Systems (**eu-LISA**), to take charge of the development of interoperability solutions and the management of existing and new EU information systems.

The EU's counterterrorism legislation often takes the form of directives, which have to be transposed into national law in order to apply in the Member States. The **implementation** of EU rules at national level is often a challenge, and suffers (sometimes considerable) delays. According to a [Commission report](#) of March 2019, measures that have not been fully transposed by all Member States include the directives on the EU PNR system, on combating terrorism, on the control of acquisition and possession of weapons, on cybersecurity, on protection of personal data by law enforcement, as well as the fourth Anti-Money Laundering Directive, adopted in 2015.



During this period, the Commission also adopted a number of **non-legislative** measures. One of the main examples is the EU action to combat and prevent **radicalisation**. In 2011, the EU launched the [Radicalisation Awareness Network \(RAN\)](#), which now links more than 3 200 practitioners from across Europe, such as police officers, prison and probation authorities, teachers, youth workers, civil society representatives, academics, etc. In October 2015, the RAN Centre of Excellence was established as an EU knowledge hub, fostering the exchange of best practice. Most recently, a new structure – [Steering Board on Radicalisation](#) – was created within the European Commission to improve coordination and cooperation between all relevant stakeholders. The EU has also taken initiatives to tackle the dissemination of terrorist propaganda online, including the launch in 2015 of the [EU internet forum](#) associating major internet industry actors and designed to reduce the accessibility of terrorist content online and to increase the volume of effective alternative narratives.

## International cooperation

- **Exchange of information with third countries:** Europol has concluded [operational agreements](#) with non-EU countries, allowing for the exchange of information (including personal data). Since 2015, new agreements have been concluded with Bosnia and Herzegovina, Denmark, Georgia and Ukraine. New Europol [strategic agreements](#), limited to the exchange of general intelligence, have been concluded with Brazil, China and United Arab Emirates. In 2018, [Council](#) authorised the opening of negotiations for operational agreements with Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey.
- **Support for joint forces in the Sahel:** the [G5 Sahel countries](#) – Burkina Faso, Mali, Mauritania, Niger and Chad – are increasingly threatened by terrorists and organised crime groups involving trafficking in arms, drugs and human beings. To help address the situation, the EU contributed €100 million to help set up a joint force, comprising 5 000 troops. The first operation of the G5 Joint Force took place in November 2017. The EU has deployed two civilian capacity-building missions and one military training mission to Niger and Mali.
- **EU counterterrorism dialogues** are held with a number of countries. After the *Charlie Hebdo* attacks in 2015, the Council decided to prioritise [counterterrorism cooperation](#) with the Middle East and North Africa (MENA) countries, the Balkans and Turkey.
- **Counterterrorism capacity-building:** the EU provides certain countries with technical assistance and training, including support for [counterterrorism capacity-building efforts](#) and [CVE](#) (countering violent extremism) initiatives. Counterterrorism projects in non-EU countries address law enforcement; criminal justice; and security sector reform; and focus on crisis infrastructure, emergency response, border control and aviation security, strategic communication, radicalisation, foreign fighters, recruitment, and the financing of terrorism.
- **EU-US cooperation:** the USA is the EU's main [partner](#) in the field of counterterrorism. There is substantial political dialogue on justice and home affairs issues, including counterterrorism, with regular meetings at ministerial and senior official level, as well as inter-agency cooperation. Radicalisation and countering violent extremism are important joint interests. Europol and [US Customs and Border Protection](#) signed two [agreements](#) on foreign fighters and illegal immigration in 2015: the Focal Point Travellers Agreement and the Focal Point CheckPoint Agreement. Focal Point (FP) Travellers is a specialist team of analysts and experts within Europol that coordinates EU Member States' investigations into, and data analysis on, foreign terrorist fighters. A further agreement from 2016 allowed for [active FBI involvement](#) in FP Travellers. The EU-US data protection '[umbrella agreement](#)', signed in 2016, established a comprehensive high-level data protection framework for EU-US law enforcement cooperation. The agreement covers all personal data (names, addresses, criminal records) exchanged between the EU and the USA for the purpose of prevention, detection, investigation and prosecution of criminal offences, including terrorism.

## Fundamental rights

Counterterrorism measures taken by the EU have to respect the rights and freedoms of EU citizens, enshrined in the [EU Charter of Fundamental Rights](#), including the rights to privacy and data protection. Two important laws in this regard entered into application in 2018: the General Data Protection Regulation ([GDPR](#)) and the [Data Protection Police Directive](#), setting standards for protecting individuals when their data is processed in relation to a criminal offence. The Member States also have to comply with the [European Convention on Human Rights](#) and the [case law](#) of the European Court of Human Rights in the area of counterterrorism.

## Potential for the future

In 2017, the European Parliament set up a special committee on terrorism (TERR) in order to evaluate the efficiency of EU counterterrorism action and consider possible ways forward. The TERR [report](#), adopted by the Parliament in December 2018, included a long list of recommendations, aimed at:

- **consolidating the institutional framework:** by strengthening EU agencies dealing with counter-terrorism and security and expanding the powers of the newly established [European Public Prosecutor's Office](#) (EPPO) to cover organised crime and terrorism;
- **preventing and countering radicalisation:** by setting up a European Commission-based EU centre of excellence for preventing radicalisation; and swiftly adopting legislation on removing online terrorist content;
- **enhancing cooperation and information exchange:** by using EU information systems better; and setting up the interoperability scheme to close information gaps;
- **protecting external borders:** by reinforcing the mandate of the European Border and Coast Guard Agency (EBCG) and providing it with access to all relevant databases;
- **stepping-up the fight against terrorist financing:** by fully implementing recently adopted EU legislation; and establishing an EU Terrorist Financing Tracking System ([TFTS](#)) to complement the TFTP and track intra-EU transactions in euros;
- **upgrading critical infrastructure protection (CIP):** by establishing national CIP programmes, updating the European Programme for Critical Infrastructure Protection ([EPCIP](#)) and relevant legislation, exchanging best practice on protecting public spaces, and enhancing cybersecurity;
- **monitoring weapons and explosives precursors:** by implementing the Firearms Directive and adopting stricter rules on the marketing of explosive precursors;
- **ensuring adequate response to specific needs of victims of terrorism:** by establishing an EU coordination centre for victims of terrorism; adopting new EU legislation providing a common definition of the status of victim of terrorism and related rights, and a standardised form and simplified procedures for compensation; and setting up a single online platform in all EU languages for victims and contact points in Member States, including helplines;
- **intensifying international cooperation:** by investing in action to address the root causes of terrorism in non-EU countries, and to identify synergies between common security and defence policy operations and justice and home affairs actions;
- **providing adequate means to fulfil the objectives of the EU counter-terrorism policy:** by providing necessary resources for EU agencies dealing with terrorism and radicalisation, such as the ECTC and IRU within Europol, or the centre of excellence on radicalisation to be put in place, as well as the eu-LISA agency, in charge of EU databases and interoperability.

Some of these developments are already under way. In 2018, the Commission made a number of legislative proposals, of which the following became laws during the 2014-2019 legislature:

- a regulation to strengthen the [EBCG](#), by extending its mandate and creating a new standing corps of up to 10 000 operational staff (5 000 as of 2021 and 10 000 by 2027);
- a regulation enhancing the security of [identity cards](#) and residence permits issued by Member States with a view to combating identity fraud and preventing criminals and terrorists from

entering the EU with a fraudulent document, by setting common security standards and making biometric data mandatory for EU countries where ID cards are in use;

- a directive on improving law enforcement access to [financial information](#) necessary for investigations of serious crime, including terrorism, and strengthening cooperation;
- a regulation imposing stricter rules for marketing and use of [explosive precursors](#) (which could be used to make home-made bombs) in order to limit their availability to the public and ensure the reporting of suspicious transactions throughout the supply chain.

Two legislative files were still to be finalised at the end of the last term:

- a proposal on [terrorist content online](#), which would require internet service providers to remove terrorist content within one hour of notification by law enforcement authorities, on which the Parliament has adopted its first reading position;
- proposals to facilitate access by law enforcement to [electronic evidence](#) in criminal matters, on which no Parliament position was reached during the last term.

In the longer term, EU counterterrorism policy may develop along the following lines. At institutional level, the [competences](#) of the EPPO could be extended to include investigation and prosecution of cross-border terrorist crimes. This extension of EPPO powers would require a Treaty change by a unanimous decision of the European Council, following Parliament consent. As requested by Parliament and [announced](#) by the Commission, an [EU Centre of Expertise for Victims of Terrorism](#) will be set up in 2019, as a first step to the creation of an EU coordination centre. While setting up a [European Intelligence Unit](#) seems unrealistic for the foreseeable future, in November 2018, EU leaders [agreed](#) on the creation of a [joint EU intelligence school](#), to promote a common intelligence culture for the benefit of European security. Another development will be the implementation of the new interoperability scheme, which might prove challenging. The EU will also have to stand up to the challenge of [digital transformation](#), enhancing its resilience against a potential terrorist cyber-attack and building a safer internet.

## Budgetary initiatives

In May 2018, the European Commission issued a proposal for a [multiannual financial framework](#) (MFF) for the 2021-2027 period. As regards internal security, the Commission proposed to multiply EU funding by a factor of 1.8, compared with the current 2014-2020 period, to ensure a high level of security in the Union and to reinforce the role of the decentralised agencies in this area.

The proposed financial envelope for the [future Internal Security Fund](#) (ISF), replacing the current ISF-Police component, is **€2.5 billion** (in current prices). Of this, **€1.5 billion** is to be allocated to Member States and **€ 1 billion** to the thematic facility. The proposed share for Member States' programmes is therefore **60 %** of the total envelope, while the remaining **40 %** will be managed through the thematic facility, which will provide funding for a number of priorities defined by the Commission, but can also be used to respond to immediate security challenges or emergency situations. The main objective of the ISF will be to contribute to a high level of security in the Union, in particular by tackling terrorism and radicalisation, serious and organised crime and cybercrime and by assisting and protecting victims of crime. There are three specific objectives: (1) to increase the exchange of information among and within the Union law enforcement authorities; (2) to intensify cross-border joint operations in relation to serious and organised crime with a cross-border dimension; and (3) to strengthen capabilities to combat and prevent crime, including terrorism.

ISF funding will be complemented by **other EU funds** for specific actions, such as the [Integrated Border Management Fund](#) for border protection, [InvestEU](#) and the cohesion policy funds for protecting public spaces, the [European Social Fund+](#) and the [Digital Europe Programme](#) for preventing radicalisation and enhancing cyber resilience, and [Horizon Europe](#) for security research.

Other areas of increased expenditure include the **EU agencies** in charge of security and fighting terrorism, to which the Commission intends to allocate €1.1 billion for the 2021-2027 period. The

budget for these agencies has grown steadily over the years. For example, Europol's budget [increased](#) from **€53 million** to **€68 million** between 2002 and 2009, and its [2018 budget](#) was over **€135 million**. The Commission also intends to [allocate](#) €461 million for the implementation of the interoperability of EU databases mentioned above, including €261 million for eu-LISA, over the 2019-2027 period. The overall budget of eu-LISA, and of the European Border and Coast Guard Agency (EBCG) will be allocated under the Border Management heading. According to the Commission, the EBCG will [require](#) €11.3 billion for the 2021-2027 period to carry out its upgraded tasks, including the acquisition of its own equipment (vessels, planes, vehicles), and operation costs.

**International cooperation** on counterterrorism can be funded under the budgetary framework for the EU's external action. For instance, in the context of the new MFF for the 2021 to 2027 period, the Commission proposes to allocate €89.2 billion (in current prices) to the Neighbourhood, Development and International Cooperation Instrument ([NDICI](#)). Although the proposal does not single out terrorism specifically, security in the European Neighbourhood and beyond is one of the key priorities to be addressed by the new instrument. A rapid response component (proposed financial envelope: €4 billion) has been added to allow for quick responses, to enable the EU to contribute to stability and conflict prevention in situations of urgency, in emerging crisis, in crisis and in post-crisis situations. Moreover, the High Representative for the Union for Foreign Affairs and Security Policy has proposed setting up a [European peace facility](#), an EU fund outside of the Union's multi-annual budget, worth €10.5 billion, to help the EU build peace and strengthen international security. Finally, the proposed [Instrument for Pre-accession Assistance](#) (IPA) includes strengthening security cooperation, including on terrorism, and the fight against radicalisation among its priorities.

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## ENDNOTE

<sup>1</sup> This section has been drafted by Alina Dobрева, with graphics by Nadejda Kresnichka-Nikolchova.

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