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Committee on Foreign Affairs

2004/2214(INI)

21.4.2005

OPINION

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the EU anti-terrorism action plan
(2004/2214(INI))

Draftsman: Jaime Mayor Oreja

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SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution on the basis that there is absolutely no justification for terrorism:

1. Recommends to the Council:

   a) that not only should the fight against terrorism be seen as a priority of the Union and a key part of its external action under the European Security Strategy, but that terrorism, and more specifically terrorism by radical groups that claim to defend Islam, especially if taken together with the threat of proliferation of WMDs, should be seen as the main problem that European citizens face, and as a threat to democracy, the rule of law, the Charter of Fundamental Rights of the European Union and the Charter of the United Nations;

   b) that it make this internal and external priority absolutely clear in all its dealings with third countries;

   c) that it take into account the diverse nature of terrorism, the organisations involved in it and the states and non-state actors that sponsor, finance and practise it for their own purposes; the fact that terrorism is an emerging and unpredictable phenomenon with its own specific sense of time (this applies in particular to terrorism by radical groups that claim to defend Islam); and the urgent need for the Union to develop a proactive – rather than reactive – policy to combat it;

   d) that it adopt the basic tenet that no external action against non-state as well as state-sponsored or state-practised terrorism can be truly effective if it is not backed up by real conviction and determination within the Union and supported by a well-informed general public;

   e) that it tackle terrorism in all its forms using all the instruments available to it through the rule of law and the Union, in full respect for human rights, eliminating extremism and intolerance, developing improved instruments to address elements specific to each of the various forms of terrorism, providing help when states need it, strictly monitoring all dangerous materials and ensuring the necessary protection for victims;

   f) that it adopt specific measures to combat all terrorist organisations, taking into account the fact that each has its own objectives, organisational structure and modus operandi;

   g) that it adopt a comprehensive and long-term strategy, aimed at addressing the factors which contribute to the radicalisation of, and recruitment for, terrorist activities, by integrating all the available policy instruments of the Union, including its external action policy as a whole (CFSP, ESDP, trade, development aid, etc.) as well as assistance to victims, effective cooperation between judicial and police authorities, the fight against poverty, conflict prevention and the promotion of fundamental rights and the rule of law;

h) that it insist on universal recognition by all third countries of the compulsory jurisdiction of the International Criminal Court and declare that terrorism constitutes a crime against humanity which, when appropriate, should be tried by the International Criminal Court;

2. Recommends that, in its dealings with third countries, the Union's anti-terrorism policy be made more coherent and effective by:

a) boosting political dialogue on terrorism with all third countries;

b) addressing the complex issue of countering support for terrorism, including through the encouragement of moderate Islam countries;

c) applying the anti-terrorism clause included in agreements with third countries;

d) establishing the interinstitutional code of conduct for the EU's external relations proposed by the European Parliament in 2002;

e) enhancing cooperation with international and regional organisations with key roles in maintaining peace and security across the world, such as the United Nations (particularly the Security Council and its Counter-Terrorism Committee), the OSCE**,** the Council of Europe and NATO;

f) promoting the strict and effective global implementation of UN Security Council Resolution 1540 (2004) in order to prevent non-state actors and states which are not parties to the Nuclear Non-Proliferation Treaty from acquiring nuclear, chemical or biological weapons, and to cooperate with the Security Council Committee established pursuant to that resolution;

g) improving efficiency in the areas of exchanges of information on suspected terrorism activities, of cooperation to fight the financing of terrorism and of emergency response to acts of terrorism; in particular, special measures should be taken to ensure greater interaction between Europol, Interpol and Eurojust, to achieve better control of offshore money transfers and to improve efficiency in detecting/preventing the links between terrorism and other forms of organised crime;

h) making an effective contribution to the establishment of the counter-terrorism strategy advocated by the Secretary-General of the United Nations in his report of 21 March 2005, 'In larger freedom: towards development, security and human rights for all', that aims at dissuading people from resorting to terrorism or supporting it, denying terrorists access to funds and materials, deterring states from sponsoring terrorism, developing state capacity to defeat terrorism and defending human rights – a strategy which must be based on strict conformity with the rule of law, universal respect for human rights and the definitions of 'threat' and 'terrorism' endorsed in that report;

i) the signing and ratification of the 12 existing international anti-terrorism agreements by all the Member States and the EU itself; adopting the eight special

recommendations on terrorist financing drawn up by the OECD; and requesting all third countries with which the Union has any dealings to do the same;

j) fulfilling the recommendations made in the High-Level Panel's report with regard to strictly controlling the supply of nuclear, radioactive, chemical and biological materials and building robust public health systems, given that, as the European Security Strategy mentions, some terrorist groups aim to cause massive casualties;

k) applying the EU-US Declaration on Combating Terrorism of 2004;

3. Recommends that stability outside the Union be increased by using all the instruments and resources available to the Union in carrying out external action, including:

a) supporting the aid strategy developed by the Commission to help third countries deal with the threat of terrorism. This strategy is already being implemented through programmes such as CARDS, TACIS, MEDA, etc.;

b) applying that strategy across all areas of the Union's external action (as was the case recently in the sections relating to terrorism in the European Neighbourhood Policy action plans) and to all major development aid programmes;

c) making more frequent use of the civilian and military rapid reaction mechanism;

d) setting up a European Office for Aid to the Victims of Terrorism as an administrative unit within the structure of the Commission, to serve as a reference and contact point for European citizens whose fundamental rights are breached as a result of the terrorist threat hanging over Europe and the rest of the world;

e) setting up a similar office in the context of the UN's new counter-terrorism strategy, the aim of which will be to provide assistance to all victims of terrorism, regardless of where they are from;

f) designating an International Day for the Victims of Terrorism;

4. Recommends that the opportunities provided by the European Constitution be used as of now in order to develop initiatives such as:

a) the immediate adoption of contingency plans to implement (with regard to both preventing a threat and providing assistance in the event of a terrorist attack) the solidarity clause on mutual assistance to prevent terrorist threats or attacks, pursuant to Article I-43 of the Constitution;

b) when necessary, the use of specific police and/or military operations under the European Security and Defence Policy (ESDP) as part of the Union's response to terrorism;

c) adapting the permanent structured cooperation and 'combat units' mentioned in Protocol 23 in order for new tasks to be addressed, which will also mean overcoming the shortages affecting C4 ISR systems (command, control, communications, computing, intelligence, surveillance and reconnaissance);

d) establishing clear criteria on the use of force that take due account of the recommendations of the Secretary-General of the United Nations in his report of 21 March 2005 and of the UN Security Council's primary role in striving for, maintaining and restoring collective security;

5. With regard to institutions and the budget, recommends that the Council:

a) draw up an Interinstitutional Agreement which moves beyond a purely competence-based view of terrorism and fills in the gaps between the different national, Community and Union initiatives using practical steps such as those suggested in the pilot project to counter terrorism by radical groups that claim to defend Islam, as recently approved by the European Parliament in the context of the current budget procedure;

b) encourage intensified cooperation on intelligence sharing and intelligence cooperation between the police and customs authorities of Member States and with Europol and Eurojust;

c) ensure that the European Parliament is closely involved in the process of implementing the solidarity clause laid down in Article III-329 of the Constitution, including in cases where decisions taken have implications for the ESDP;

d) ensure that the European Parliament is regularly informed of progress in this field, and that it is informed and consulted in the event of a major terrorist attack, when necessary via the special committee provided for by the Interinstitutional Agreement of 20 November 2002;

e) consider meeting the joint costs for all future ESDP anti-terrorism operations from the Community budget;

6. Attaches the utmost importance to its own contribution to the fight against terrorism; therefore urges its Committees on Foreign Affairs and on Civil Liberties, Justice and Home Affairs to find an appropriate procedure for preparing recommendations on the matter to be addressed to both the Council and the Commission; calls, in this respect, on the Council to fully inform and consult the Committee on Foreign Affairs and the Committee on Civil Liberties, Justice and Home Affairs on regular updating of the Council's Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (the list of terrorist groups and organisations), taking into account developments from 2001 onwards; welcomes, in this regard, the positive reaction of the Luxembourg Presidency.

PROCEDURE

Title	EU anti-terrorism action plan
Procedure number	2004/2214(INI)
Committee responsible	LIBE
Committee asked for its opinion Date announced in plenary	AFET 28.10.2004
Reinforced cooperation	
Draftsman Date appointed	Jaime Mayor Oreja 10.11.2004
Discussed in committee	16.3.2005 19.4.2005
Date suggestions adopted	20.4.2005
Result of final vote	for: 47 against: 8 abstentions: 4
Members present for the final vote	Angelika Beer, Monika Beňová, André Brie, Elmar Brok, Simon Coveney, Véronique De Keyser, Maciej Marian Giertych, Alfred Gomolka, Richard Howitt, Toomas Hendrik Ilves, Jelko Kacin, Ioannis Kasoulides, Bogdan Klich, Helmut Kuhne, Joost Lagendijk, Vytautas Landsbergis, Cecilia Malmström, Emilio Menéndez del Valle, Willy Meyer Pleite, Francisco José Millán Mon, Annemie Neyts-Uyttebroeck, Baroness Nicholson of Winterbourne, Vural Öger, Cem Özdemir, João de Deus Pinheiro, Mirosław Mariusz Piotrowski, Bernd Posselt, Poul Nyrup Rasmussen, Michel Rocard, Libor Rouček, José Ignacio Salafranca Sánchez-Neyra, Jacek Emil Saryusz-Wolski, György Schöpflin, Gitte Seeberg, Marek Maciej Siwiec, Ursula Stenzel, István Szent-Iványi, Antonio Tajani, Charles Tannock, Paavo Väyrynen, Inese Vaidere, Karl von Wogau, Luis Yañez-Barnuevo García, Josef Zieleniec
Substitutes present for the final vote	Laima Liucija Andrikienė, Glyn Ford, Jaromír Kohlíček, Alexander Lambsdorff, Pasqualina Napoletano, Aloyzas Sakalas, Pierre Schapira, Inger Segelström
Substitutes under Rule 178(2) present for the final vote	Margrete Auken, María del Pilar Ayuso González, Salvador Garriga Polledo, Luis de Grandes Pascual, Cristina Gutiérrez-Cortines, Małgorzata Handzlik, Javier Moreno Sánchez