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NOTE

from :	EU Counter-Terrorism Coordinator
to :	COREPER/Council/European Council
Subject :	Implementation of the Strategy and Action Plan to Combat Terrorism (June-November 2008)

This report is a response to the European Council's request for a report every six months on the implementation of the Action Plan to combat terrorism adopted in June 2004.[1] The report summarises progress since June 2008 and the state of play regarding ratification of the Conventions and implementation of the legislative acts regarded as having priority, the details of which are set out in ADD 1.[2]

1 The latest version of the Action Plan to Combat Terrorism is contained in 7233/1/07 REV 1.
2 Previous report in 9416/1/08

In December 2005 the European Council adopted the European Counter-Terrorism Strategy, which continues to provide the framework for EU activity in this field.[1] The strategic commitment of the Union is to combat terrorism globally while respecting human rights and to make Europe safer, allowing its citizens to live in an area of freedom, security and justice. The Strategy groups all actions under four headings - PREVENT, PROTECT, PURSUE and RESPOND. This report covers progress on individual actions within this same framework.

Prevent

Revision of the Strategy and the Action plan

The first objective of the Counter-Terrorism Strategy is to prevent people from turning to terrorism by tackling the factors which can lead to radicalisation and recruitment, both in Europe and internationally. To this end, in December 2005, the Council adopted a Strategy and Action Plan to counter radicalisation and recruitment which is reviewed annually.[2] A revised version of the Strategy and Action Plan is in preparation for discussion at the November JHA Council[3].

In 2006, the Commission set up an expert group on violent radicalisation which was tasked to present a report on the state of play of research in the field. The final report of the group entitled: 'Radicalisation processes leading to acts of terrorism' was shared with Member States in September 2008.

In September, the Commission published the results of a series of studies on

- best practices in cooperation between civil society and authorities with a view to the prevention and response to violent radicalisation;

1 14469/4/05 REV 4
2 last update 15443/07
3 14293/2/08 RESTREINT UE and 14294/08

- the factors that may trigger or affect violent radicalisation processes, particularly among youth;
- the beliefs, ideologies and narrative of violent radicals; and
- recruitment and mobilisation for the Islamist militant movement in Europe.

Building on the issues raised by the Commission's questionnaire on "Policies to address violent radicalisation" of July 2007 and the Member States' responses, Council Conclusions[1] on enhancing cooperation and exchanging good practice in the area of countering radicalisation and recruitment to terrorism were adopted in July 2008. The main objectives outlined in the Conclusions are the prevention of radicalisation and recruitment through increasing the quality and quantity of information gathered and shared between Member States, implementing joint initiatives, sharing best practices, studying the possibility of elaborating a methodology to assess the effectiveness of counter radicalisation and recruitment measures as well as exchanging analysis and government assessments on radicalisation and recruitment among officials with competence in these areas across the EU.

Lead Member States

Work has continued also on the five key work streams identified in the first informal meeting in March 2008 of high-ranking civil servants charged with the coordination of national counter-terrorism policies as well as on an additional topic which was added afterwards. In addition to the work being lead by Germany on the use of the internet, the United Kingdom has undertaken to lead work to improve the communications strategy, and in particular on countering the "narrative" which is used by those promoting terrorism to justify their actions. Spain is leading work on improving the training of religious leaders. The Netherlands is working on the role of local authorities in preventing radicalisation, Sweden on community policing and Denmark on de-radicalisation of young people.

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1 9140/08

Radicalisation in prisons

On 30 September - 1 October 2008, the Presidency organised a seminar on radicalisation and recruitment in prisons. The seminar marked the conclusion of a trilateral (Austria, France and Germany) Commission-funded project on radicalisation within prisons which stimulated exchanges of view among academics and practitioners dealing with law-enforcement and prison security from nearly all Member States, Europol and the Commission.

A handbook of best practice on 'Violent radicalisation - recognition of and responses to the phenomenon by professional groups concerned' was released to coincide with this seminar. It is not a public document, but is being made available to those directly concerned, in particular for training purposes. It recommends paying increased attention to the training of prison staff, placement of particular inmates, the practice of religion in prison, access and training for imams, visitor access, access among detainees to the media and the telephone, preparation for release from prison and measures following release from prison.

Check the Web

So far 24 Member States have opened their accounts on the information portal managed by Europol under the "Check the Web" initiative (36 contact points). Several hundreds of websites are available under the portal, there are links to a large number of extremist publications, and an important number of statements made by terrorist organisations have been translated into English. Eight Member States have made contributions to the portal up to now.

Several check the web expert meetings have taken place at Europol.

The second phase of the Information Portal is being planned at Europol aimed at enhancing the portal by adding some new capabilities such as the storing of classified information, such as assessments and evaluation results, and the storing of video and audio files. It would also allow for a greater number of user accounts.

CCTV

The CCTV initiative, launched in 2007, has achieved its goals through the presentation of a final report to the Working Party on Terrorism in September 2008. The report is composed of two parts: the overall conclusions and an annex compiling Member States` answers. The main purpose of the initiative was to identify best practice concerning the legal framework and practical use of CCTV in Member States. The outcome of the exercise was based on the replies of the Member States to two questionnaires focusing on various aspects of the use of CCTV.

Alliance of civilisations

At the end of September EU Member States agreed on a "light" framework of cooperation with the Alliance of Civilisations, based on an exchange of letters accompanied by an action plan for the period 2008-2010. The action plan is structured along 5 areas of common focus and cooperation:

a) Promotion of human rights and political reform
b) Media and access to information
c) Intercultural dialogue and cultural diversity, including exchanges and promotion of people-to-people contacts
d) Immigration and integration
e) Role of civil society in the prevention of polarisation and radicalisation

Both the SG/HR Solana and Commissioner Ferrero-Waldner participated in the meeting in New York on 24th September, where the action plan was presented. Currently all 27 Member States and the European Commission belong to the Group of Friends of the Alliance. The first meeting of focal points from Member States and partner organisations was held in Paris on 2-3 October. The purpose of the meeting was to share ideas about policies, projects and initiatives that focal points could draw upon in the development of national strategies for the implementation of Alliance objectives.

Protect

The second objective of the Counter-Terrorism Strategy is to protect citizens and infrastructure and reduce our vulnerability to attack, inter alia through improved security of borders, transport and critical infrastructure.

Border security

In June, the Council endorsed a new schedule for implementing the second generation of the Schengen Information System (SIS II). Migration from SIS 1+ to SIS II was originally planned for September 2009. However since then, certain technical problems have arisen in the implementation.

In June, the Council approved a decision on the application of the provisions of the Schengen acquis relating to the SIS in Switzerland. The decision allows for real SIS data to be transferred to Switzerland as from 9 June 2008, and allows Switzerland to enter data in the SIS and use SIS data as from 14 August 2008. The use of real data by Switzerland will allow the Council to verify the correct application of the Schengen acquis provisions relating to the SIS. An evaluation took place in September and the lifting of checks at internal borders with Switzerland is planned for the end of 2008.

France has introduced a proposal related to SIS II establishing a system for early detection of persons suspected of activities related to terrorism or organised crime, with the help of SIS alerts. The initiative would enable competent national authorities to have information about persons under surveillance according to Article 99 of the Schengen Convention (Article 36 of the Council Decision 2007/533/JAI dated 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II)) before the persons enter EU territory. The Council is expected to adopt conclusions on this proposal at its meeting on 27 November 2008.[1]

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[1] 14356/2/08

In order to enhance border security, in February 2008, the European Commission presented a Communication "Preparing the next steps in border management in the European Union" which puts forward suggestions for new tools that would form an integrated part of European border management in the future. The Communication includes proposals for the introduction of an entry/exit system, allowing the electronic recording of the dates of entry and exit of third country nationals into and out of the Schengen area; proposals to facilitate border crossing for bona fide travellers, through the introduction of automated border crossing facilities for EU citizens and certain categories of third country nationals; and parameters for the possible introduction of an Electronic System for Travel Authorisation (ESTA). As a response to this Communication, the Council adopted conclusions in June.[1]

In October, the Council adopted the European Pact on Immigration and Asylum[2] which included strengthening the operational resources of the Frontex agency. The European Pact also stressed giving the means to Frontex to fully exercise its co-ordination mission in controlling the external border, to tackle crisis situations and to undertake any necessary operations at the Member States' request. It foresees the eventual examination of the creation of a European border guards system.

Critical infrastructures protection

In June 2008, the Council reached political agreement on the proposed Directive on the identification and designation of European Critical Infrastructures and assessment of the need to improve their protection, in particular with regard to two priority sectors: transport and energy[3]. If deemed appropriate and in conjunction with the review of this Directive after three years, subsequent sectors may be added, in particular, the ICT sector. In parallel, the Commission together with the Member States have reached a consensus on a set of guidelines for the Implementation of the Directive, addressing in particular the process of actually identifying European Critical Infrastructures. Once Coreper has noted these guidelines, the Council will proceed to the formal adoption of the Directive, probably before the end of this year.

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1 9873/08
2 13440/08
3 10934/08

At the end of October, the European Commission proposed the creation of an early warning mechanism with the aim to assist Member States to exchange information on shared threats, vulnerabilities and appropriate measures and strategies to mitigate risk in support of critical infrastructure protection. The proposal aims at the creation of a secure information system (the CIWIN), which will be operated by the European Commission and hosted by the Joint Research Centre at Ispra. Discussion on this proposal will start under the French Presidency.

Security of explosives

As mentioned in the last progress report, in April political agreement was reached on an EU Action Plan on Enhancing the Security of Explosives. Implementation of the priority actions identified in this Action Plan has been taken in hand by various actors. The Commission has established a Standing Committee on Precursors, which has already met four times during 2008. On 13 October, a meeting of Explosive Ordnance Disposal experts agreed on the Protocol for the European Explosives Ordnance Disposal Network (EEODN), which is now up and running supported by Europol. Europol has also contributed to the implementation of the Early Warning System concerning explosives as well as to the creation of the European Bomb Data System (EBDS). The Spanish authorities are working on expanding their existing Early Warning System to all 27 Member States, with the financial support of the Commission. The security of Mobile Explosive Manufacturing Units has been taken into account in an amendment of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) effective from 1 January 2009. The ADR 2009 is brought into EU legislation by Directive 2008/68 which was adopted on 30 September 2008.

Ammonium nitrate fertilisers have been misused for the illicit manufacture of explosives. A recent Decision by the European Parliament and the Council, that will become part of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), therefore provides that access to fertiliser types that contain more than 16 % by mass of nitrogen in relation to ammonium nitrate should be limited to farmers and professional users. Member States may, however, for socio-economic reasons, apply a limit of up to 20 % for their territories.

Transport security

On 1 October 2008, the Commission presented the third report on the implementation of Regulation (EC) no. 2320/2002 establishing common rules in the field of civil aviation security[1] covering the period January-December 2007. Part I of the report gives an analysis of Commission inspection reports compiled during 2007, including the follow up actions. Part II sets out the steps taken to rationalise the process of putting the rules into operation, taking greater account of the needs of passengers and the industry. In its conclusions, it recognises that, since 2002, progress on aviation security has been substantial. It also indicates that the future programme will build on this achievement, enhancing security on flights in to and out of the Community, protecting European interests and maintaining public confidence in the air transport system. It should lead to a further, and significant, stage in the development of a comprehensive air transport security regime, taking full account of the needs of passengers and the industry.

The Commission presented to the Council and the EP, on 5 September 2008, a draft Commission Regulation (EC) supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of 11 March 2008. The Commission proposal is necessary in order to achieve a level of aviation security within the EU equivalent to the standards required by the Regulation. Methods, including technologies, for detection of liquid explosives should be deployed on an EU-wide basis at airports as swiftly as possible and no later than 29 April 2010, thus allowing passengers to carry harmless liquids without restrictions. If it is not possible to deploy methods, including technologies, for the detection of liquid explosives on an EU-wide basis in time, the Commission will propose the necessary addition to the categories of items that may be prohibited. If deployment is not possible at certain airports for objective reasons, modalities to allow liquids to be carried without compromising standards of security will be specified by the Commission in implementing measures. The Council and the European Parliament have until 5 December 2008 to decide whether they oppose or not the adoption by the Commission of the above supplementary standards.

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1 13717/08

Security-related research

The Third European Security Research Conference was held in Paris in September. This event brought together representatives from the fields of research, industry and European institutions. The main objective of the conference was to showcase the concrete implications of security research for citizens on the one hand, and on the other hand to stress the need to bring together what is offered by research and innovation with the real demands of security and the market. The conference was a part of the action undertaken under the European Security Research Programme of the 7th Framework Programme on Research and Development.

In the margins of the Conference the European Security Research and Innovation Forum (ESRIF) presented its intermediate report. ESRIF was set up in 2007, and is planning to present mid and long term priorities for the security research in 2009. In particular, the ESRIF agenda is supposed to establish perspectives until 2030 as well as to develop the 'innovation' dimension taking into account Member States' research activities.

Pursue

The third objective of the European strategy against terrorism is to pursue and investigate terrorists across our borders as well as globally: to impede planning and communications; to disrupt support networks; to cut off funding and access to attack materials, and to bring terrorists to justice.

Operational cooperation

The EU's response to threats will progress best if the Institutions and the Member States work better together on real specific operational projects. Following discussions which took place at the informal meeting of Ministers of Justice and Home Affairs in July 2008, during which the 'principle

of convergence' was presented, the Presidency has submitted draft conclusions to the Council seeking to define and give substance to that principle[1]. It invites Member States to develop approaches that facilitate operational cooperation among their law enforcement authorities, where such cooperation will deliver practical benefit to the partners, while taking account of the legal, operational and other constraints in place in the Member States, in terms of:

- closer cooperation among personnel
- approximation of equipment and practice
- approximation through joint actions
- approximation of legal frameworks.

The Presidency has also submitted Best Practice Guidelines regarding police and customs cooperation centres which were approved by the Council in October.[2] Police and customs cooperation centres are a valuable local tool in the process of direct cross-border cooperation, taking into account recent and future developments, especially regarding information exchange.

In the field of customs cooperation a Joint Customs Operation ATHENA focusing on money laundering linked to terrorism financing and other illicit activities took place in September. The customs administrations of 22 Member States, together with five third countries (Algeria, Croatia, Morocco, Norway and Tunisia), OLAF, the Commission, the World Customs Organisation (WCO), Europol and Interpol have taken part in this operation. Financial Intelligence Units (FIU's) have also been involved in implementing the operation. The results of the operation will be presented and examined in November.

Council Decision 2008/617/JHA on the improvement of cooperation between special intervention units of the Member States of the European Union in crisis situations (so called 'Atlas cooperation') was adopted in June.[3] This Decision lays down general rules and conditions to allow for special intervention units of one Member State to provide assistance and/or operate on the territory of another Member State in cases where they have agreed to do so at the invitation of the other State in order to deal with a crisis situation.

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1 14069/08
2 13815/08
3 OJ L 210 p. 73

Cybercrime - cyberterrorism

Recognizing that it is important to combat cyber crime in all its various aspects, the French Presidency has submitted to the Council draft Conclusions[1] on a concerted work strategy and practical measures to combat cyber crime with a view to its approval in November. The aim of this strategy is to tackle even more effectively the number of criminal activities committed using electronic networks, as well as incitement to commit terrorist acts or the condoning of terrorism. It should also help respond to specific threats to electronic networks such as e.g. large-scale attacks on information systems.

The Presidency has also presented a project to create a European platform for issuing alerts about offences detected on the Internet. Hosted by Europol, this structure would receive alerts on offences from national platforms of the European Union's Member States. A set of Council Conclusions on setting up national alert platforms and a European alert platform for reporting offences observed on the Internet has been adopted in October[2].

Approximation of Member States' criminal law

In September the European Parliament gave its opinion on the draft Framework Decision amending the Framework Decision on combating terrorism of 2002 (2002/475/JHA). The amended Framework Decision covers notably the addition of public provocation to commit a terrorist offence, recruitment and training for terrorism. Subject to lifting of some Member States' reserves, the Decision is expected to be adopted by the end of the year.

1 13567/08
2 14071/08

Data sharing

Council Decision 2008/633/JHA concerning access to the Visa Information System (VIS) by designated authorities and Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences was finally adopted by the Council in June.[1]

The Decision on stepping up cross-border cooperation, particularly in combating terrorism and cross-border crime was also adopted in June.[2] It contains provisions based on the essential parts of the Prüm Treaty (originally signed by 7 Member States in 2005) and is designed to improve the exchange of information between authorities responsible for the prevention and investigation of criminal offences.

The Commission proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes was discussed extensively under the Slovenian Presidency and substantially revised. The French Presidency has engaged in thorough thematic discussions on the most important issues surrounding proposal, which will result in a report to be submitted for approval to the Council at the end of November 2008. The obligation to collect PNR data would be limited to passengers on flights from and to third countries. As regards intra-community flights, a compromise proposal was broadly supported at the Council meeting of 24 October 2008. It is based on the acknowledgment that the cost/benefit relation of PNR data relating to intra-Community flights needs to be evaluated before deciding to include it in a European instrument; a reference in the preamble to the instrument to the fact that such data is collected in certain States, at national discretion, and that experience gained in those States could be useful in any subsequent evaluation of the European PNR system; and a clause providing for the review of this point once the European PNR system has been in operation for a few years. Regarding transit passengers, i.e. those making a journey by air which includes at least one segment outside the Community and one or several segments inside the EU, these would be transmitted by the operator to each of the Member States concerned.

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1 OJ L 218, p. 129

2 OJ L 210, p.1 and 12

In October, the Council agreed on a general approach to the proposal for the establishment of a European Criminal Records Information System (ECRIS). The ECRIS Decision aims in particular to ensure that information can be transmitted by electronic means, and it lays down the conditions and format for data exchange. Member States will therefore fully remain responsible for the managements of their own criminal records, but transfers of information will be facilitated by means of a common data exchange format. A pilot project is currently being conducted by 14 Member States with a view to interconnecting their criminal records. The results achieved in this context will provide a valuable basis for further work on computerised exchange of information at European level[1].

Europol

After reaching political agreement on the Decision transforming Europol into an EU Agency in April 2008, the Council is expected formally to adopt the Decision in November (subject to one parliamentary reserve). The Decision extends Europol's mandate to cover organised crime, terrorism and all other forms of serious cross-border crime. Consequently, Europol will find it easier to come to the assistance of Member States in cross-border criminal investigations.[2]

Eurojust

In July, the Council agreed on a general approach to a draft Decision on the strengthening of Eurojust[3]. The purpose is to strengthen Eurojust through the following steps: creating a common minimum basis of powers for national members, creating an emergency coordination mechanism, improving the transmission of information to Eurojust, improving the national base of Eurojust, and strengthening judicial cooperation with third countries by enabling Eurojust to post liaison magistrates to those countries.

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1 14230/08
2 8706/3/08
3 11769/08

European Judicial Network

In July, the Council also agreed on a general approach to a draft Decision on the European Judicial Network in criminal matters[1]. The European Judicial Network facilitates the establishment of appropriate contacts between contact points of the different Member States, in particular as regards action to combat serious crime. The contact points provide the European judicial authorities on a constant basis with certain basic information that enables them to draw up requests for judicial cooperation effectively, or to improve judicial cooperation in general.

Mutual recognition

In June, the Council reached a general approach on a draft Framework Decision on enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition in respect of decisions rendered in the absence of the person on trial (trials 'in absentia')

In July the Council adopted a Framework Decision on taking into account convictions in the Member States of the European Union in the course of new criminal proceedings[2]. This Decision is designed to determine the conditions under which, in the course of criminal proceedings against a person, previous convictions handed down against the same person for different facts in other Member States are taken into account.

Terrorist financing

In July, the Council endorsed a revised Strategy on Terrorist Financing[3]. The revised Strategy was necessary as most of the actions included in the original strategy of December 2004[4] have been carried out. Those actions not yet implemented or in the process of implementation have been taken up in the revised strategy. All three EU pillars are actively involved in implementation.

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2 9675/07
3 11778/1/08
4 16089/04

The revised strategy calls for enhanced implementation of existing actions, effective implementation of legislation adopted, in particular, the implementation of the 9 FATF Special Recommendations and relevant JHA-legislation (mutual legal assistance, confiscation, cooperation between Financial Intelligence Units (FIU) and the exchange of information and cooperation concerning terrorist offences). Particular attention is paid to the internal and international exchange of information between all bodies involved in the fight against terrorist financing, including the private sector. Furthermore, the strategy calls for better targeting of action to counter terrorist financing, based on an intelligence led approach, and improving the effectiveness of mechanisms for asset freezing, as well as working closely with the UN and other international bodies in order to strengthen the international dimension.

The EU Counter Terrorism Coordinator will report separately on implementation of the revised strategy in January 2009.

On 3 September the European Court of Justice delivered judgement in Joined Cases C-402/05 P and C-415/05 P Kadi and Al Barakaat International Foundation v Council and Commission. The appellants were designated by the UN in 2002 under UNSCR 1267 (Al Qaeda and Taliban list). The Court annulled the EU Regulation aimed at transposing the UN obligation in so far as it concerns the two appellants, on the ground that the appellants' procedural and fundamental rights had not been sufficiently respected. However, accepting that the freezing might in fact be justified, the Court maintained the effects of the freezing orders concerning the appellants until 3 December 2008. The Council attaches great importance to the findings of the Court that the rights of the defence of the appellants were patently not respected, and is working to ensure that the necessary measures to comply with the judgment will be taken in an appropriate time-frame.

On 23 October 2008 the Court of First Instance delivered judgment in Case T-256/07 in which the applicant, the People's Mojahedin Organisation of Iran (OMPI), had challenged two decisions of the Council continuing to include the applicant on the separate "autonomous" list of persons and entities subject to specific restrictive measures with a view to combating terrorism. The Court upheld Council Decision 2007/445/EC of 28 June 2007 but annulled Council Decision 2007/868/EC of 20 December 2007. The Court considered that, following the first OMPI judgment of 12 December 2006 (in Case T-228/02), the new procedure adopted by the Council had complied with its obligation to ensure the rights of defence of those included on the autonomous list. The Court also considered that the Council had reasonable grounds for the adoption of the June decision. However, the Court considered that in the December decision the Council had failed to provide proper and sufficient reasons for the continued freezing of the applicant's funds, and annulled the decision on that basis. However, OMPI remains listed under a further Council Decision 2008/583/EC of 15 July 2008, which is also now subject to legal challenge.

Adoption of legal instruments in the field of police cooperation and criminal justice

The formal adoption of various pieces of legislation on which the Council has arrived at a general approach (including, for example, the Framework Decision on the European Evidence Warrant, the Framework Decision on the organisation and content of the exchange of information extracted from criminal records between Member States, the Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters and the revised Framework decision on combating terrorism) have been held up, either because parliamentary reserves still have to be withdrawn or because procedures with the European Parliament need to be completed.

Sitcen

SitCen has continued to provide the Council and the Commission with regular analyses of developments in relation to the terrorist threat.

Respond

The fourth priority of the EU's Counter-Terrorism strategy is to prepare ourselves, in a spirit of solidarity, to manage and minimize the consequences of a terrorist attack, by improving our ability to deal with the aftermath, the coordination of the response, and the needs of victims:

Crisis Coordination Arrangements

The third exercise in the context of the EU Emergency and Crisis Coordination Arrangements (CCAEX08) took place on 22- 24 September 2008. It focused on a climatic disaster (twin-storm), resulting in significant damage across the European Continent and in a third country (Morocco). The Hotwash Evaluation Report[1] judged that the EU has achieved cruising speed when it comes to the implementation of the relevant procedures. However, further clarification is necessary as regards the roles and deliverables of the Support Group, the Steering Group, and Coreper in a CCA context (the political coordination dimension). As in 2007, the events sites created for the purpose by the Commission, in particular the Argus Event Portal, and their integration in the CCA webpage, proved very useful in providing all relevant actors with a full picture of the situation during the exercise. In line with this positive experience, including a permanent link in the CCA webpage to the Commission's real Argus site, when in CCA Alert Mode or in formal CCA Crisis Mode, should be strongly encouraged.

[1] 13589/08

Civil protection

Following the adoption in 2007 of the Community Civil Protection Mechanism (recast)[1] and the Civil Protection Financial Instrument[2], the Commission and Member States have been focusing their efforts on the implementation of these instruments. Currently 17 Member States have registered a total of 79 modules and 6 Technical Assistance Support Teams (TAST), covering all modules except fire fighting with helicopters and emergency shelters. The modules have been integrated in ongoing Commission activities, e.g. exercises and general training courses. In March 2008, the Commission submitted a Communication on Reinforcing the Union's Disaster Response Capacity[3]. On this basis the Council adopted conclusions in June 2008[4] on reinforcing the Union's disaster response capacity - towards an integrated approach to managing disasters, covering prevention, preparedness and response. The Council will consider at its meeting on 27 November 2008 how to reinforce the Union's actions in an integrated way by European mutual assistance based on civil protection modules and other resources as well as through improved training and cooperation with other organisations, in particular United Nations.

Peer evaluation of national counter-terrorism arrangements

The preparatory phase of the second round of the peer evaluation of national counter-terrorism arrangements focusing on preparedness and consequence management has been completed and on-site visits started in May 2008. Ten visits are scheduled to take place in 2008 and the other 17 will be carried out during 2009. The main authorities participating in this exercise are police forces, security and intelligence services, and civil protection bodies. Member States have demonstrated keen interest in the initiative through an active approach towards the preparations and implementation of the visits. The participation of the Commission and Europol has provided added value to the evaluation missions.

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2 5215/07
3 7562/08
4 10128/08

CBRN

Following the Commission's Green Paper on Bio-Preparedness of July 2007[1], in December 2007 the Council adopted Conclusions on addressing chemical, biological, radiological and nuclear risks and on bio-preparedness[2] , which chart the way ahead during 2008 and 2009 for efforts to prevent and respond to CBRN threats and risks under an all-hazards approach, while giving priority to the terrorist threat. In July 2008, the Commission presented a synthesis of the replies to the Green paper on Bio-Preparedness[3].

In June 2008, the Council took note of an updated version of the Inventory of EU instruments relevant for addressing Chemical, Biological, Radiological and Nuclear risks ("CBRN Inventory")[4]. In February 2008 the Commission had already set up a CBRN Task Force in order to bring together relevant expertise in this field. The aim of the Task Force is to help the Commission to develop a policy on CBRN. A number of expert meetings have taken place in course of the last few months addressing prevention, detection and response to biological, radio-nuclear and chemical threats. The bio sub-group has finalised its work, while the work of radio-nuclear and chemical sub-groups is continuing. The Commission also organized regional workshops on Bridging security and health: towards identification of good practices and recommendations on response to CBRN incidents and security of CBRN substances. In this context, it is also important to mention that in May 2008 the Commission published a synthesis of responses to the Green paper on detection technologies in the work of law enforcement, customs and other security authorities. The Commission intends to propose a package of proposals on CBRN in June 2009: a horizontal communication, action plans on bio-preparedness, a radiological and nuclear risk reduction, a chemical threat and a Commission Staff Paper on "Bridging security and health".

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1 11951/07
2 16589/07
3 12311/08 RESTREINT UE
4 10382/08

The Presidency organised a CBRN conference in Paris at the end of October, and will organise a Conference on radiological and nuclear detection to contribute to the fight against radiological and nuclear terrorism at the European level in December.

The Council is invited to adopt a set of conclusions on the setting up of a CBRN database at Europol[1]

On 5-7 November, the Presidency, in collaboration with 8 Member States and with the support of the Commission, organised a major emergency simulation exercise, "EU Terror Attack - Var 2008", which is a full-scale exercise relating to terrorist attacks including the use of fire, chemicals, radioactive and biological materials.

Victims of terrorism

Under the 2007 Criminal Justice programme, the Commission continues to support victims of terrorism through grant actions with a budget of EUR 1.8 million. Additionally, as envisaged by the Criminal Justice programme, a call for tender has been prepared to contribute to the establishment of a Network of Associations of Victims of Terrorism with a budget of EUR 200.000. The network should contribute to developing both trans-national co-operation between associations of victims of terrorism and the representation of victims' interests at European Union level. It should also raise awareness among European citizens in order to strengthen European solidarity with victims of terrorism.
Under the 2008 Criminal Justice Programme, victims of terrorism are dealt together with victims of other crimes. The budget has consequently been raised, so that projects intended to help victims of terrorism are now co-financed with EUR 2.2 million.

[1] 15170/08

International cooperation

The EU and its Member States have continued to be active in promoting measures to prevent terrorism through international organisations and in their policy dialogue with third countries.

International organisations

In line with its overall objective to support the broadest possible multi-lateral co-operation, the EU attaches particular emphasis to the role of the United Nations, and took an active role in the first biennial review of the UN Counter Terrorism Strategy which took place this year, and concluded with General Assembly Resolution 62/272, which was adopted by consensus on 5 September 2008. The EU has also continued its diplomatic efforts to achieve an international consensus on a Comprehensive Convention on International terrorism. There has been a particularly close dialogue with the UN Counter-Terrorism Executive Directorate (CTED) on the follow up to UNSCR 1373 (2001). The executive Director of the CTED had several meetings with the EU CTC, COTER and the Commission and a regular exchange on counter terrorism issues has been agreed.

The EU continues to engage with other international and regional organisations to look for synergies and ensure complementarity of approach. There have been contacts in this respect with NATO and the African Union.

Technical assistance

The EU continues to offer technical assistance to a great number of countries so as to enhance their capacity to counter terrorism. Significant effort has been put into developing special cooperation and assistance programmes in the area of counter-terrorism with Morocco and Algeria, with so far mixed success. The EU has convened ad hoc troika meetings with those two countries in order to assess cooperation to date and exchange views on a possible future co-operation.

The Commission is considering an allocation under the Stability Instrument 2009-11, which for the first time would allocate funding explicitly for counter-terrorism projects. This programme would focus on three main issues: support for the implementation of the UN Counter-Terrorism Strategy, and support for counter-terrorism activities in the Sahel, and Pakistan/ Afghanistan . The final decisions about this programme will be taken in the beginning of 2009.

A Troika meeting with Russia on 23 September confirmed an interesting similarity of views on a number of issues. A range of less formal contacts has taken place, including with Canada where the Troika meeting due on 23 September did not take place.

Western Balkans

The Council took note, in June, of a second report on the state of implementation by Member States and EU bodies of the action-oriented paper on improving cooperation on organised crime, corruption, illegal immigration and counter-terrorism between the EU , the Western Balkans and relevant European Neighbourhood Policy countries.[1]

In July, the Council also adopted Conclusions on cooperation with the Western Balkan countries in the fight against organised crime and terrorism. These Council Conclusions[2] set priorities to enhance EU and national level cooperation in preventing terrorism, radicalisation and recruitment as well as serious crime linked to the Western Balkan region.

During the Slovenian Presidency, in the first half of 2008, a project was launched concerning the transfer of EU best practice obtained as a result of the first round of peer evaluation on national counter terrorism structures and legislation. During the French Presidency the preparatory work continued and during the incoming Czech Presidency visits to the Western Balkan countries are scheduled to take place. The aim of the project, coordinated by the Working Party on Terrorism, is to familiarize the Western Balkan countries with the EU counter terrorism structures and practices.

1 8827/1/08
2 8529/1/08

Human rights and terrorism

In its dialogue with partners, bilaterally and multilaterally, the EU has continued to emphasize that the fight against terrorism must be conducted in full respect of the rule of law and human rights. A seminar with Israel, specifically to address the dilemmas this poses for democracies, has now been arranged for 17 December 2008.

In the context of the Euro-Mediterranean Partnership, the European Commission and the Czech Ministry of Foreign Affairs organised a seminar in Prague on 16 and 17 June 2008 on the theme "Ensuring respect for human rights while countering terrorism in accordance with international law".

The EU has continued to conduct an in-depth dialogue with the US State Department Legal Adviser on international law and various aspects of the counter-terrorism effort. The dialogue is contributing to a better understanding of how the fight against terrorism should be carried out with respect for the rule of law and international law, including international human rights law. It is providing an opportunity for the EU to ask a series of specific questions regarding certain US practices and policies in the fight against terrorism and to express concerns. The latest session of this Dialogue is being held in New York on 29 October.

ESDP

The European Defence Agency (EDA) has continued to be very active in different fields which have the potential of making significant contributions to the prevention of terrorist attacks as well as to better focused and prepared consequence management.

Activities on CBRN defence encompass the aspects of CBRN Detection, Identification and Monitoring (DIM) and CBRN Explosive Ordnance Disposal (EOD) with a main focus on biological DIM equipment development and training of CBRN EOD personnel.

In the field of Countering IEDs, EDA is working on a Concept for ESDP operations, CIED search and the exploitation of incidents. EDA also continues to scope other work which pMS may wish to collaborate on. The EDA offers advice and assistance to other EU agencies concerning IEDs and how to deal with them.

A Maritime Surveillance Networking project aims to: enhance the maritime domain awareness off all EU-nations with seashores, thus contributing to the prevention of terrorist intrusion and attacks from sea, and; and support ESDP operations abroad.

A newly started Counter Man Portable Air Defence (C-ManPad) initiative aims at rendering protective measures for military operations. The initiative also has the potential for a dual use in the protection of civilian airports and aircraft against terrorist action in the EU homelands.

EDA work-strands in the domain of Intelligence can be seen as complementary to the civilian effort to enhance security across Europe.
The Agency is currently:
- offering an Analyst's Training Package designed to provide (i) cultural awareness on specific regions of interest (Intelligence Understanding of the Mission Environment - IUME - courses), (ii) the skills for collecting information in the domain of Open Sources (OSINT courses) and (iii) the ability to interpret and assess the acquired information (Intelligence Analysis courses).
- launching, in coordination with the EU Commission through the FP 07, an initiative to improve Open Source Intelligence Collection and Processing tools. The aim is to develop in the medium term a next generation tool that will encompass all the functionalities needed during the entire Intelligence production process. The project will start in 2009 and is planned to deliver in 2012.

Following the detailed examination of the Commission Communication "Addressing the international challenge of nuclear safety and security", principles which must guide Community action vis-à-vis third countries i.a. as regards nuclear security and the criteria for the provision of assistance in this area, were agreed in October 2008[1]. Such assistance could contribute to prevention activities with respect to radiological and nuclear threats.

Work has continued on linking the internal and external aspects of security in the context of ESDP missions. An agreement has been signed between the Council Secretariat and Europol allowing for the exchange of assessments of criminal activity, and this should be extended to allow the exchange of data on suspect persons.

In November, the General Affairs Council reinforced by Defence Ministers will consider proposals for a better integrated system of maritime surveillance.

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[1] 12046/3/08