COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMISSION STAFF WORKING PAPER**

# COMPENDIUM COUNTER TERRORISM ACTIONS: CONTRIBUTION OF THE COMMISSION SERVICES

## COMPENDIUM COUNTER TERRORISM ACTIONS: CONTRIBUTION OF THE COMMISSION SERVICES

### 1. Introduction

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 0 | Council Declaration JAI 100 | The European Council endorses the proposal of the European Parliament to declare 11 March a European day commemorating the victims of terrorism. | COM | • COM will launch a call for proposals for pilot projects supporting victims of terrorism, including actions to commemorate the first victims of terrorism day |

### 2. Solidarity Clause

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 1<br>2<br>3 | Council Declaration JAI 100 | "a) The Member States and the acceding States shall accordingly act jointly in a spirit of solidarity if one of them is the victim of a terrorist attack. They shall mobilise all the instruments at their disposal, including military resources to:<br>• prevent the terrorist threat in the territory of one of them;<br>• protect democratic institutions and the civilian population from any terrorist attack;<br>• assist a Member State or an acceding State in its territory at the request of its political authorities in the event of a terrorist attack. | | • The Community Mechanism for Civil Protection is available to support and facilitate civil protection assistance in the event of a terrorist attack[1]. |

[1] For more detail, please see the separate fiche on the Community Mechanism and the Solidarity Declaration Clause of 29/04/04

## 3. Security Strategy

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 4 | Council Declaration JAI 100 | "To present concrete proposals for implementing the Strategy, including recommendations for combating the threat posed by terrorism and dealing with its root causes" | Council/ COM | • COM contribution to the ESS: Staff working paper SEC (04) 332<br>• Part of the EU RTD Framework programme, dealing with scientific support to policies can contribute to identifying solutions |
| 5 | Council Declaration JAI 100 | Developing an EU long-term strategy to address all the factors which contribute to terrorism | Council/ COM | • See bullets 1 & 2, action 4<br>• Research on roots of conflicts could highlight factors that might contribute to terrorism; this is pursued within the 5th and 6th Framework Research Programme (e.g. FP5, Key Action 'Improving the socio-economic knowledge base', project EUROBORDERCONF,; FP6, Priority 7 'Citizens and governance': project PAC) |
| 6 | Council Declaration JAI 100 | Developing the contribution of ESDP to the fight against terrorism, on the basis of actions taken since the Seville European Council | Council/ COM | • See bullet 1, action 4 |
| 7 | Council Declaration JAI 100 | Improvement of the security of its citizens who are resident, or travelling, in third countries and exposed to a terrorist threat | Council/ COM | |

## 4. Assistance to victims

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 8 | Council Declaration JAI 100 | Council Directive on compensation to crime victims | Council/ COM | • Political agreement was reached in JAI Council on 30 March 2004 and on 29 April 2004 the proposal was formally adopted by the Council. |
| 9 | Council Declaration JAI 100 | "The European Council requests the Commission to ensure the allocation, as a matter of urgency, of the funds available in the 2004 budget for supporting victims of terrorism." | COM | • €1m to be released by Parliament from 2004 budget for projects supporting victims of terrorism. COM Call for proposals to be launched in May 2004. |

## 5. (a) Building on existing cooperation – Legislative measures
## 6.

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| | Council Declaration JAI 100 | "The European Council…urges all MS to take any measures that remain necessary to implement fully and without delay the following legislative measures…any such measures should be in place **no later than June2004**: | MS/ | • Follow-up: |
| 10 | | • Framework Decision on European Arrest Warrant | COM (to report) | • FD European Arrest Warrant report due by 31 Dec 04 |
| 11 | | • Framework Decision on Joint Investigation Teams | " | • FD Joint Investigation Teams report due by 1 July 04 |
| 12 | | • Framework Decision on Combating Terrorism | " | • FD Terrorism report under process of adoption |
| 13 | | | MS/COM (to report) | • FD Money Laundering COM report adopted 5/4/04 |

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| 14<br>15 | | • Framework Decision on money laundering, the identification, tracing freezing and confiscation of instrumentalities and the proceeds of crime;<br>• Decision establishing Eurojust;<br>• Decision on the implementation of specific measures for police and judicial cooperation to combat terrorism" | " | • Decision Eurojust report by June 04<br>• Decision on implementation (…) monitoring designation of national contact points for Europol and Eurojust |
| 16<br><br>17<br>18 | Council Declaration<br>JAI 100 | "European Council calls on Member States to implement the Framework Decision on the execution of orders freezing property or evidence and to ratify the Convention on the Mutual Assistance in Criminal Matters, its Protocol and the three Protocols to the Europol Convention **by December 2004**". | "<br><br>"<br>" | • FD freezing: deadline for implementation August 2005; report due before August 2006 |
| 19 | Council Declaration<br>JAI 100 | In addition, the Framework Decision on the Confiscation of Crime Related Proceeds…should be finalised **by June 2004**. | COUNCIL | • The text has already been finalised and there has been a political agreement in December 2002 but there are still reservations from 2 MS. |
| 20<br><br>21<br><br>22 | Council Declaration<br>JAI 100 | • In addition, the Framework Decision on Attacks against Information Systems should be finalised **by June 2004**.<br>• Work on the Framework Decision on the Mutual Recognition of Confiscation Orders should also be concluded **by June 2004**<br>• and work on the Framework Decision on a European Evidence Warrant taken forward. | COUNCIL<br><br>" | • FD on attacks against information systems: there has been political agreement in January 2003, but 3 MS uphold scrutiny reserves.<br>• Reached political agreement on Framework Decision on the Mutual Recognition of Confiscation Orders at 29-30 April Council, but 4 MS uphold scrutiny reserves.<br>• Framework Decision on European Evidence Warrant is COM/2003/688 of 14.11.03 (which has been "mentioned" in the OJ C96 21.4.04). |

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| 23 | Council Declaration JAI 100 | "European Council…instructs the Council to examine measures in the area of proposals for establishing rules on the retention of communications traffic data by service providers. Priority should be given to the proposals under the retention of communication traffic data…with a view to adoption **by June 2005**." | COUNCIL | • The Commission will follow and contribute to these initiatives as to establish a level playing field for the economical operators and to provide a coherent legal framework on data retention throughout the European Union (see also point 29, below). |
| 24 | Council Declaration JAI 100 | "European Council…instructs the Council to examine measures in the area of exchanges of information on convictions for terrorist offences. Priority should be given to the proposals under the…exchange of information on convictions with a view to adoption **by June 2005**." | Council/ COM | • Mentioned in Communication (COM 2004/221) on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information adopted on the 29th March and presented to the JAI Council on the 30th March 2004<br>• A Proposal for a Council Decision on the exchange of information and cooperation concerning terrorist offences is included in the Communication. It deals with exchanges on convictions for terrorist offences: this text is ready to be discussed in the relevant working group for adoption before June 2005. |
| 25 | Council Declaration JAI 100 | "European Council…instructs the Council to examine measures in the area of cross-border hot pursuit." | Council/ COM | • A proposal was already foreseen in the Commission Annual Policy Strategy for the year 2005. |
| 26 | Council Declaration JAI 100 | "European Council…instructs the Council to examine measures in the area of a European register on convictions and disqualifications" | Council/ COM | • Mentioned in Communication COM 2004/221 on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information. The Commission will shortly be consulting with member states with a view to producing a proposal for legislation to |

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| | | | | establish a European register of convictions and disqualifications before the end of 2004. |
| 27 | Council Declaration JAI 100 | "European Council…instructs the Council to examine measures in the area of a database on forensic material." | Council/ COM | • Proposal on DNA and forensic laboratories was already foreseen in the Commission Annual Policy Strategy for the year 2005. The proposal might be expected to be ready by the end 2005. |
| 28 | Council Declaration JAI 100 | "European Council…instructs the Council to examine measures in the area of simplifying the exchange of information and intelligence between law enforcement authorities of the MS." | Council/ COM | • COM is working on Communication on information policy for law enforcement purposes for presentation to the 8 June JHA Council.<br>• Results of the 3rd Round of Mutual Evaluation on the exchange of information and intelligence between Europol and the MS and amongst the MS. COM is involved in the process of this Evaluation.<br>• COM requested at the Europol Management Board to speed up the process of evaluation and to produce an interim report in order to contribute to the report for European Council of June. |
| 29 | Council Declaration JAI 100 | "Priority should be given to the proposals under the retention of communication traffic data and exchange of information on convictions | Council/ COM | • On 28 April some Member States submitted a proposal for a European Framework Decision on the retention of data processed and stored in connection with the provision of publicly available electronic communications services or data on public communications networks for the purpose of prevention, investigation, detection and prosecution of crime and criminal offences including terrorism.<br>• The Commission is currently examining the proposal with involved stakeholders and will prepare a position subsequent to this consultation process. |

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| 30<br><br>31 | Council Declaration<br>JAI 100 | Reinforcing judicial cooperation<br>- ensure the execution of any request for mutual legal assistance related to terrorist offences<br>- provide each other with the fullest cooperation | MS<br><br>“ | |
| 32 | Council Declaration<br>JAI 100 | “The Commission is invited to bring forward a proposal aimed at the creation of a European Programme for the protection of witnesses in terrorist cases.” | COM | • Need for clarity about what this ‘Programme’ is intended to deliver.<br>• Further to request from Multi-disciplinary Group of the Council (MDG), COM will fund a study as soon as possible on witness protection in EU.<br>• COM will also follow work of Council of Europe experts group which is expected to commence work soon on drafting international instruments for the protection of witnesses, particularly in terrorist cases. |
| **32 bis** | Madrid Paper | “The Commission as well as Member States should monitor all its legislative or standard producing machinery so as to have it subject to “ex ante” **terrorism proofing**.” | COM | • COM has launched work on methodology for legislative and product crime-proofing, including research project MARC (Mechanism Assessment Risk Crime) funded under the 6th Framework Research Programme, under Scientific Support to Policies) |

## 5. (b) Building on existing cooperation – reinforcing operational cooperation

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 33 | Council Declaration<br>JAI 100 | Ensuring that law enforcement agencies (security services, police, customs etc.) cooperate with each other and exchange all information relevant to combating terrorism as extensively as possible | MS/COM | • Follow up of Communication COM/2004/221 on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information.<br>• See bullet 2, action 28<br>• COM requested at the Europol Management Board to speed |

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| | | | | up the process of evaluation and to produce an interim report in order to contribute to the report for European Council of June. |
| 34 | Council Declaration JAI 100 | Ensuring that the optimum and most effective use is made of existing EU bodies, in particular Europol and Eurojust | MS/COM (to report) | • COM report on Eurojust Decision by June 04 |
| 35 | Council Declaration JAI 100 | Designation of Eurojust national correspondents for terrorist matters and Eurojust is used to the maximum extent for the purpose of cooperation in cross-border terrorism cases | MS | • COM monitoring the designation of Eurojust correspondents (Council Decision 2003/48/JHA) |
| 36 | Council Declaration JAI 100 | Associating Europol and Eurojust representatives with the work of Joint Investigation Teams as far as possible | MS/COM (to report) | • COM report on Joint Inevestigation Teams by July 2004 |
| 37 | Council Declaration JAI 100 | Adoption of the Europol/Eurojust agreement | Council | |

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| 38 | Council Declaration JAI 100 | Reinforcing Europol counter-terrorism capacities and reactivating the Counter-Terrorist Task Force | MSl | |
| 39 | Council Declaration JAI 100 | Ensuring that Europol is provided by Member States law enforcement authorities with all relevant criminal intelligence related to terrorism as soon as it is available | MS | |
| 40 | Council Declaration JAI 100 | Proceeding with implementation of the Europol Information System | Europol | |
| 41 | Council Declaration JAI 100 | Strengthening the role of the Police Chiefs' Task Force in coordinating operational measures in response to, and prevention of, terrorist acts | PCTF (MS) | • COM presented, on 18 May 2004, a Communication on "Enhancing police and customs cooperation in the European Union", in which the need for a improvement of the coordination role of the Police Chiefs' Task Force is also expressed. |
| 42 | Council Declaration JAI 100 | Reviewing how the operational capacity of the Police Chiefs' Task Force can be reinforced and focusing on proactive intelligence | PCTF (MS) | • See action 41<br>• COM participating in sub-group of the Police Chiefs' Task Force on combating terrorism<br>• Proposals are being put forward by the Presidency on bringing the Task Force within Council structures while giving them operational support. The Presidency's ideas were discussed at a meeting of the Task Force on 10 May 2004. |
| 43 | Council Declaration JAI 100 | Drawing up a report on the terrorist attacks in Madrid | Police Chiefs' Task Force assisted by experts from intelligence | |

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| | | | services and Europol | |
| 44 | Council Declaration JAI 100 | Examining an interim report on the outcome of the process of peer evaluation of national arrangements in the fight against terrorism | Council | • COM fully participates in evaluation exercise.<br>o interim report by September 2004<br>o final report by September 2005 |
| 45 | Council Declaration JAI 100 | Putting in place new committee structures capable of ensuring greater operational cooperation on security and terrorism within the Union | Council | |
| 46 | Council Declaration JAI 100 | "In particular there is a need to ensure greater security of firearms, explosives, …It instructs the Council to examine the scope for measures in this area | Council/ COM | • Harmonise information requirements for the transfer of explosives between Member States by end of April 2004.<br>• Consider proposing an amendment to Explosives Directive (93/15/EEC) to align it with the UN Firearms Protocol by Q4 2004<br>• Part of the EU RTD Framework programme on scientific support to policies can contribute for example to creation of networks for surveillance of potential terrorist bio contaminations. |
| 46 bis | Madrid Paper | "The Member States must strengthen the identification, control and interception of illegal trafficking in **WMD materials**. This should include (i) Member States' support for international initiatives aimed at disrupting WMD networks, (ii) the interception of illegal WMD shipments, as well as measures aimed at enhancing controls on WMD related material in the EU, including the transit and transhipment of sensitive materials and (iii) the | Council/ COM | • The Community competence in this area is covered by chapter 3 and chapter 7 of the Euratom Treaty. Chapter 3 concerning the protection of the health of European citizens against the dangers arising from ionizing radiations, and chapter 7 concerning safeguards on nuclear materials.<br>• The 1988 International Maritime Organisation (IMO) Convention for the Suppression of Unlawful Acts ensures that adequate judicial action is taken against offenders by means of prosecution or extradition in cases of destruction of a ship, |

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| | | development of common policies related to criminal sanctions for illegal export, brokering and smuggling of such material." | | taking control of a ship by violence, endangering navigation, and committing acts of violence on persons on board.<br>• New amendments are foreseen to enlarge competence to criminal offences which may be carried out in international waters, relating to terrorism, such as: use a ship as a weapon, transport terrorists whose intention is to carry out an attack when they arrive at destination.<br>• The 88th IMO Legal Committee will discuss the new draft provisions prepared by the US on the basis of the outcome of the former meeting and the comments submitted by delegations<br>• Implementation of the EU WMD strategy (adopted December 2003) includes, inter alia, measures to improve the identification, control and interception of illegal trafficking as well as actions to control WMD materials. An EU statement supporting the Proliferation Security Initiative is envisaged. |

**5. (c) Building on existing cooperation – maximising the effectiveness of information systems**

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 47 | Council Declaration JAI 100 | "The European Council calls on the Council to adopt the necessary measures to enable the Draft Council Regulation and Draft Decision on the introduction of new functions for the Schengen Information System (SIS), to come into force **by June 2004**." | Council | |
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| 48 | Council Declaration JAI 100 | Taking decision on the location, management and financing of SIS II | Council | • by May 2004 |
| 49 | Council Declaration JAI 100 | "The COM and the Council are urged to take forward work on the Visa Information System (VIS) in line with the conclusions adopted in February 2004." | COM/ Council | • The Commission adopted a proposal for a Council Decision establishing the Visa Information System (VIS) in February 2004. This first legal instrument aims at allowing the development of VIS to take place by means of Community financing as of 2004 and sets up comitology for the development of the system. This proposal is scheduled for adoption by the JHA Council on 8 June.<br>• The Commission intends to propose on the basis of the Council conclusions of February 2004 a fully fledged proposal for a second legal instrument at the end of 2004 that shall define in particular the system and its operation, including the categories of data to be entered into the system, the purposes for which they are to be entered and the criteria for their entry, the rules concerning the content of VIS records, the rights of access for authorities to enter, update and consult the data and rules on the protection of personal data and its control. |
| 50 | Council Declaration JAI 100 | "The European Council calls on the Commission to submit proposals for enhanced interoperability between European databases and to explore the creation of synergies between existing and future information systems (SIS II, VIS and EURODAC) in order to exploit their added value within their respective legal and technical frameworks in the prevention and fight against terrorism." | COM | • Commission considering presenting by end 2004 a "Communication on interoperability of databases and enhanced exchange of personal data in the field of visa, travel, border and migration management", which would cover these issues. |

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| 51 | Council Declaration JAI 100 | "The European Council invites the Commission to bring forward proposals to the June European Council in relation to exchange of personal information (DNA, fingerprints and visa data) for the purpose of combating terrorism. The Commission proposals should also include provisions to enable national law enforcement agencies to have access to the EU systems." | COM | • See bullet 1, action 50<br>• **An Interservice Group on Genetic Testing** was set up under the Biotechnology Steering Committee (BSC). The group involves all relevant COM services. The Group coordinates the Commissions activities regarding genetic testing, which is an issue of potential direct relevance in the field of security. |
| 52 | Council Declaration JAI 100 | "The Council is also invited to consider the criteria that should be applied for the purposes of Article 96 of the Schengen Convention in relation to certain persons reported for the purpose of being refused entry." | Council/ COM | • See bullet 1, action 50 |

## 6. Strengthening Border Controls and Document Security

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 53 | Council Declaration JAI 100 | "Work will be taken forward on the proposal for a Regulation establishing a European Borders Agency with a view to adoption **by May 2004** and the Agency made operational **by 1 January 2005**." | Council / COM | • On 30 March 2004, the JHA Council reached political agreement on the draft regulation establishing the Agency.<br>• The Commission fully supports the intentions of the European Council in the Declaration and considers it feasible to meet the deadline of 1 January 2005.<br>• Commission also adopted on 26 May a draft Regulation on the crossing of the borders by persons, introducing a procedure for simultaneous reintroduction of checks at internal borders between Member States in case of a terrorist threat. |
| 54 | Council | "Work will be taken forward on the proposed | Council / | |

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| | Declaration JAI 100 | Council Directive on the obligation of carriers to communicate passenger data with view to an early conclusion on this measure" | COM | |
| 55 | Council Declaration JAI 100 | "The adoption of the Draft Strategy for Customs Cooperation and a related work plan **by May 2004**, and the subsequent implementation of measures to combat terrorism as a matter of urgency." | Council | • JAI Council on 30-3-04 adopted the Strategic document and Action plan.<br>• Action 4.2 of the Action Plan is mentioned , "Study the role of Customs in the Member States in relation to security anti-terrorism at EU borders" |
| 56 | Council Declaration JAI 100 | "The European Council also instructs the Council to adopt **by the end of 2004** the Commission's proposals for the incorporation of biometric features into passports and visas, with a view to the finalisation of the technical specification to be adopted by the Commission **by the same deadline**." | Council / COM | • Simultaneously, the Commission will prepare the technical specifications in view of a timely adoption. |
| 57 | Council Declaration JAI 100 | "The European Council….instructs the Council to take forward, on the basis of a proposal from the Commission, work on the creation **by end 2005** of an integrated system for the exchange of information on stolen and lost passports having recourse to the SIS and the Interpol database." | Council/ COM | • COM will present, before the June European Council, a proposal for a decision imposing on Member States the transmittal of data on lost and stolen passports to Interpol. |
| 58 | Council Declaration JAI 100 | "It also invites the Commission to bring forward a proposal **no later than June 2004** for a common EU approach to the use of passengers' data for border and aviation security and other law enforcement purposes." | COM | • Commission services are analysing to what extent a draft proposal for a framework decision on PNR can be annexed to the Communication on a European Law Enforcement Information |

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| **58 bis** | Madrid Paper | "We are working with major partners to enhance controls to prevent goods linked to terrorist actions from entering the Community. The EC-US negotiations and follow up actions on the **Container Security Initiative (CSI)** provide an example of concrete co-operation to combat terrorism and it will be important that any recommendations resulting from the follow-up actions should be quickly implemented and possibly extended to other regions." | COM | • The EC and the US have on 22 April 2004 concluded an agreement expanding customs co-operation to cover CSI (Container Security Initiative) and related matters in order to cover transport security aspects to allow for co-operation on exchange of advance cargo information whilst facilitating legitimate trade in the transatlantic movement of goods and creating for US and EC operators equal levels and standards of controls.<br>• The agreement established a Working Group that will examine and make recommendations especially with a view to ensuring that general customs controls of international trade take due account of security concerns.<br>• The Working Group consists **of two groups of customs experts** form US Customs and Border Protection, EU Members States' Customs Administrations and the Commission, and are dealing with **operational issues** to make EU ports eligible for introducing the Container Security Initiative and with benchmarking US and EU standards for **authorized traders programs** with the view to improve supply chain security and to examine conditions for reciprocal recognition of such programs. |
| **58 ter** | Madrid Paper | "As regards **visa policy, border management and documents security**, the possibility to adjust the pending Commission proposal on EU passports by making fingerprints mandatory and to extend it to Identity Cards and other travel documents should be considered together with the creation of a European Registry for issued travel documents" | COM) | • La Commission appelle le Conseil à adopter une Proposition de Décision du Conseil autorisant les États Membres à ratifier dans l'intérêt de la Communauté européenne la Convention n° 185 de l'Organisation Internationale du Travail concernant les pièces d'identité des gens de mer. |

## 7. EU Guidelines for a Common Approach to Combating Terrorism

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| **58 quar** | Council Declaration JAI 100 | "The European Council welcomes the EU Guidelines for a Common Approach to Combating Terrorism which demonstrate the commitment of the Union to prevent and suppress terrorism in a visible and coherent manner." | | |

## 8. Strategic Objectives for a Revised EU Plan of Action to Combat Terrorism

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 59 | Council Declaration JAI 100 | "Building on existing cooperation, the European Council agreed updated Strategic Objectives to enhance the EU Plan of Action to Combat Terrorism. The European Council requests the Council to complete the adoption of the revised Plan of Action and to report back to the June European Council." | Council/ COM | • The updated Strategic Objectives that are annexed to the Declaration will be complemented by an implementation plan (that should involve third pillar working groups) which together will form a revised EU Action plan to be adopted before the June European Council. |

## 9. Sharing of Intelligence

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 60 | Council Declaration JAI 100 | "The European Council calls upon Member States to improve mechanisms for cooperation and the promotion of effective systematic collaboration between police, security and intelligence services." | MS / COM | • See action 24<br>• The Commission will present, before the June European Council, a Communication putting forward ideas on |

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| | | | | improving intelligence-led law enforcement aiming at better connecting intelligence and law enforcement services. |
| 61 | Council Declaration JAI 100 | Improving the flow of intelligence in relation to all aspects of terrorism to Europol | MS | |
| 62 | Council Declaration JAI 100 | Taking forward the further development of the relationship between Europol and intelligence services | MS / Europol | |
| 63 | Council Declaration JAI 100 | Integrating within the Council Secretariat an intelligence capacity on all aspects of the terrorist threat with a view to informing EU policy | SG-HR | • In advance of the June European Council |

## 10. Preventing the financing of Terrorism

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 64 | Council Declaration JAI 100 | Identification of measures to improve the effectiveness and efficiency of the mechanism set up to freeze the assets of terrorists and terrorist organisations and to identify the holders and true beneficiaries of bank accounts, irrespective of their place of residence | Council / COM | • COM Communication (29 March 2004) on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information.<br>• The Commission and the European banking sector are now in the process of establishing an electronic consolidated list of all targeted persons and entities to be updated by the Commission as new names are added to the list. This is now available on the Commission web site. |
| 65 | Council | Ratification and full implementation of the 1999 | MS | |

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| | Declaration JAI 100 | UN Convention for the Suppression of the Financing of Terrorism and to giving effect to the provisions of UNSCR 1373 directed to the freezing of assets. | | • All Member States made a commitment to ratify the UN Convention for the Suppression of the Financing of Terrorism in December 2001. The Convention came into force in April 2002. To date it has been ratified by 20 Member States. |
| 66 | Council Declaration JAI 100 | Increase of cooperation between national competent authorities, Financial Intelligence Units and private financial institutions to facilitate improved exchange of information on terrorist financing. | MS | • COM report on Framework Decision on Money Laundering adopted on 05-04-04<br>• Framework Decision on execution of freezing orders to be adopted<br>• Protocol MLA Convention to be implemented<br>• Framework Decision Confiscation to be adopted |
| 67 | Council Declaration JAI 100 | "The COM will consider improvements on regulation and transparency of legal entities, including charities and alternative remittance systems, which may be used by terrorists to acquire funding for their activities." | COM | • Communication of the 29th March on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information. The Communication calls for the need to bring in measures to improve the transparency of bodies corporate in order to counter the infiltration of the legitimate sector by terrorist organisations.<br>• The Commission will organise a debate in 2004 and it is planned to address this issue in the Forum of Organised Crime Prevention. In addition, the Commission will pursue its review of existing arrangements in the Union to determine whether there is a need for a legal instrument to set up an efficient system for registering bank accounts allowing holders to be identified and facilitating investigations into bank accounts and movements of funds.<br>• The proposal for a Third Money Laundering Directive will also address this question by requiring MS to ensure that credit and financial institutions are able to respond "fully and rapidly" to requests from the FIU and other competent authorities as to whether a person has or has had a commercial relationship with such an institution. |

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| | | | | • The Commission intends to hold a meeting of the EU Forum for the Prevention of Organised Crime in the second semester of this year to help assess the feasibility and potential scope of an EU instrument on the regulation of the charitable sector. This could address various issues, including registration of non-profit bodies, independent auditing and the role of oversight bodies. |
| 68 | Council Declaration JAI 100 | Pursuit of dialogue with third countries on this crucial issue in order to step up the fight against the financing of terrorism | Council/ COM | • Dialogue with Euromed countries pursued at ad hoc meeting on 21 April. Follow up Commission-Presidency Workshop with GCC countries planned for September 2004 |
| **68 bis** | Madrid Paper | "The lists of terrorist organisations / assets should become operational and reactive on a "real time" basis. They urgently need to be streamlined and the Commission is ready to assist Member States in that regard. Allowing for **modification of the lists under qualified majority voting** is an option as is the replacement of the present three lists by only two, one on suspected cases / threats, the other one as a record of past terrorist activity." | Council/ COM | • Communication of the 29th March on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information - it is mentioned that an electronic list of persons to whom restrictive measures taken to fight terrorism apply or which are under investigation for criminal offences should be drawn up. The question will be in the agenda in 2004 at the Forum of the Prevention of Organised crime for discussion.<br>• COM is also developing an electronic database of the list relating to Al Qaeda/Taliban where under regulation 881/2001 freezing orders are automatically applied to all those on the UN lists and the list deriving from Common position 931 – under regulation 2580, freezing orders are applied to these groups/entities (with the list itself being decided by the Clearing House Mechanism). |

## 11. Measures to Protect Transport and Population

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 69 | Council Declaration JAI 100 | Strengthening of the security of all forms of transport systems, including through the enhancement of the legal framework and the improvement of prevention mechanisms | COM | |
| 70 | Council Declaration JAI 100 | "The COM is, in particular, invited to bring forward a proposal for enhancing the security measures in harbours and ships." | COM | • Un Règlement (proposition COM (2003) 229 final) relatif à l'amélioration de la sûreté des navires et des installations portuaires a été adopté formellement par le Conseil le 22 mars 2004, après accord en 1ère lecture avec le Parlement. Ce Règlement (CE) n°725/2004 du 31 mars 2004 a été publié au JO L129 du 29 avril 2004<br>• Une proposition de Directive (COM (2004) 76 final) relative à l'amélioration de la sûreté dans les ports a été présentée par la Commission le 10 février 2004.<br>• La Commission présentera d'ici le début juin 2004, une proposition modifiée de cette Directive, afin de rendre plus explicite encore les contrôles qui doivent s'appliquer aux véhicules destinés à l'embarquement sur des navires à passagers. |
| **70 bis** | Madrid Paper | "COM calls on MS rapidly to **rapidly implement the existing legislation on maritime and aviation security**, in particular Regulation 2320/2002 on civil aviation security, Regulation 1486/2003 on procedures on Commission inspections in the field of civil aviation security and the not yet published Regulation on enhancing port and ship facility security." | MS / COM | • Maritime :<br>o les Etats membres doivent appliquer pleinement d'ici au 1er juillet 2004, l'ensemble des mesures de sûreté prévues par le Règlement (en cours de publication) relatif à l'amélioration de la sûreté des navires et des installations portuaires, pour ce qui concerne le trafic maritime international. Les Etats membres doivent pour la même date, notifier à la Commission et se communiquer entre eux les mesures détaillées de mise en œuvre, tel que prévu aux articles 4 et 9 dudit Règlement.<br>o Dans les conditions prévues à l'article 3 du même |

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| | | | | Règlement, l'extension des mesures de sûreté au trafic national des Etats membres doit être effectif selon les types de navires concernés d'ici au 1er juillet 2005, ou d'ici au 1er juillet 2007. la Commission appelle les Etats membres à anticiper la mise en place de ces mesures avant ces dates limites, dans toute la mesure du possible.<br>• Sûreté de l'aviation civile<br>o Les règles communautaires et les standards communs sont pleinement applicables dans tous les Etats membres de l'UE.<br>o Des contrôles visant à vérifier la bonne application de cette législation sont effectués tant par les Etats membres que par la Commission ; les inspections de la Commission ont commencé début 2004.<br>• Transports terrestres<br>o By an initiative of the Commission (TREN), UN-ECE and OTIF have been elaborating new anti-terrorist provisions of security in the field of the Transport of Dangerous Goods by road, rail and inland waterways. First conclusions were incorporated in the UN-ECE Recommendations of 2003, and later, in 2005, corresponding provisions will be included in international agreements ADR (road), RID (rail) and ADN (inland waterways), as well as corresponding EU Directives.<br>o The Commission adopted in December 2003 a Directive to allow Member States to issue motor vehicle registration documents under the format of smart cards as a alternative to paper documents; this will help to considerably reduce fraud.<br>o The Commission proposed in August 2003 a change to the Schengen Convention to give access to Member States to registration data according Article 9 of Directive 1999/37 on road vehicle registration documents |

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| | | | | (COM(2003)510).<br>o The Commission proposed in October 2003 a Directive on driving licences, which will introduce a limited administrative validity of 10 years for all new driving licences. Driving licences have the value of an identity card in several Member States.<br>o The Commission is setting up an IDA-network for the exchange of data on driving licences in order to combat fraud.<br>o The European Parliament and the Council will adopt in April 2004 a new Directive setting security standards for tunnels located on the trans-European network. The Directive contains measures to prevent accidents, (notably fires) and measures to mitigate their consequence if accidents occur.<br>o The Commission will propose in 2004 a Directive on road infrastructure safety. The proposed provisions should contribute to improve the protection of new infrastructures against terrorist attacks.<br>o As the Madrid attack demonstrated that rail and urban transports are particularly vulnerable, the Commission will launch a survey of existing and potential measures in view to identify loopholes and, when necessary, make proposals to reduce their vulnerability. |
| 71 | Council Declaration JAI 100 | "Further action is needed to strengthen capacity within MS to alleviate the consequences of attacks on the civilian population, including in the areas of health security and civil protection, building on existing EU Health Security and CBRN progs." | COM | • Further enhancement of the Civil Protection Community Mechanism, as set out in the Commission Communication of 25/03/04:<br>• Transfer of the contents of the military database to the Community Mechanism, in accordance with GAERC decision of 08/12/03 (waiting for adoption of the modalities by Council bodies);<br>• Completion and upgrading of the civil protection database |

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| | | | | (foreseen by early 2005);<br>• Further development of a training and exercises programme to enhance preparedness:<br>- five exercises planned in 2004/5;<br>- call for proposals for additional CBRN simulation exercises to be launched in 05/2004 (1.4 m indicative budget);<br>- call for proposals for training courses to be launched in 05/2004 (0.8 m indicative budget).<br>• Further implementation and enhancement of the objectives and activities under the Decision 2119/98/EC (24/09/98) establishing a Community Network with regards to Communicable Diseases; as set out in the Communication (COM (2003) 320) (OJ 2/06/2003) on progress of the implementation of the Programme on Health Security (preparedness and response to biological and chemical attacks) of 12/2001, with regards to:<br>• The RAS-BICHAT and EWRS mechanism for information exchange, consultation and co-ordination;<br>• EU-wide capability for the timely detection and identification of biological and chemical agents and for the rapid and reliable determination and diagnosis;<br>• Information on medicines resources and capacities;<br>• Guidance and co-ordinating of the EU health response with links to third countries and international organisations.<br>• Training with law enforcement, Europol;<br>• Exercises on communication and preparedness between Member States during 2004-2005,<br>• Modelling and scenarios on chemical and biological outbreaks and data for simulations with the Member States.<br>• Progress within the pharmaceutical legislation on liability for non-authorised products in case of emergencies;<br>• The creation of a chemical surveillance network and protocols for screening incidents and identifying agents; ; |

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| | | | | • A Network of high security laboratories and networks including laboratories for other high and medium-level pathogens are in the planning phase. Co-operation with the Russian Federation on smallpox and other orthopox diagnostics is being pursued.<br><br>• (A)Part of the EU RTD Framework programme on scientific support to policies can contribute for example to creation lab. detection methods, modelling tools, risk assessment, networking, etc. |
| 72 | | Strengthening the protection of citizens, essential services (such as water supplies, energy and communications) and production systems (agro-food and process industries), as well as to establish mechanisms (surveillance, early warning, alert and response systems and procedures) to deal with the consequences of any terrorist attacks. | Council / COM / MS | • See action 71<br>• More particularly, for the Health Security activities:<br>• Further strengthening of Member States to detect malicious releases and of the capacities of national laboratories to identify agents quickly;<br>• Strengthening of laboratory quality assurance tests;<br>• Improvement of surveillance and scientific basis for control and response through the European Centre of Disease Prevention and Control the Council and European Parliament regulation (to be adopted before 08/ 2004); Creating a platform for assistance to Member States on outbreaks and biological agent releases, anticipated with the start of the ECDC in 2005;<br>• Development of urgently needed common strategies on manufacturing and stock sharing of vaccines;<br>• Review of Standard Operating Procedures under the RAS-BICHAT alert system and its securisation against technological risks (power and communication failures, interference, distortion, tampering) and against security breaches (security clearance of members); Monitoring of Web-based information to provide advance warning of |

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| | | | | suspicious circumstances or outbreaks through MediSys set up with links to existing systems under the External Relations Directorate-General of the Commission, the Joint Research Centre and the Canada Global Public Health Information Network;<br>• Issuance of the Directory of Experts for health sector assistance;<br>• Set up of procedures and protocols for field investigation;<br>• Compilation of measures and protocols on incident investigation and on measures on water safety against biological and chemical attacks.<br>• The 6th Framework Programme for Research (2002-2006) includes scientific support to policies on issues related to civil protection (including bio-security and protection against risks arising from terrorist attacks), and crisis management. Topics covered in the 2002 and 2003 annual programmes cover: (1) Anthrax vaccine, (2) Variola and Viral Haemorrhagic Fever detection, (3) assessment of society's vulnerabilities, (4) modelling of spread of infectious diseases and (5) surveillance for agricultural (crop-) bio-terrorism. |

## 12. International Cooperation

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 73 | Council Declaration JAI 100 | Ensuring universal adherence to, and full implementation of, all UN Security Council Resolutions, UN Conventions on Terrorism and related Protocols. | European Council | |
| 74 | Council Declaratio | "The European Union will work with and within international, regional and sub-regional | European Council / | COM should play a more active role within international & regional orgs where COM is involved to promote the EU values |

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| | n<br>JAI 100 | organisations to strengthen international solidarity in countering terrorism." | COM | and to ensure coordination of actions.<br>COM carries out concrete actions in this field, such as,<br>• COM participated in counter terrorism ad hoc meeting with Euromed 21 April<br>• COM taking counter terrorism concerns into account within general technical assistance programmes and examining the scope for additional assistance via the RRM.<br>• RRM projects being developed with Philippines, Indonesia, Pakistan and examined for ASEAN region |
| 75<br><br>76<br><br>77<br><br>78 | Council Declaration<br>JAI 100 | Ensuring effective and practical cooperation with Third countries in combating terrorism, in particular through the following measures:<br>- development of technical assistance strategies, to facilitate vulnerable Third countries in enhancing their counter-terrorism capability,<br>- - by addressing counter-terrorism concerns into all relevant external assistance programmes to promote good governance and the rule of law<br>- - ensure that counter-terrorism is a key element of political dialogue at all levels with Third Countries, in particular those which represent a potential terrorist threat to international peace and security.<br>- - analyse and evaluate the commitment of countries to combat terrorism on an ongoing basis | Council/ COM<br><br>"<br><br>"<br><br>" | • See action 74<br><br>• See action 74<br><br>• See action 74<br><br>• See action 74 |
| 79 | Council Declaratio | Promoting optimum use of all EU police resources deployed in Third countries, also in the context of | Council/ COM | |

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| | n<br>JAI 100 | EU crisis management | | |
| **79 bis** | Madrid Paper | "Member States and the European Community should ensure that they are able to ratify the Protocol to the United Nations Transnational Organised Crime Convention on **trafficking of illegal firearms** as soon as possible." | COM | • Propose an amendment to Explosives Directive (93/15/EEC) to align it with the UN Firearms Protocol by Q4 2004 |

## 13. Cooperation with US and Partners

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 80 | Council Declaration<br>JAI 100 | Strengthening further the cooperation with the US and other partners in countering the threat posed by terrorism, building on the solidarity and cooperation enshrined in the 2001 Plan of Action to Combat Terrorism | European Council | • Commissioner Vitorino's visit to US and UN 10-14 May included extensive counter terrorism discussions.<br>• High-Level Policy Dialogue on Border and Transport Security established, co-chaired for EU by COM. Bi-annual meetings planned. First meeting took place 26 April 2004 in Brussels.<br>• EU-US Summit planned for 26 June 2004 will issue a joint statement on EU-US counter-terrorism cooperation. |

## 14. Establishment of the Position of a Counter-Terrorism Coordinator

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 81<br><br>82 | Council Declaration<br>JAI 100 | a) Co-ordinating the work of the Council in combating terrorism<br>b) Maintaining an overview of all the instruments at the Union's disposal, with due regard to the responsibilities of the Commission | Coordinator | • COM to monitor implementation of EU instruments |

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| 83<br>84 | | c) Regular reporting to the Council<br>d) Ensuring effective follow-up of Council decisions | | • COM to contribute to report |

## 15. The Way Forward

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 85 | Council Declaration<br>JAI 100 | a) Providing a detailed report on the state of implementation of measures (85) | Council / SG-HR / COM | • COM to contribute to the report |

**Strategic Objectives for revised Plan of Action to Combat Terrorism**

**Objective 1: To deepen the international consensus and enhance international efforts to combat terrorism**

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 86 | Annex to Council Declaration JAI 100 | Support the key role of the United Nations in sustaining the international consensus and mobilizing the international community as a whole, in particular the General Assembly and the work of the Security Council, inter alia, through its Counter Terrorism Committee and the Taliban/Al Quaeda Sanctions Committee, as well as the Terrorism Prevention Branch of the UN Office of Drugs and Crime | Council/MS/Com<br><br>(COTER) | • Need to work in a co-ordinated way with UN in New York and Vienna<br>• Strengthening relations COM- UN[2] |
| 87 | Annex to Council Declaration JAI 100 | Work to ensure universal adherence to, and full implementation of, the United Nations Conventions on Terrorism, and to agree a Comprehensive UN Convention against Terrorism and agree a comprehensive UN Convention on the Suppression of Acts of Nuclear Terrorism | Council/Com MS<br><br>COTER/COJUR | • EU MS should accelerate their own adherence to the conventions as well as continuing to lobby for this in third countries, both bilaterally and at EU level. Co-ordinated EU position on reservations to Conventions should be encouraged.<br>• COM will provide technical assistance to the UN agencies and other control agencies for the implementation and verification of conventions on transport of dual use goods and proliferation of WMD. |
| 88 | Annex to Council Declaration JAI 100 | Work with and within regional and international organizations to ensure their effective contribution to combating terrorism in accordance with UN obligations | Council/Com/MS | • More active and consistent role of EU in international and regional organisations needed. |

[2] Commissioner Vitorino met CTC on 13 May to explore how COM can support UN in ensuring universal adherence to UN 1373 and other UN counter-terrorism instruments. Commissioner Vitorino met with head of UNODC, Mr Costas, on 14 May 2004.

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| 89 | Annex to Council Declaration JAI 100 | Include effective counter-terrorism clauses in all agreements with third countries | Council/Com | • Standard clause exists, dating from April 2002. Need a clear overview of where the clause has already been included, which negotiations are under way and which agreements are coming up in the next couple of years where such clauses should be added. |

**Objective 2: To reduce the access of terrorists to financial and other economic resources**

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 90 | Annex to Council Declaration JAI 100 | Ensure the effectiveness of EU asset freezing procedures, including the non-financial economic resources, in accordance with UN obligations and the need to respect due process and the Rule of Law | Council/MS/COM | • COM Communication (29 March 2004) on measures to be taken to combat terrorism and other forms of serious crime.<br>• COM and the European banking sector are establishing an electronic database of all targeted persons and entities to be updated by the COM as new names are added to the list..<br>• The Framework Decision of July 2003 on the execution of orders freezing assets and evidence expressly includes terrorist offences within its scope. It facilitates intra-EU freezing measures by establishing the principle of mutual recognition of freezing orders which must be recognised and enforced directly by the competent judicial authorities of the MS.<br>• The draft Framework Decision on the execution of confiscation orders in the EU will establish the principle of mutual recognition for confiscation orders by the competent EU judicial authorities. The draft expressly includes acts of terrorism within its scope. The draft Framework Decision received political agreement at the 29 April 2004 JHA Council. |

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| 91 | Annex to Council Declaration JAI 100 | Establish operational links and improve cooperation between relevant bodies to facilitate enhanced exchange of information on terrorist financing | Council/ COM/MS | • COM Communication (29 March 2004) on combating terrorism and other forms of serious crime, addresses the need for improved information exchange between relevant bodies in the fight against terror financing and includes a proposal for a Council Decision on the exchange of information and co-operation concerning terrorist offences. The proposal would extend to information exchange on all terrorist offences, convictions and disqualifications, including those connected with the financing of terrorist acts. Among other things, it proposes that MS must designate a specialised service within the police responsible for collection and dissemination of all relevant information.<br>• The FIU-NET project, co-financed by the Commission, is designed to establish a fully operational computer network linking all Member State Financial Intelligence Units (FIUs) for the processing and exchange of financial information, including intelligence suspected to be associated with terror financing. It will therefore facilitate and enhance co-operation among FIUs in the efficient exchange of information.<br>• COM Communication (29 March 2004) also proposes a national registers of bank accounts to facilitate exchange of banking information in the context of criminal investigations. Whilst not going that far, the draft proposal for a Third Money Laundering Directive (due to be presented to the College in June 2004), requires Member States to ensure that credit and financial institutions are able to respond "fully and rapidly" to enquiries from the Financial Intelligence Unit or other authorities about any business relationship such institutions have or have had with a specified person. |
| 92 | Annex to | Develop and implement an EU strategy on the | Council/ | • Members of the FATF WG on Terrorist Financing are |

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| | Council Declaration JAI 100 | suppression of terrorist financing, including the regulation of charitable organisations and alternative remittance systems | COM/MS | currently reviewing their national non-profit sector to develop a more complete understanding of that sector's characteristics and its associated terror financing risks. COM will closely monitor these assessments.<br>• COM intends to hold a meeting of the EU Forum for the Prevention of Organised Crime in the second semester of 2004 to help assess the feasibility and potential scope of an EU instrument on the regulation of the charitable sector.<br>• FATF Special Recommendation VI requires States to ensure that alternative remittance systems are licensed or registered and that they are subject to the same FATF recommendations as apply to banks. The FATF WG on Terrorist Financing is leading a project to establish an early warning system to promote information exchange and joint action to disrupt illegal international funds transfers. COM supports and is participating in this process.<br><br>• COM Communication on a New Legal Framework for Payments in the Internal Market, favours integrating Special Recommendations VI on alternative remittance and VII on wire transfers (SR VII aims essentially to ensure that originator information on wire transfers is immediately available) into Community law. This would help ensure a level EU playing field in the approach to these Recommendations which both deal with payments issues. |
| 93 | Annex to Council Declaration JAI 100 | Cooperate closely with the Financial Action Task Force (FATF) on all issues regarding the financing of terrorism and ensure that the EU legal framework is adapted to the eight special recommendations on terrorist financing | Council/ COM/MS | • COM cooperates closely with the FATF<br>• SRI *Ratify and implement UN instruments* – all MS committed to ratify, and 20 MS have so far ratified the UN Convention for the Suppression of the Financing of Terrorism, which came into force in April 2002. At EU level, all Security Council Resolutions concerning the freezing of |

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| | | | | assets of identified persons and entities have been implemented.<br>• SRII *Criminalise financing of terrorism* – FD on combating terrorism deems the funding, in any way, of activities of terrorist groups to be a criminal offence.<br>• SRIII *Effective measures on freezing and confiscation of terrorist assets* – see action 90, these two FDs along with the FD on harmonisation of confiscation measures will provide an effective framework for the freezing and confiscation of terrorist assets in the EU.<br>• SRIV *Reporting suspicious transactions related to terrorism* – The Third Money Laundering Directive (due to be presented to the College in June 2004) will oblige banks and other persons subject to the Directive, to report transactions suspected to be linked to terrorist financing.<br>• SRV *International cooperation in the fight against terrorist financing* – at EU level this is ensured through a series of instruments and FDs including those on mutual recognition and the Council Decision on the exchange of information among FIUs.<br>• SRVI *Alternative remittance,* SRVII *Wire transfers,* SRVIII *Regulation of non-profit organisations* – see action 92 above. |
| 94 | Annex to Council Declaration JAI 100 | Pursue political and technical dialogue with Third Countries, in order to step up the fight against the financing of terrorism | | • Combating terrorism, including the financing of terrorism, plays a priority role in EU relations with third countries, eg. several EU technical assistance programmes include significant work in the fight against terrorism financing.<br>• Council/COTER needs to decide priority countries for dialogue on terrorist financing and the possibility for ad hoc expert level dialogue should be examined. |

**Objective 3: To maximise capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent attacks**

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 95 | Annex to Council Declaration JAI 100 | Ensure optimum and effective use of existing EU bodies such as Europol, Eurojust and the Police Chiefs Task Force | | |
| 96 | Annex to Council Declaration JAI 100 | Improve mechanisms for cooperation for the sharing of expertise on protective, investigative and preventive security policies between police and security services | | |
| 97 | Annex to Council Declaration JAI 100 | Promote effective, systematic collaboration in intelligence exchange between Member States | | |
| 98 | Annex to Council Declaration JAI 100 | Enhance the capacity of appropriate EU bodies in the preparation of intelligence assessments of all aspects of the terrorist threat, with a closer linkage to EU policymaking | | • COM keeps permanent contact with the National Security Authorities, Intelligence and Security Services and Europol, through the security communication systems to continually evaluate the threat of terrorism.<br>• COM has started an awareness program to gather, use and exploit the information collected by the different Commission Services (including Offices, Representation and Delegations) on the field of the security<br>• COM is doing the preparatory work to put in place a system of communications with Interpol (Interpol Orange Alert System ) for security alerts on terrorism.<br>• COM has established operational relationships with the |

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| | | | | intelligence and security services of relevant third countries to be available to assess the threats of the global security.<br><br>Enhance intelligence assessments with scientific – epidemiological intelligence (Health Security):<br>• Common terminology for case definitions for bio-terror agents in Commission Decision 2003/534/EC of 17 July 2003;<br>• Evaluation and classification of the severity of an incident in the RAS BICHAT system;<br>• Further training courses on investigation by law enforcement and field epidemiologist services;<br>• Tests of communication channels and evaluation of existing emergency plans is scheduled for 2004-2005;<br>• Modelling of outbreaks and data for simulations.<br><br>• A Co-ordination Activity "*Assessment of the vulnerabilities of modern societies to terrorist acts employing radiological, biochemical or chemical agents with the view to assist in developing preventive and suppressive crisis management strategies"* started in 2004, as part of the Commission's scientific support to policies research priority under the 6th Framework Programme for Research.<br><br>• COM will improve and further develop its technical capacity on open source information (including open source information gathering and analysis) and vulnerability and risk assessment (scenario analysis, mapping and vulnerability modelling of critical infrastructure) |
| 99 | Annex to Council | Work to identify, disrupt and dismantle arrangements for supply of weapons to terrorists | | |

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| | Declaration JAI 100 | | | |

**Objective 4: To protect the security of international transport and ensure effective systems of border control**

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 100 | Annex to Council Declaration JAI 100 | Ensure the integration of counter-terrorist considerations into the work of relevant EU bodies (transport, border controls, identity documentation etc) | | COM will deploy and further develop its technical capacity for: assessment and standardisation of sensor technologies for border control; vulnerability modelling due to deliberate, physical and cyber acts. |
| 101 | Annex to Council Declaration JAI 100 | Work to develop further EU transport security standards, in coordination with relevant international organisations and third countries | | COM will deploy and further develop its technical capacity for: assessment, interoperability, testing and standardisation of seals, tracking systems and sensor technologies for container transport security; threat and vulnerability assessment of the transport chain; contribution to the set-up of internationally agreed principles to enhance container security. |
| 102 | Annex to Council Declaration JAI 100 | Develop and implement a common EU approach to the exchange and analysis of passenger information | | |
| 103 | Annex to Council Declaration JAI 100 | Encourage and support non-EU states to comply fully with ICAO and IMO standards | | |
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| 104 | Annex to Council Declaration JAI 100 | Enhance capacities for the identification of terrorists and the detection of terrorist devices, materials or funds at ports, airports and land borders | | • At the end of July 2003, the Commission presented a package, consisting of a Communication on the role of customs in the integrated management of external border and the consequent proposed change of the Community Customs Code to introduce a common approach to risk management, introducing security aspects in customs controls (COM (2003) 452).<br>• COM co-ordinates contact groups of the customs offices from the main ports and airports throughout the Community. These groups share risk information and co-ordinate actions with a view to having an equivalent level of control at the external frontier of the Community including security related aspects. The exchange of information is carried out by using a common Risk Information Form – RIF which is also transmitted to the national risk analysis centres of all Member States. Offices at the land frontier will also be involved in the exchange of RIFs.<br>• 6th RTD Framework Programme: A Co-ordination Activity "*Development and commercial production of standardised PCR-assays for detection of haemorrhagic fever viruses and variola virus and their implementation in the diagnostic service of EU P4 laboratories"* started in 2004, as part of the Commission's scientific support to policies research priority. |
| 105 | Annex to Council Declaration JAI 100 | Reinforce the protection of European citizens in third countries | | |

**Objective 5: To enhance the capability of the European Union and of Member States to deal with the consequences of a terrorist attack**

| Action | Relevant Paper | Action | Competent bodies | Observations |
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| 106 | Annex to Council Declaration JAI 100 | Identify areas for closer cooperation in consequence management with other international organisations within their respective competences, including NATO | | • Within the framework of the Community Civil Protection Mechanism, the COM is pursuing further complementarities at international level, *inter alia,* through operational coordination procedures with relevant international organisations.<br>• Global Health Security Action Initiative: G7+Mexico and Commission (Ottawa 7/11/2001) + WHO: collaboration on smallpox emergency plans / training, laboratory detection techniques, risk management and communication, chemical incident preparedness, patient isolation techniques. COM has been tasked in Berlin on 7/11/2003 to establish a co-operation platform on biosafety research. Next meeting: 19/11/2004 in Paris.<br>• World Health Organisation co-operation with COM on on-going initiatives by the WHO to improve its Global Health Security activities.<br>• COM will deploy and further develop its technical capacity for consequence management (technologies for crisis management; threat or impact analysis of dirty bombs) |
| 107 | Annex to Council Declaration JAI 100 | Ensure full implementation of the EU Health Security and CBRN programmes | | • Further reinforcement of the Community Civil Protection Mechanism, as a key element of the CBRN programme, on the basis of the COM Communication of 25/03/04 (see *supra* action 71).<br><br>• Health Security Priorities for 2004 – 2005:<br>• Adoption of a Community Generic Preparedness and |

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| | | | | Response planning for Public Health threats and events of EU concern, (Health Council 6/05 and 2/06/2003, foreseen for June 2004);<br>• Install a system of prior information and consultation between the Member States about countermeasures to be taken in case of public health threats, based on the Council and Parliament Decision 2119/98/EC on a Community Network for the epidemiological surveillance and control of communicable disease (24/09/1998), (foreseen end 2004-beginning of 2005);<br>• Evaluation exercise on communications and preparedness of the EU for bio-terrorist events , in particular smallpox, Call for tender procedure, second half of 2004;<br>• Further strengthening of capability in Member States to detect malicious releases of chemical and biological agents and of the capacities of national laboratories to identify agents quickly and reliably by organising quality assurance tests;<br>• Improvement of surveillance of outbreaks and epidemics and co-ordination at EU level through the European Centre of Disease Prevention and Control the Council and European Parliament Regulation (to be adopted before 08/2004); Enhancing the scientific basis for control and response and creating a platform for assistance to Member States on outbreaks and biological agent releases, anticipated with the start of the ECDC in 2005;<br>• Development of urgently needed common strategies on manufacturing and stock sharing of vaccines and anti-virals for outbreaks and releases of EU concern through the work of an ad hoc group;<br>• Review of Standard Operating Procedures under the RAS-BICHAT alert system and its securisation against technological risks (power and communication failures, interference, distortion, tampering) and against security |

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| | | | | breaches (security clearance of members);<br>• Agreement on the development of orthopox viruses diagnostics between Europe's high-level laboratories;<br>• Issuance of the Directory of Experts for health sector assistance;<br>• Creation of a chemical surveillance network and protocols for screening incidents and identifying agents;<br>• Compilation of measures and protocols on incident investigation and on measures on water safety against biological and chemical attacks;<br>• Implementation of the Research Platform under GHSAG as agreed at the Berlin Ministerial meeting of the Global Health Security Initiative in November 2003.<br><br>• The of the 6th Framework Programme for Research (2002-2006) on, in particular its *Scientific Support to Policies* section, covers support to the EU Health Security an CBRN Programmes.<br>• COM will deploy and further develop its technical capacity on open-source intelligence gathering and analysis for early warning / detection of bio-terrorism incidents. |
| 108 | Annex to Council Declaration JAI 100 | Develop strategies to improve the capacity of Member States to communicate with citizens in the event of a major terrorist attack | | • A major project, starting in April 2004, is aimed at reducing the consequences of disasters, including CBRN threats, by informing the public on adequate behaviour before, during and after a disaster and by defining home support kits.<br><br>Health Security, update and further development of:<br>• Guidelines on the use of medicines against potential pathogens;<br>• Clinical diagnosis and case management guidelines on bio-terror agents. |

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| | | | | • RTD Framework Programme :CRISIS and RISK Communication networks and training of public officials, scientists and journalists (special attention to be paid to the long term training of young professionals/journalists)<br>• Increase cooperation (as appropriate), with all social actors through preparedness actions in risk management and communication |
| 109 | Annex to Council Declaration JAI 100 | Ensure that support and assistance is provided to the victims of terrorist crimes, and protect minority communities who may be at risk of a backlash in the event of a major attack | | • Part of the EU RTD Framework programme on scientific support to policies can contribute. For ex. in the first call for proposals, a task was dedicated to research on assessment of technological, social, economic and psychological vulnerabilities of modern societies.<br><br>• A Co-ordination Activity "*to develop safe products and policies to protect our citizens from the threat of anthrax attacks and other agents of bioterrorism"* started in 2004, as part of the Commission's scientific support to policies research priority under the 6th Framework Programme for Research.<br><br>• 5th and 6th Framework Programmes:<br>• (Bio)sensor development for detection of harmful substances like chemical or biological toxins, gases and microbial agents in blood, in the water or food supply chain or in environmental probes.<br>• Development of fire-retardant materials.<br>• Development of robotics for remote manipulation with possible application in bomb or mine deactivation and removal.<br>• Development of organisational structures for catastrophes management with possible application in terrorist-generated catastrophes. |

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| | | | | • Decontamination of polluted industrial sites potentially applicable to decontamination after (bio)terror attacks<br>• Tissue engineering able to help victims of terror attacks<br>• A call for interdisciplinary research proposals addressing ethical, legal and social implications of a range of technologies that may involve security and bioterrorism will be published in May (FP6-2004-Science and society-9; C.3).<br>• Proposal for a Council Framework decision on combating racism and xenophobia of 28.11.2001. The objective of this proposal is both to reinforce criminal law measures aimed at approximation of laws and regulations of the Member States regarding racist and xenophobic offences and to facilitate and stimulate cooperation between Member States to combat these offences. |

**Objective 6: To address the factors which contribute to support for, and recruitment into, terrorism.**

| Action | Relevant Paper | Action | Competent bodies | Observations |
|---|---|---|---|---|
| 110 | Annex to Council Declaration JAI 100 | Identify factors which contribute to recruitment to terrorism, both within the EU and internationally, and develop a long-term strategy to address these | | • COTER/TWG review ongoing. |
| 111 | Annex to Council Declaration JAI 100 | Continue to investigate the links between extreme religious or political beliefs, as well as socio-economic and other factors, and support for terrorism, building on work already undertaken in this area, and identify appropriate response measures | COM | • COTER/TWG review ongoing<br>• Research on roots of conflicts and on factors that might contribute to terrorism is pursued within 5th and 6th RTD Framework Research Programmes (e.g. 5th FP projects EUROBORDERCONF, ELISE; 6th FP project PAC: 6th FP). |

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| 112 | Annex to Council Declaration JAI 100 | Make more efficient use of external assistance programmes to address factors which can contribute to the support for terrorism, including in particular support for good governance and the rule of law | | • Results and recommendations of ongoing COTER study will need to be disseminated in COM –and to bilateral programme managers – to determine how this should best be taken into account |
| 113 | Annex to Council Declaration JAI 100 | Develop and implement a strategy to promote cross-cultural and inter-religious understanding between Europe and the Islamic World | COM | • Action by the European Monitoring Centre on Racism and Xenophobia, such as studies on islamophobia carried out following the 9/11 attacks and the 2003 round tables on anti-Semitism and islamophobia.<br>• 6th RTD Framework Programme: Research on cultural dialogue between Europe and other world regions is pursued (under Priority 7, Citizens and governance). Research addressing the integration of Muslim populations in Europe (E.g. ICDEI Accompanying Measure, Key Action 'Improving the socio-economic knowledge base), and research on the role of religion (e.g. CEI project, Key Action 'Improving…') was pursued also in FP5.. |

**Objective 7: To target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced**

| Action | Relevant Paper | Action | Competent bodies | Observations |
|---|---|---|---|---|
| 114 | Annex to Council Declaration JAI 100 | Expand the role of the SitCen in the carrying out of threat assessments to enable working groups to focus on the development of policy | | |
| 115 | Annex to | Develop capacities to analyse and evaluate third | | • COM will deploy and further develop its technical capacity for monitoring and analysis of open source information |

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|---|---|---|---|---|
| | Council Declaration JAI 100 | country activities in counter-terrorism | COM | relevant to third country activities in counter-terrorism<br>• Improve COM analysis capacities by enhancing inputs from delegations/desks on this field<br>• See bullet points 2 and 3 in action 98 |
| 116 | Annex to Council Declaration JAI 100 | Develop technical assistance strategies to enhance the counter-terrorist capacity of priority countries, in coordination with other international organisations and Donor states | COM | • Need discussion within Council/COTER on priorities – also with CTAG and CTC to ensure duplication minimised.<br>• COM will use its technical capacity (nuclear, container transport or other) to analyse, develop and assist the implementation of technical assistance strategies in support of priority countries in coordination with IAEA, UN agencies or other organisations as appropriate. |
| 117 | Annex to Council Declaration JAI 100 | Ensure that specific counter-terrorism issues, including effective counter-terrorism clauses in all agreements reflecting the priorities of the revised Plan of Action are a key element of EU relations at all levels with priority countries | | |
| 118 | Annex to Council Declaration JAI 100 | Mainstream counter-terrorist objectives into the work of the geographical working groups and external assistance programmes | | • PRES to take responsibility for Working Groups. COM already working on mainstreaming within external assistance programmes. |

**ANNEX of Existing Instruments Relevant in the Fight Against Terrorism**

| Name of Instrument | OJ number | Date of adoption | Date of implementation | Date by which COM shall report | Additional Information |
|---|---|---|---|---|---|
| **6th Framework Programme (2002-2006) for Research, technological development and demonstration activities.**<br><br>**Decision Number 1513/2002/EC of the European Parliament and of the Council.** | | **27 June 2002** | | | Research and technology development (RTD) related to networks and information security is ongoing within the IST programme with priority currently being given to areas like biometrics, advanced cryptography, dependability, critical information infrastructure protection and interdependencies. The overall thrust of this work is to contribute to enhancing the security and dependability of emerging Information Society. As the time scale of this RTD activity is medium to long term, its focus is towards future security scenarios and challenges, thus complementing what is being pursued in the policy actions.<br><br>DG INFSO has recently launched an R&D strategic objective on Risk Management, as a result of which a number of RTD projects linked to counter terrorism actions are about to be funded addressing dual use technologies for response and rescue operations, innovative technologies for detection of explosives in containers via, open system architectures for information sharing in crisis preparedness and monitoring. |
| **Civil Protection Community Mechanism (Council Decision 2001/792/EC, Euratom)** | **L 297** | **23/10/01** | | | |

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| **Joint Council/Commission programme to improve co-operation in the EU for preventing and limiting the consequences of chemical, biological, radiological or nuclear terrorist threats (CBRN programme)** | **/** | **21/11/02 (Commission) and 20/12/02 (Council)** | **Annual progress report** | **Autumn 2004** | |
| **FD on EAW & surrender procedures** | **L 190 / 1** | **13 June 2002** | **31 Dec. 2003** | **31 Dec. 2004** | |
| **Preparatory Action on security Research Communication: Com(2004)72; Decision: 2004/213/EC** | | | | | The Preparatory Action aims at exploring the conditions and mechanisms required to create a favorable environment for the enhancement of European scientific, technological and industrial capabilities in the field of security.<br><br>Research will be conducted under 5 missions, one of which is anti-terrorism.<br><br>The Action will span the three year period 2004-2006 and aims at preparing a 'full' Security-related Research Programme post 2006.<br><br>(website: http://europa.eu.int/comm/research/security) |
| **Règlements Aviation et Maritime** | | | | | Une directive sur la sûreté portuaire est en |

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| **Civil Aviation Regulation No 2320/2002 of the European Parliament and Council establishing common rules in the field of aviation security**<br>**Commission regulations:**<br><br>**No 622/2003 laying down measures for the implementation of the common basic standards on aviation security**<br><br>**No 1217/2003 laying down common specifications for national civil aviation quality control programmes**<br><br>**No 1486/2003 laying down procedures for conducting Commission inspections in the field of civil aviation security**<br><br>**No 68/2004 amending Commission regulation No 622/2003 laying down measures for the implementation of the common basic standards on aviation security** | **L 355 of 30.12.2002**<br><br>**L 89 of 5.2003**<br><br>**L169 of 8.7.2003**<br><br>**L 213 of 23.8. 2003**<br><br>**L 10 of 16.1.2004** | **16 December 2002**<br><br>**4 April 2003**<br><br>**4 July 2003**<br><br>**22 August 2003**<br><br>**15 January 2004** | **31 December 2002**<br><br>**4 April 2003**<br><br>**24 July 2003**<br><br>**12 September 2003**<br><br>**1 February 2004** | **Annual report** | discussion au conseil et au parlement |
| **Règlement (CE) n° 725/2004 du Parlement européen et du** | **L 129 du 29 avril 2004** | **31 mars 2004** | **1er juillet 2004** | **/** | Une directive sur la sûreté portuaire est en discussion au Conseil et au Parlement |

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| **Conseil du 31 mars 2004 relatif à l'amélioration de la sûreté des navires et des installations portuaires** | | | | | |
| **6th Framework Programme (2002-2006) for Research, technological development and demonstration activities. (Decision N° 1513/2002/EC of the E.P. and of the Council )** | | **27 June 2002** | | | A series of ant-terrorist research activities are being carried out in the areas of bio- and nanotechnology, transport and space, social sciences and humanities, science and society, , scientific support to policies |
| **The R&D Expert Group on Countering the effects of Chemical and Biological Terrorism. (Follow up to the Research Council of 31 October 2001)** | | **31 October 2001** | | | Experts are appointed by the Member States. Membership extended on 13 November 2003 to include also the 10 new Member States and 3 ACC countries (Romania, Bulgaria, Turkey |
| **Multi-Annual Work Programme of the European Commission's Joint Research Centre** | | **Jan 2003** | **Jan 2003-Dec 2006 (FPVI).** | **31 Dec 2006** | Main areas of activities include:<br>• Intelligence Gathering;<br>• Vulnerability Assessment;<br>• Operations Support;<br>• Consequence Management.<br>Details in Annex B |

EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate A - Governance, Communication and Civil Protection
**ENV.A.5 - Civil Protection**

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# FICHE

# THE CIVIL PROTECTION COMMUNITY MECHANISM AND THE SOLIDARITY DECLARATION / CLAUSE

This fiche sets out how the existing Community Mechanism can assist Member States to meet their obligation of mutual assistance under the Solidarity Declaration and the future Solidarity Clause.

## 1. The Solidarity Clause and the Declaration on Solidarity

The draft Treaty establishing a Constitution for Europe[3] calls for increased solidarity and cooperation between the Member States in the field of prevention and protection against natural and man-made disasters. Article 42 provides that the Union and its Member States shall "act jointly in a spirit of solidarity" if one of them is the victim of a terrorist attack or a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:

- prevent the terrorist threat in the territory of the Member States;
- protect democratic institutions and the civilian population from any terrorist attack;
- assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack or a disaster.

This note is concerned mainly with the implementation of the last element, i.e., mutual assistance in the event of a terrorist attack or a disaster.

During the Spring European Council of 25-26 March 2004, which took place only two weeks after the tragic events in Madrid, the Heads of State/Government of the 25 Member States agreed to assume *immediately* the obligations contained in the Solidarity Clause in case of terrorist attacks. They solemnly declared their intention "to act jointly in a spirit of solidarity if one of them is the victim of a terrorist attack".

The Declaration is limited to terrorist attacks only and reflects a political agreement to provide mutual assistance in a spirit of solidarity. The solidarity clause in the draft Constitution, once adopted, will be broader in scope and introduces a legally binding obligation "to assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack / disaster".

## 2. Implementation of the Solidarity Declaration and the Solidarity Clause

[3] 2003/C 169/01. Adopted by consensus by the European Convention on 13 June and 10 July 2003.

The Solidarity Declaration does not contain any standards or practical arrangements for its implementation: it simply provides that each Member State will choose *the most appropriate means* to comply with the solidarity commitment towards the affected State.

Article III-231 of the draft Constitution favours a more co-ordinated approach. It provides, *inter alia*, that the Council of Ministers, acting on a joint proposal by the Commission and the Union Minister for Foreign Affairs, shall adopt a European decision defining the arrangements for the implementation of the solidarity clause.

## 3. How the Community Mechanism can support Member States in implementing the solidarity commitment

In the difficult conditions that typically prevail in the aftermath of a major disaster, arranging and even receiving external assistance can be a significant logistical and organisational challenge. Clearly, in an emergency situation, bilateral contacts between 25 Member States cannot guarantee coherence and cost-effectiveness and, moreover, place a considerable administrative burden on the affected State.

The Community Civil Protection Mechanism[4], which pools the civil protection capabilities of 30 participating States (EU-25, Bulgaria, Romania, Iceland, Liechtenstein and Norway), is available to facilitate and support emergency civil protection assistance. The Mechanism is in essence a one-stop shop for civil protection assistance, which allows the affected country to save time, lives and money when disaster strikes, and which enables the other Member States to provide assistance in a cost-effective, coherent and coordinated way. The Commission therefore recommends that for the implementation of the Solidarity Declaration and the Solidarity Clause, the Member States make maximum use of this *existing* instrument, which has proven its effectiveness in the nearly 50 emergencies in which it has been activated.

### 3.1. Basic services offered by the Community Mechanism

The Mechanism offers a number of basic services, which are all aimed at supporting and facilitating civil protection assistance in the event of a disaster or terrorist attack. These services can be relied upon to help translate the pledge of mutual assistance into efficient and coherent action.

*3.1.1 A one-stop shop for civil protection assistance:* The Monitoring and Information Centre (MIC), which is set up within the Commission and is available 24 hours a day, gives countries affected by a major disaster access to a platform of civil protection means available amongst the 30 participating States:

- Any country affected by a major disaster can launch a request for assistance through the MIC.
- The MIC immediately forwards the request to the national contact points in the participating States.
- Then, it is up to the individual countries to determine whether they are in a position to offer assistance (teams, equipment) and whether they wish to do so in the specific case at hand.
- Based upon the responses collected, the MIC informs the affected country – usually within a few hours of the request - of all the help that is available.

[4] Council decision of 23 October 2001 establishing a Community Mechanism to facilitate reinforced cooperation in civil protection assistance interventions (2001/792/EC, Euratom).

*3.1.2 Expert and technical support:* In addition, if requested by the affected country, the MIC can mobilise and dispatch within a few hours small teams of experts to assess the specific needs on site, to coordinate the assistance operations and to liaise with the competent authorities and, where necessary, with other international organisations. The MIC can also offer technical support to facilitate assistance interventions, including, for instance, satellite images, other forecasting tools (with support from JRC), the assistance of specialised groups, etc.

*3.1.3 Ensuring reliable information and secure information sharing:* In addition, the Mechanism is supported by a database with information on the national civil protection capabilities (teams and experts) available – subject to confirmation in real time – for assistance interventions. A Common Emergency Communication and Information System (CECIS) is currently being developed to ensure efficient and secure information sharing between the MIC and the national contact points.

*3.1.4 Enhancing preparedness through training, exercises and exchange of experts:* To enhance preparedness, a training programme covering civil protection assistance interventions has been set up. The programme includes training courses, full-scale simulation exercises and an exchange of experts system.

*3.1.5 An information centre:* Finally, the MIC acts as an information centre, collecting validated information throughout the emergency and disseminating regular updates to all participating countries. This information service relieves the affected country of the time-consuming task of having to respond to numerous queries during an emergency.

*3.1.6 Conclusion:* Since its creation, the Mechanism has shown that it can work to the benefit of the participating States. The added value of EU-wide coordination is simple:

- In particular, the Community Mechanism allows a country affected by a disaster to save time, and to keep the loss of life to a minimum.
- Rapid intervention also helps to limit the material damage, which will eventually help to reduce the costs of reconstruction and rehabilitation.
- More coordinated action will allow the participating countries to save money in civil protection investments, e.g., in specialised equipment needed for specific types of disasters.
- Finally, with respect to assistance interventions in third countries, effective use of the Community Mechanism enables the Union to respond coherently and efficiently to calls for assistance from third countries and to have a visible, distinctive EU presence on the ground, complementing other Community policies.

3.2 Additional services which the Mechanism could perform to facilitate the implementation of the Solidarity Declaration/Clause

Recent experience has also shown, however, that more can be done. On the same day on which the European Council adopted the Solidarity Declaration, the Commission adopted a Communication on Reinforcing the Civil Protection Capacity of the EU[5], which proposes a further strengthening of the Community Mechanism. Two improvements are particularly relevant in the context of the fight against terrorism and the Solidarity Declaration / Clause.

*3.2.1 Scenario-building:* Emphasising the importance of completing and upgrading the civil protection database, the Commission Communication proposes to overcome information gaps

[5] COM(2004) 200 final.

by defining the types of emergencies that are most likely to trigger activation of the Community Mechanism and by developing detailed scenarios for mutual assistance. The development of realistic response scenarios for particular types of CBRN and other terrorist attacks, natural and man-made disasters would enable the EU to identify and analyse additional civil protection requirements. By comparing the requirements and the existing capabilities, shortfall areas and possible overlaps can be identified. On this basis, possible solutions at EU level could be put forward to overcome shortfalls and to ensure that the EU is at any given time ready to respond rapidly and effectively to major disasters and threats. Upon identification of the relevant scenarios and requirements, simulation exercises can also be organised to test the use of EU capacities, including military assets, and the interoperability of equipment, including civilian and military assets. To this end, all relevant EU bodies should be involved in exercises that include military assets.

*3.2.2 Review of the available response capacities for specific purposes:* In the case of specific threats or especially sensitive events, the Mechanism is in a privileged position to request the national authorities of the participating States to review their response capabilities for specific types of disasters and to put the relevant capabilities on pre-alert for a specified period of time.

If possible disaster scenarios can be developed for major events, such as the Olympic Games for instance, it might be possible to identify in advance the civil protection experts, teams and equipment available in the 30 participating States for assistance interventions. While the existing database provides a good starting point in this respect, the co-operation of the national authorities of the participating States will be required to update and complement the information. Through the MIC, the host country could then request the other States to put these capacities on pre-alert for the duration of the event / threat.

## 4. Conclusion

The existing Community Civil Protection Mechanism should be considered as one of the main operational instruments through which the Solidarity Declaration and the future Solidarity Clause can be implemented. The Mechanism offers a series of basic services that may help Member States to translate their pledges of mutual assistance into efficient and coordinated action.

As identified in the recently adopted Commission Communication, however, there is also room for further improvement. More can be done to provide national authorities across Europe the comfort and reassurance of the assistance of their neighbours in the event of major disasters. The Commission is ready to explore, together with the Member States, concrete proposals to further strengthen the Mechanism and to enhance the Member States' combined response capacity, as key elements of European solidarity, in the face of major disasters and CBRN or other terrorist attacks.

## OVERVIEW OF THE EXISTING (2003-2006) JRC ACTIVITIES RELEVANT TO THE FIGHT AGAINST TERRORISM

The JRC extends its scientific and technological support to offer pre-operational and operational systems in support of the EU Security Policy and in particular of the actions in the fight against terrorism. To this end, the current paper highlights current capabilities and their potential extension as a response to these new policy needs. The JRC will further develop its security support activities in the following areas: intelligence gathering, vulnerability assessment, support to operations and crisis management.[6]

### A. Intelligence Gathering.

1. *Open source screening:* The EU Anti-terrorism policy has a continuous need for validated and focused intelligence. Software tools are developed by the JRC to scrape the information from open sources on the internet and derive only the relevant information according to needs.

2. *Data mining.* JRC has substantial experience in knowledge discovery and data mining of databases that store data on frauds and irregularities, e.g. transport-related. This is now extended to cover terrorism aspects.

### B. Vulnerability Assessment.

1. *Scenario Analysis:* The threat of deliberate terrorism actions has more than ever an element of unpredictability. Scenario analysis can help identify main threats, likelihood and impact. During last year for example, JRC performed a scenario and impact analysis on bio-terrorism.

2. *Vulnerability of Critical Infrastructure:* JRC will extend its activities in safety, reliability and accidental risk assessment to include deliberate acts. It will further develop its expertise in vulnerability modelling to cover physical and cyber acts. It will for example map networks in selected areas (communications, transport, energy etc) and will then assess their vulnerability to potential hazards and threats to allow prioritisation of interventions at Community level.

### C. Operations Support[7]

1. *Non-Proliferation of dual use goods and WMD*: Based on its know-how of the nuclear fuel cycle, the JRC extends its expertise to provide assistance to the control organisations and the implementation / verification of agreements for dual use and services. JRC for example provides technical support to Europol and Member States for the fight against illicit trafficking of nuclear and radioactive material.

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6 The JRC research priorities reflect the policy priorities and to this end are selected in close collaboration with the relevant Commission 'user services'. In the security domain, a close collaboration exists with DG RELEX. Increasingly similar collaborations are developed also with AIDCO, SANCO, ECHO, TREN, JAI etc.

7 This section (Operations Support) describes planned work (2004-2006). All other sections describe existing capabilities (in 2004) that are further developed.

2. *Security of container transport:* JRC has competence in intelligent seals, sensors, tracking and secure communication systems that can be used to validate and assess new concepts for maritime, air and road cargo handling and security screening.

3. *Security at border or critical locations:* The JRC can apply existing expertise and techniques (e.g. testing of monitoring systems; support to standardisation, etc) to increase the security and borders or at entrances at critical locations.)

**D. Consequence Management.**

1. *Crisis management:* The JRC has substantial experience in the analysis of lessons learnt in industrial and natural hazards in collaboration with national and regional authorities for civil protection. JRC is also providing systems and operational support to the crisis rooms the Commission has set up in DG RELEX and DG ENV.

2. *Potential impact of dirty bombs:* In addition to supporting the counteracting of illicit trafficking, JRC has experience both in the source term analysis and the consequence modelling, which can directly support interested authorities, if such an event would happen.

**RTD activities in the field of anti-terrorism.**

This summary presents an overview of the ongoing anti-terrorist related research activities within DG Research, conducted under the Sixth Framework Programme RTD (2003-2006) and also under the Fifth FP (1998-2002).

It also briefly describes the Preparatory Action in the field of Security Research (outside the FP), launched by DG RTD and DG INFSO in 2004.

## A. The Framework Programmes RTD

### I. Biotechnology, agriculture and food (Dir. E).

1. As a follow up to the Research Council of 31 October 2001, the **EU Research Group on Countering the Effects of Biological and Chemical Terrorism**, encompassing experts from the Member States was established. The group is particularly useful as a basis for establishing the *Inventory and analysis of on-going research activities in the field of Biological and Chemical Terrorism* and for identifying gaps in scientific knowledge and research priorities. The EU Research Group on Countering the Effects of Biological and Chemical Terrorism will hold its 6th plenary meeting on 2 June.

2. On 20 December 2002, the joint **Programme of the Council and the Commission to improve cooperation in the European Union for preventing and limiting the consequences of chemical, biological, radiological or nuclear terrorist threats** was adopted. It includes 7 Strategic objectives, including Objective 5 – Strengthening of the scientific basis of the Programme (see point VI).

   Coordination of the Commission's part in the implementation of the Programme is done by DG Environment, which also coordinated the preparation of the Commission Staff Working paper providing the 2003 annual report. This report lists, amongst others, the various RTD activities and is attached to the **First annual Presidency Report (2003) to the Council** on the implementation of the joint Programme (see pp. 31-34 of the attachment and its Annex III)

3. On 7.11.03, the **Global Health Security Action Group** *(*set up in Ottawa in November 2001 and composed of the G7 + Mexico + EC + WHO) set up a **Research Platform.** The USA and the EC chair jointly this Platform, which will assemble information from the existing GHSAG working groups on detection, treatment, vaccines/antivirals, chemicals and on risk management and communication. Directorate E is directly involved with the Health and Consumer Directorate General in setting up this Platform and links it with the EU R&D Expert Group and prepares its **conference for the 2nd half of 2004**.

4. Directorate E has started an initiative on exploring the **ethical implications of scientific research on bio-weapons** and prevention of bioterrorism scientific research, which

addresses issues such as the science-security dilemma and awareness raising of scientists for the possible dual use of their findings. A conference on Ethical implications took place in Brussels on 3 and 4 February 2004 and its follow-up is currently being prepared.

5. Directorate E is coordinating the **Interservice Group on Genetic Testing** set up under the Biotechnology Steering Committee (BSC). The group involves SG, GOPA, EMEA, JRC, SANCO, MARKT, RTD, ENTR, TRADE, JAI. The Group coordinates the Commissions activities regarding genetic testing, which is an issue of potential direct relevance in the field of anti-terrorism.

6. Directorate E is further a counterpart in the field of biological and chemical terrorists for the BICHAT programme at SANCO.

**II. Nanotechnology and nanosciences, knowledge-based multifunctional materials, new production processes and devices.**

A series of current activities could be linked, either as technology take-up or as exploitation, to fight terrorism or for remediation actions. Six groups of projects funded under the 5$^{th}$ and 6$^{th}$ FPs can be identified.

**Development of analytical and diagnosis methods:** Several projects are dealing with (bio)sensors for detection of harmful substances like chemical or biological toxins, gases and microbial agents in blood, in the water or food supply chain or in environmental probes.

**Materials Research:** Projects in the area of the development of fire-retardant materials.

**Manufacturing:** Development of robotics for remote manipulation with possible application in bomb or mine deactivation and removal.

**Organisational projects:** Development of organisational structures for catastrophes management with possible application in terrorist-generated catastrophes.

**Decontamination:** Projects on decontamination of polluted industrial sites potentially applicable to decontamination after (bio)terror attacks.

**Medical remediation**: Projects in the area of tissue engineering able to help victims of terror attacks.

**III. Science and Society (Dir. C)**

A study was completed in early 2004, to analyse the ways scientific advice catalyses the relationship among social actors (scientists, decision makers, civil society and the media). The work used the anthrax bio terror attacks in the US as a test case. The analysis was based on the five stages of crisis response as described by NATO and discussed in the first meeting of the DG RTD R&D Expert Group on Biological and Chemical Threats (managed by Directorate E).
One of the main outcomes of the study is the elaboration of a scientific advice impact model.

A Conference organized in the context of the Greek presidency in June 2003, dealt with the issue of crisis management (Olympic Games / bio terrorism).

A forthcoming risk communication training course for journalists will comprise an exercise on bio terrorism reporting. It will also propose a training manual on risk communication.

"*A call for interdisciplinary research proposals addressing ethical, legal and social implications of a range of technologies that may involve security and bioterrorism is to be published in May (FP6-2004-Science and society-9).*

*A project to monitor the ethical implications of biometrics will also be sponsored.*

## IV. Transport and Space (Dir.H)

**GMOSS** (Global Monitoring for security and Stability) has the objective to work towards an enhanced European capability in monitoring for civil applications, including humanitarian aid, reconstruction, verification of non-proliferation threats and police operations including vulnerability assessment and developing stability beyond UE's borders.

Improving aircraft safety and security. Security of Aircraft in the Future European Environment **(SAFEE**): The overall vision for SAFEE is the construction of an advanced aircraft security system designed to operate during on-board terrorist threat scenarios.

The White paper on the future European Space Policy recommends setting-up a **Panel of experts on Space and security**/defence issues. It will deliver a report by the end of the year 2004 which should contribute to enhancing 'security', including anti-terrorism.

## V. Knowledge based economy and society (Dir K).

Under the Key Action 'Improving the socio-economic knowledge base' (FP5): 'ELISE' , a project on the relation and tensions between measures taken to fight terrorism and safeguarding of civil liberties (with focus on home affairs policy area).

An Integrated Project (FP6) is currently under negotiation (expected to start on 1 June) on relations between domestic and international security, including policies to tackle terrorism as a security threat (and partly building on the above mentioned FP5 project).

Some other research activities are/were conducted under FP5, with regard to the integration of minoritypopulations in Europe.

## VI. Scientific Support of Policies (Dir. A, K and E)

Scientific Support to Policies (SSP) are identified, top down with other DGs, mainly with DGs JAI and SANCO for issues related to civil protection and crisis management and with DGs JAI, RELEX and EMPL for issues related to anticipate crime trends and causes.

In fields directly related to biological and chemical terrorism, SSP activities cover also "Civil protection (including biosecurity and protection against risks arising from terrorist attack) and crisis management". Projects on Anthrax, small-pox and haemorrhagic fever viruses and

vulnerabilities of the European society were funded in 2003. Projects on surveillance, modelling the propagation of bioterrorist agents will be funded in 2004.

In the field of organised 'organised crime', topics of crime victimisation, crime proofing etc. can relate (directly or indirectly) to fighting terrorism.
DG JAI is the main partner DG on that topic, DG RELEX and DG EMPL were associated.

VII. International Scientific Co-operation (Dir.N)

The International Science and Technology Centre (Moscow) has been established as an intergovernmental organisation between the Governments of the Russian Federation, the USA, Japan, Canada and the European Communities. It serves the objective of providing former weapon scientists in Russia and the NIS, opportunities to redirect their talent to peaceful purposes.

The ISTC, as well as its counterpart in Ukraine the STCU, support activities and projects, such as : detection of nuclear materials and explosion, detection of biological or chemical substances, monitoring of emerging diseases, vaccine against dangerous pathogens, sensors, decontamination of zones, risk assessments, computer security, crisis managements, ….

Owing to the expertise of the authors, ISTC and STCU projects constitute contributions that can add value to EU Security and anti-terrorism.
Through their members, ISTC and STCU, have become a platform to test cooperation on some specific security related subjects, involving the USA, Russia and the EU, including in the G8 context.

**B.The Preparatory Action on the Enhancement of the European industrial potential in the field of advanced security research (Com (2005)72 and Decision (2004/213/EC)) .**

The Preparatory Action aims at exploring the conditions and mechanisms required to create a favorable environment for the enhancement of European scientific, technological and industrial capabilities in the field of security.

A number of missions have been identified where Research will be conducted. One of the missions deals in particular with the protection against terrorism. All the other also contain aspects related to fighting terrorism. The missions are:

- Improving situation awareness;
- Optimising security and protection of networked systems;
- **Protecting against terrorism** (including bio-terrorism and incidents with biological, chemical and other substances);
- Enhancing crisis management (including evacuation, search and rescue operations, active agents control and remediation);
- Achieving interoperability and integrated systems for information and communication.

The Action will span the three year period 2004-2006 and aims at preparing a full Security-related Research Programme from 2007 onwards.

## Annex D – INFSO activities in the field of anti-terrorism

This summary presents an overview of ongoing and planned activities related to anti-terrorism within DG INFSO, in the following specific areas:

- The IST programme (Sixth and Fifth Framework Programme)
- Implementation of the Preparatory Action "Enhancement of the European industrial potential in the field of security research" (outside the FP), and planned proposal for a European Security Research Programme – jointly DG INFSO / RTD.
- Network and information security and interdependencies.

However, the policy and regulatory framework in other areas, such as electronic communications, for instance traffic data retention rules, may also have some impact in combating terrorism.

### 1. The IST programme (Sixth and Fifth Framework Programme)

Research and technology development (RTD) related to networks and information security is ongoing within the **IST programme** with priority currently being given to areas like biometrics, advanced cryptography, dependability, critical information infrastructure protection and interdependencies. The overall thrust of this work is to contribute enhancing the security and dependability of emerging Information Society. As the time scale of this RTD activity is medium to long term, its focus is towards future security scenarios and challenges thus complementing what is being pursued in the policy actions.

### 2. Implementation of the Preparatory Action "Enhancement of the European industrial potential in the field of security research" (outside the FP), and planned proposal for a European Security Research programme – jointly DG INFSO / RTD.

The Preparatory Action "Enhancement of the European Industrial potential in the field of security research" aims at exploring the conditions and mechanisms required to create a favourable environment for the enhancement of European scientific, technological and industrial capabilities in the field of security. This action is conducted jointly by DG INFSO and DG RTD.

The Preparatory Action with funding of €65 million foreseen over three years (2004-2006) will support projects through open calls. One of five priority missions to be addressed is the protection against terrorism, including biological and chemical attacks. The aim is to identify and prioritise the material and information requirements of governments, agencies and public authorities in combating and protecting and neutralisation as well as containment and disposal of threatening substances including biological, chemical and nuclear ones and weapons of mass destruction.

Other priority missions are: surveillance of EU borders and technologies to tag, track and trace goods; optimising security and protection of networked systems such as electricity and communication networks from attacks; coordination between emergency services and getting emergency services' equipment to work together; and enhancing crisis management.

Results of Preparatory Action will contribute to some of the objectives of the revised Plan of Action concerning combating terrorism and go in line with the Council declaration of 25 March:

- (objective 3): to maximise capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent terrorist attacks
- (objective 4): to protect the security of international transport and ensure effective systems of border control
- (objective 5): to enhance the capability of the European Union and of the Member States to deal with the consequences of a terrorist attack
- building on existing cooperation: the declaration highlights the need to ensure greater security of firearms, explosives, bomb-making equipment, and the technologies that contribute to the perpetration of terrorist outrages.

In order to give an adequate and effective answer to these new security and technology realities there is an urgent need to adapt the funding and organization of European research activities. A **Communication** is currently in preparation to Council and Parliament, communicating the GOP report and indicating the next steps the Commission intends to take this year, additional to carrying out the Preparatory Action.

By the beginning of 2005, the Commission will prepare a **proposal for the creation of the European Security Research Programme (ESRP)** from 2007 onwards with a substantial budget and in which combating terrorism will be a central issue.

### 3. Network and information security and interdependencies

The policy on network and information security, of which a major element is the establishment of ENISA, may be further enhanced to make it both more effective in improving the resilience of the information and communication networks as well as more far reaching in embracing the interdependencies with other infrastructures. To this purpose, in the context of establishing of ENISA we will take forward work on:

- Realising a European alert and warning capability that would network together and leverage the capabilities and resources existing in MS and the private sector;
- Investigating the most appropriate public policy mechanisms to engage the private and the public sectors in cooperatively controlling and mitigating the interdependencies introduced by the pervasiveness of ICT in critical infrastructures and societal applications;
- Reinforcing the international dialogue on information and network security and their interdependencies with other infrastructures in view of improving multilateralism in governance (including internationally agreed recovery and remedial schemes) of security of open and public networks.