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Brussels 30. XI. 2005

Dear Minister

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I am pleased to inform you that a considerable amount of work has been carried out by the Commission in the last six months. We have developed several policy initiatives aiming at supplementing and supporting the Member States' fight against terrorism. These include presenting legislative proposals, identifying policy options or strategies, financing relevant research as well as law enforcement projects.

In our work the Commission has never lost sight of the important balance between enhancing the security of the Union while preserving the high standards of protection of fundamental human rights in line with the European Convention on Human Rights and the EU Charter of Fundamental Rights.

Since terrorism is a global phenomenon it can be tackled successfully only with the full engagement of the international community. We must therefore not only work closely together within the Union but also in cooperation and coordination with our international partners, particularly with the United Nations. In this context, I welcome the ever-strong trans-Atlantic partnership. Concrete actions to help our neighbouring countries must also continue and greater emphasis must be placed on supporting democracy, good governance, the rule of law and prosperity.

I am pleased to say that in the last few months the EU has made considerable steps forward. Yet more can still be achieved if all of us – the Member States and EU Institutions – focus our efforts in meeting the outstanding commitments of the EU Action Plan on Combating Terrorism as well as those contained in the Council Declaration of 13 July 2005.

Prevention

*One of our main objectives is to **identify and address the factors which can contribute to radicalisation and recruitment of terrorists**. The Commission Communication on Terrorist recruitment: addressing the factors contributing to violent radicalisation primarily focuses on violent radicalisation inspired by abusive interpretations of Islam. We identify the policies that could be channelled more effectively towards tackling possible factors that contribute to radicalisation like terrorist propaganda in the media, youth vulnerability, and integration failure. Furthermore, in our view, any arguments that attempt to*

The Madrid and London bombings further confirmed the Commission's desire to address the security of explosives and detonators. In a communication on measures to ensure greater security in explosives, detonators, bomb-making equipment and firearms the Commission places emphasis on improving security arrangements throughout the whole production and supply chain, particularly during storage and transport. A general theme underlying the Commission's

The Commission is working on enhancing the protection of critical infrastructure and we have proposed a Green Paper on a future European Programme for Critical Infrastructure Protection (EPCIP). A clear definition of critical infrastructure and the key principles for its protection at EU level must be contained in the Programme. It will be crucial to identify the responsibility if the Member States concerning protection, determine what a European critical infrastructure is and clearly set out the role of the EU in the programme. In ensuring the cost effectiveness of such protection we have involved the private sector from the beginning of this process and we will continue to do so.

Protection

We also attach high importance to disruption of money flows which enable terrorists to travel, hide and purchase the means to cause death and destruction. The Commission has proposed measures to tighten controls on **money transfers** and has taken up the highly sensitive issue of how to prevent the misuse of non-profit organisations by terrorists. The Commission has engaged in detailed consultation with the NGOs sector in developing this policy which has resulted in a communication setting out a Recommendation to Member States and a Framework for a 'Code of Conduct'. The Communication also sets out examples of good practice in information exchange and coordination structures among national entities engaged in the fight against terrorist financing.

The Council is in the final stage of preparing an EU Strategy on Radicalisation and Recruitment. The Commission has been a major contributor to this strategy. Once adopted, the Strategy's implementation will require significant follow-up action. Both the Member States and EU Institutions must be prepared to take all necessary action if we want to live up to our commitments.

justify certain violent practices as an expression of diversity must be researched for a Network of European Radicalisation Experts who will be determining the deeper underlying causes of radicalisation, we are investing in researching this phenomenon. In addition the preparatory work has been launched for a Network of European Radicalisation Experts who will be supporting the Commission's policy-making.

proposals is the strong need to engage with the private sector in relation to civil explosives and pre-cursors. In conjunction with further investment in research to improve detection and traceability and possible modifications to existing legislation, as for instance that on fertilisers, we aim at achieving the highest security environment possible.

The Union and its citizens have demonstrated their sympathy with **the victims of terrorism** on a number of occasions. In 2005, € 2m were allocated for projects proposed by organisations who in some way or another help victims of terrorism. Several organisations from across the whole Union benefited from these funds, reflecting the shared solidarity that exists across the EU.

Work on countering **chemical and biological threats** has progressed too. The evaluation of chemical, biological and radiological threats, the strengthening of preventive measures as well as the ability to respond to possible attacks will continue to be high on the agenda of the Commission and Union. The Commission has been supporting a number of research projects in this field. We are, also, considering new preventive measures. Furthermore, the possibility of creating mobile laboratories that may be deployed in times of crisis will also be explored.

Prosecution

Since the pursuit and prosecution of terrorists fall within the competence of the Member States law enforcement and judicial authorities, the Commission's role can only be that of supplying Member States with suitable tools to better identify, pursue and prosecute terrorists. One of the more important achievements in the last months has been a Commission legislative proposal setting out the legal basis for implementing the "**principle of availability**". This should be a vital instrument that would allow law enforcement authorities to exchange information across Member States with the same ease as within Member States.

Furthermore, the Commission has adopted another proposal that would allow Member State authorities responsible for internal security and Europol to access the Visa Information System.

The need to exchange information between law enforcement agencies has to be balanced with the need to assure appropriate handling of stored and transmitted information. The Commission's proposal on **the protection of personal data processed in the framework of police and judicial cooperation in criminal matters** aims at respecting the fundamental right to data protection without allowing differing levels of data protection to hamper the exchange of relevant information between Member States.

The Commission has identified a deficiency in information exchanges between intelligence services and Europol. In order to improve this situation, the Commission intends to submit a proposal to the Council aimed at establishing a mechanism to strengthen the transmission of information resulting from the activities of national intelligence services with respect to terrorist offences to Europol.

*The need for a more efficiently organised security environment for European citizens provides the background for the Commission's proposal **to improve police co-operation**, especially at the internal borders of the European Union. While the proposal seeks to standardise, simplify and accelerate procedures, it also improves the conditions under which important operational tactics like hot pursuit and surveillance may be made and provides the means to enable a more effective and efficient deployment of human and material resources.*

*The issue of **retention of telecommunications traffic data** has created intense political debate. While I continually emphasise that **the aim is not to store the content of conversations between citizens**, certain telecommunications traffic data can significantly help the investigation and prevention of a terrorist attack or any other serious crime. The discussion is now focused on the Directive proposed by the Commission which seeks a middle ground between the views of the Council and those of the European Parliament, and is thus a good basis for a final compromise. I very much hope that the institutions concerned come to an agreement by the end of the year. For that to be possible, Member States must show more flexibility than recently demonstrated.*

*The practical application of the **European Arrest Warrant (EAW)** was brought to the fore in the aftermath of the attempted terrorist attacks in London of 21st July when a suspected terrorist was swiftly extradited from Italy to the UK. In order to reinforce the mutual trust that is needed to make instruments such as the EAW work smoothly, the Commission plans a number of actions for the future to ensure that court judgments meet equally high standards in terms of securing personal rights. We plan, for instance, to address issues such as the presumption of innocence and rules for the gathering of evidence.*

*The security architecture being developed in law enforcement at EU level is increasingly bearing fruit and I am extremely pleased to see such encouraging developments. However, I **have some concerns regarding the failure to implement, or to implement correctly, European Union legislation** in the policy areas within my competence. This runs contrary to the exercise of trying to set minimum standards across the EU and results in the creation of safe havens.*

I also regret that the desire of the European Council for the reactivation of Europol's Counter Terrorism Task Force has not yet taken full effect. Although I gladly note that the Analytical Work File on Islamic terrorism is increasingly playing a part in on-going investigations, I am rather disappointed by the low level of involvement of the police and security community in the projects of this Task Force. According to the Task Force's last evaluation report, only 6 Member States are contributing to its work in a considerable way. Furthermore, a very low number of officers from security services have been designated as experts in the Task Force. I hope that the recent cooperation agreement signed between the Joint Situation Centre (SitCen) and Europol will contribute to improving the situation.

On the other hand, I am pleased to note that all the Member States have designated their Eurojust national correspondents for terrorist matters. By mid-2005, the number of cases referred to Eurojust increased by 37% when compared to the same period in 2004. However, it seems that the obstacles to its work indicated by Eurojust to the Council still exist. The Commission will report again on the implementation of the Eurojust Decision by mid-2006. Hopefully there will be further improvements in the situation by then.

Response

*Our approach to combating terrorism also includes **a strong focus on enhancing preparedness and improving consequence management**. When prevention fails and attacks occur, only a well-organised and effective response system can guarantee an expeditious return to normality. Direct response to terrorist attacks is the responsibility of the national authorities of the affected Member State. However, the assets and capabilities required to handle the consequences of terrorist attacks could exceed the civil protection capabilities of the country affected. This is when the EU can come in. Joint action can ensure a timely and adequate response.*

*Work is currently underway to create a general link (designated as **ARGUS**) between all specialised Rapid Alert Systems (RAS) that are currently hosted by the Commission. This will facilitate coordinated and comprehensive responses by the Commission to emergencies that require action at European level.*

The European Union is committed to providing its citizens with an area of freedom, justice and security and prosperity. Terrorism is a threat to the realisation of this objective. The Commission will continue to work hard to ensure the security of EU citizens and in doing so it will uphold the high

standards of human rights protection that the EU is proudly associated with. Terrorism is here to stay for some time and fighting it requires strong will and endurance by all of us. From my side, I can say without hesitation that the Commission will keep up the same pace it has shown in the last six months and I encourage other institutions and the Member States to do the same.

sincerely yours
