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P. B. Orskov



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

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Subject : Draft Presidency report to the European Council on EU External Action in the
Fight Against Terrorism (including CFSP/ESDP)

**DRAFT PRESIDENCY REPORT TO THE EUROPEAN COUNCIL
ON EU EXTERNAL ACTION
IN THE FIGHT AGAINST TERRORISM (INCLUDING CFSP/ESDP)**

INTRODUCTION

Based on the conclusions of the European Council in Seville and following the conclusions of the General Affairs and External Relations Council of December 2002, the multi-faceted approach towards fighting terrorism has been developed in all aspects of the EU external policy.

As a follow-up to the recommendations contained in the report to the General Affairs and External Relations Council on 4 December 2002, the present report details the progress achieved.

A. EU RELATIONS TO THIRD COUNTRIES

1. Threat Analyses

There has been a continuing effort to expand the analysis of the threat worldwide. COTER has produced three (3) new Regional Threat Assessments (Central and Latin America, South Asia and South East Asia). Fourteen (14) new country threat assessments have also been finalised. The Compilation now encompasses 9 regions and 55 countries. Progress has also been achieved in updating and reviewing the existing assessments. The updating process is ongoing.

These assessments contain recommendations for a EU strategy towards the countries and regions in question as well as follow-up action. Efforts are being made to streamline and clarify these recommendations included in these reports. Methods of streamlining the recommendations will be agreed upon under the incoming Italian Presidency.

2. Thematic Assessment

On the basis of a thematic assessment, the EU has adopted policy recommendations on the fight against terrorism with regard to terrorist groups.

3. Report on Extreme Fundamentalism and terrorism

Following discussions among Foreign Ministers at the October 2002 GAERC, the Danish Presidency decided to commission a group of Ministers' personal representatives to submit an analysis of the phenomenon of extreme fundamentalism and terrorism. Between December 2002 and May 2003, the Extreme Fundamentalism and Terrorism group met four times (once in Copenhagen, twice in Brussels and once in Athens). The final report has been submitted and will be further discussed within the Council with a view to taking forward its recommendations.

4. Review of counter terrorism aspects of relations with Third countries

The European Union has established a procedure to ensure reviewing and amending of aspects of relations with Third countries which are related to the fight against terrorism, including as appropriate contractual relations, following the systematic evaluation initiated by the GAC in October 2001. Standard anti-terrorism

clauses have so far been included in agreements with Chile, Algeria, Egypt and Lebanon and form part of the ongoing negotiations for agreements with Syria, Iran and the Gulf Co-operation Council (GCC).

5. Political Dialogue

Political dialogue with the Third countries, and regional or subregional organisations is a key tool for conveying to Third countries the importance which the EU attaches to the fight against terrorism.

There have been joint Statements and Declarations with India, Japan, Canada, Russia, Latin America, ASEM and the African Union, which have served as the basis for furthering the co-operation in the fight against terrorism, and more recently a new joint statement with ASEAN was issued in January. In particular, regarding the dialogue with USA, Russia and India, efforts have been made to deepen the existing co-operation on the basis of focusing on formulating relevant Action Plans and working on specific agreed areas of co-operation.

6. The Guidelines for a Common Approach to the Fight against Terrorism

Extensive work has been carried out on the Guidelines for a Common Approach to the Fight Against Terrorism which are being finalised. This document, as an accompanying internal tool to EU's Action Plan, will contribute further to the conduct of the political dialogue as well as to the better implementation of the EU's policy towards the fight against terrorism.

B. TECHNICAL ASSISTANCE TO THIRD COUNTRIES

1. EU Technical assistance to third countries (under UNSCR 1373)

In order to meet the objective of identifying specific actions to assist third countries in implementing their commitments under UNSCR 1373, the European Union upon suggestion by the Commission has acted swiftly by establishing a strategy for providing additional and focused projects on technical assistance to a number of third countries facilitating the implementation of UNSCR 1373 and other relevant international obligations. On the basis of this framework, pilot projects are being launched in a limited number of countries. Priority countries for assistance have been chosen based on criteria endorsed by the Council and in consultation with the UN Counter Terrorism Committee (CTC).

The Commission has decided to give priority to Indonesia, Pakistan and the Philippines, as the first pilot countries to benefit from this assistance. An assessment mission to the Philippines took place in November 2002 and assessment missions for Indonesia and Pakistan in January 2003. Concrete projects are being designed in close co-operation with the Third country in question, and on the basis of assessment mission with participation of the Commission and national experts of EU Member States. Terms of Reference have been drafted and discussed with the recipient countries. At the same time, the Commission is examining possibilities to contribute to programmes in the field of the fight against terrorism of regional organisations such as OSCE and ASEAN.

2. Inventory of bilateral assistance by Member States to third countries

To foster co-ordination among EU Member States, the first compilation of the Inventory on bilateral assistance programs related to the fight against terrorism to Third states has been established. This document will be regularly updated, as appropriate.

C. THE FIGHT AGAINST THE FINANCING OF TERRORISM

The fight against terrorism funding remains a top priority of the European Union. Working within the EU and together with Third countries, in particular the USA, the EU is looking for ways to take forward the international communities activities in this area. This report proposes recommendations in this area.

Further work has been undertaken as regards the freezing of funds and economic resources with a view to preventing the financing of terrorism. The legislation targeting Al Qaeda and the Taliban (Regulation (EC) No 881/2002) has been updated several times, so as to bring it in line with the amendments decided by the competent Sanctions Committee of the UN Security Council. The Council has also published an amendment (Regulation (EC) No 561/2003) transposing the exceptions which are foreseen in Resolution 1452(2002). The Council has also reviewed and amended the list of persons, groups and entities targeted by the freezing measures of Common Position 2001/931/CFSP and Regulation (EC) No 2580/2001, as foreseen by these legal instruments.

The joint conclusions of the EU-GCC ministerial meeting in Doha on March 3rd 2003 state that "it is highly important to fight against terrorist financing in particular to prevent terrorist groups to obtain funds". On this occasion, the EU proposed to Gulf countries to initiate a dialogue, in a format to be determined, on ways of guaranteeing transparency of the use of funds collected for humanitarian purposes.

The EU has continued to work in the FATF to revise the 40 special Recommendations and to ensure full compliance with the 8 special Recommendations on terrorist financing. The EU will continue its support for the FATF, including its work to identify priority countries for technical assistance to combat the financing of terrorism.

D. CO-OPERATION WITH INTERNATIONAL ORGANISATIONS, REGIONAL FORA, AND OTHER PARTNERS

1. International Organisations and regional fora

The EU has been participating in all major developments taking place at the UN (CTC, 6th Committee, Ad Hoc Committee, UNODC, and the UN Centre for International Crime Prevention). In particular, the EU actively participated in the Special meeting of the Counter-Terrorism Committee with international, regional and sub-regional organisations on 6 March 2003.

The EU is also following developments within the International Maritime Organisation (IMO), where negotiations are underway to review the 1988 Convention and Protocol on maritime terrorism.

The EU has also contributed to the work of other international organisations in the fight against terrorism and continued the close co-operation with regional fora, such as the Latin America/the Caribbean, ASEM, ASEAN, ARF, the Barcelona process, etc.

2. Bilateral co-operation

New initiatives, more concrete steps and exchange of substantive information have taken place with the USA in view of the deepening of the political dialogue and the expansion of co-operation with USA in the fight against terrorism.

The initiation of concrete action plans with other partners (Russia) has led to a more solid and reciprocal form of collaboration. However, more steps are needed for a more consolidated work *inter alia* the consideration of the engagement of other key partners worldwide.

E. CROSS-PILLAR CO-OPERATION

The EU is developing a more co-ordinated and cross-pillar approach to the fight against terrorism. The COTER Working Party and the JHA Working Party on Terrorism have produced a EU Compendium of Threat Assessments in the fight against terrorism. This common document presents the overall threat to the EU interests both internally and internationally. Proposals have been made during the CFSP/JHA joint meeting on terrorism to enhance the cross-pillar approach and will be further examined.

F. ESDP

Work has progressed on the implementation of the Seville Declaration adopted by the European Council in June 2002 regarding the contribution of ESDP in the fight against terrorism. In accordance with this Declaration and with the report of the Danish Presidency noted by the Council in December 2002 concerning the external action of the European Union in the fight against terrorism, the Union is in the process of defining the possible interaction between the military capabilities under the ESDP and the fight against-terrorism.

- a. The issue of how military assets and capabilities could be used to assist in protecting civilian populations against the consequences of terrorist attacks, including chemical, biological, radiological and nuclear (CBRN) has been addressed.

The Council took note of the establishment of a database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including CBRN, it being understood that this will be for informative purposes only. The EU Military Staff has forwarded a questionnaire to the Member States to collect the information in order to establish such a database. This information is intended to improve co-operation among Member States when they consider the use of relevant military assets and capabilities in crisis management operations, or in support of consequence management measures undertaken by individual Member States within the EU. In the latter case, it is understood that the military assets and capabilities included in the database might be made available on a voluntary basis on request of Member State(s) concerned.

Moreover, it has been agreed that modalities, procedures and criteria for the use of these military assets and capabilities will be developed by the competent bodies, taking into account other work being done within the EU with a view to ensuring a comprehensive EU response.

- b. The Council also noted that the question of military capabilities required to protect forces deployed in EU-led crisis management operations against terrorist attacks, including CBRN, has also been addressed. The impact of the terrorist threat on the development of military capabilities was refined within the ECAP. Therefore, a relevant Project Group (on NBC) has been established in order to resolve this issue.
- c. The EU Council Secretariat, through its Situation Centre, has prepared an assessment on the CBRN terrorism threat.
- d. Lastly, the EU and NATO continue to share information at all levels on activities in the field of the fight against-terrorism. On the issue of civil protection against CBRN terrorist attacks, both organisations have additionally increased transparency through the exchange of inventories listing their respective activities and capabilities for protection of civilian populations against CBRN terrorist attacks. The EU is exploring ways to further develop its cooperation with NATO in the fight against terrorism.

The Council invited the Secretary General - High Representative, together with the Commission, to present recommendations so as to take these matters forward at a forthcoming Council meeting.