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Til underretning for Folketingets Europaudvalg vedlægges i forbindelse med Det Europæiske Råd i Bruxelles den 16.-17. december 2004 EU's handlingsplan for terrorbekæmpelse, 16090/04.

P. H. Olsen



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 December 2004

16090/04

LIMITE

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NOTE

from : Presidency
to : European Council

Subject : EU Plan of Action on Combating Terrorism - Update

I. Introduction

The European Council welcomed in its meeting on 17 and 18 June the Action Plan on Terrorism and urged the institutions and Member States to fulfil outstanding commitments within the deadlines established. It stated that it would review the Action Plan twice a year, beginning at its December 2004 meeting.

This document presents this first review, drafted by the Presidency in close cooperation with the Counter Terrorism Coordinator and the Commission. It consists of three parts: this Cover note, an updated matrix, containing all the actions of the Action Plan and an annex showing an overview of the implementation by Member States of EU-legislation in the fight against terrorism as well as ratification of the relevant UN-Conventions.

The European Council Declaration of 25 March 2004 set out the following seven strategic objectives for the EU's Action Plan against terrorism:

1. To deepen the international consensus and enhance international efforts to combat terrorism;
2. To reduce the access of terrorists to financial and economic resources;
3. To maximise the capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and to prevent terrorist attacks;
4. To protect the security of international transport and ensure effective systems of border control;
5. To enhance the capability of the European Union and of member States to deal with the consequences of a terrorist attack;
6. To address the factors which contribute to support for, and recruitment into, terrorism;
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.

About 150 actions were attached to these strategic objectives. Many of them were accompanied by specified deadlines. Other actions are of an on-going nature or specified in more general terms ('as soon as possible' or 'without delay'). Action should be undertaken by different EU-bodies (Council, Commission) or by Member States. The Matrix, attached to this review of the Action Plan, shows the progress for every specified action.^{*} This Cover note reports in more general terms on the work carried out during the Netherlands Presidency of the Council.

II. Progress report

Progress has been achieved on all objectives. The annex shows more in detail the state of play. The Hague Programme on strengthening freedom, security and justice in the European Union, endorsed by the European Council of 5 November, is also relevant because it emphasises the fight against terrorism and introduces inter alia the principle of availability of information, which may help to fight cross border terrorism. Also worth mentioning is the adoption on 22 November 2004 of the conceptual framework on the ESDP dimension of the fight against terrorism.

The European Council of June 2004 requested, besides this review of the Action Plan, separate reporting to the European Council on specific topics:

- integration within the Council Secretariat of an intelligence capacity,
- a coherent overall approach for further strengthening of the fight against terrorist financing,
- preventing and coping with the consequences of a terrorist attack, enhancing cooperation on civil protection and the protection of critical infrastructures
- integrating the fight against terrorism into EU external relations policy.

Although the progress per action is mentioned in the annex, a more general overview on achievements regarding the strategic objectives is provided below.

Deepen the international consensus and enhance international efforts to combat terrorism

In line with its support to effective multilateralism, the EU and its Member States have given high priority to supporting the key role of the United Nations in the fight against terrorism. EU-internal activities focus on the ratification and/or implementation of the counter terrorism related UNSC resolutions and UN conventions. On the whole, most EU Member states have signed, ratified and implemented the relevant UN instruments. There remains, however, a few gaps and it is important for the EU's credibility and efficiency that they be closed quickly.

In its dialogue with third countries the EU continued to raise the importance of adhering to and effectively implementing the various UN anti-terrorism instruments. The EU continued to provide assistance to those countries that are willing to implement their UN obligations, but lack the capabilities to do so. The EU worked closely with a number of EU external partners, as well as regional and sub-regional organisations and in the context of the Euromed dialogue to ensure a coordinated approach in the fight against terrorism. The EU continued to give high priority to cooperation with the US, which was intensified in accordance with the 2004 EU-US Declaration on Combating Terrorism, in particular in the field of countering terrorist financing through the first ad hoc informal EU-US troika on the prevention of terrorist financing which included all three pillars. At the EU-US ministerial JHA meetings on counter terrorism more specific issues were discussed such as the sharing of information, data protection and co-operation between the US and Europol and Eurojust.

Reduce the access of terrorists to financial and other economic resources

On overall strategy against financing of terrorism has been drafted on the basis of proposals by the SG/HR and the Commission as well as the outcome of seminars in this field organised by the Dutch Presidency on the prevention of the financing of terrorism.

With a view to improving the traceability and transparency of movement of funds by terrorists, the Council agreed on a general approach on a proposal for a Directive aimed at preventing of the use of the financial system for the purpose of money laundering or terrorist financing. This proposal extends the scope of reporting obligations also to transactions which could be related to terrorist financing. Furthermore, the moving of funds for terrorist financing via individuals who carry cash has been addressed through a Commission proposal for a regulation on controls of cash entering or leaving the Community. Political agreement has been reached on this regulation.

The Presidency has presented a EU Best Practices paper on effective implementation of restrictive measures targeting terrorist persons, groups or entities.

The recommendations in the paper aim to enhance the implementation of financial sanctions against terrorist organisations in order to increase the effectiveness of its sanctions regimes. The EU also embarked on a process to identify the possibility of a coordinated approach reducing the vulnerabilities of the non-profit sector with a view to increasing transparency. The Commission held a workshop with public and private sector stakeholders to help take this work forward and announced its intention to prepare a report on a EU action programme regarding this issue as soon as possible.

Maximise the capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and to prevent terrorist attacks

A broad legislative framework for combating terrorism has been developed. Progress in the implementation by Member States of different legislative decisions has taken place, as can be seen in the annex. Other legislative proposals regarding e.g. enhanced exchange of information between Member States are under discussion. The capacity of Europol, Eurojust and Police Chiefs Task Force to contribute to the fight against terrorism has been improved. Operational co-operation and information exchange has been improved in a number of ways.

An interim-report containing recommendations of measures to be taken by Member States, based on an extensive peer evaluation of the anti-terrorism systems in the 15 old Member States has been accepted by the Council. The role of SitCen was enhanced to provide more strategic assessments outside and within the European Union. The secure information system between services of all the Member States (BDL) is now in place and functioning. Work on SIS is progressing. Measures have been taken to facilitate the exchange of information from judicial registers. Progress has been made on the European Evidence Warrant. Discussions have started on proposals regarding the retention of telecommunications data and the exchange of information between law enforcement agencies.

Protect the security of international transport and ensure effective systems of border control

The Regulation establishing the European Border Agency has been adopted allowing for the launch of its activities by the 1st of May 2005.

The Council has agreed to introduce biometric features in passports: mandatory inclusion of a facial image and two fingerprints within 18 resp. 36 months after the adoption of the Regulation.

Furthermore, work on the technical specifications for the incorporation of biometrics in visas and residence permits has been taken forward in order for the swift adoption of these measures. Member States have agreed to exchange information on lost and stolen passports with Interpol.

Enhance the capability of the European Union and of Member States to deal with the consequences of a terrorist attack

The Council adopted conclusions on strengthening the civil protection capacity in the framework of the Civil Protection Mechanism, also with regard to terrorism. Together with the Commission, the Council also adopted a Solidarity programme on the consequences of terrorist threats and attacks, that aims at improving the protection of critical infrastructures, the preparedness of consequence-management resources and the management of crises with cross-border effects within the EU.

For its part, the Commission presented three communications for an overall approach on prevention, preparedness and response to terrorist attacks, also encompassing critical infrastructures, in reaction to which Council conclusions have been adopted. Finally, the Commission updated its database of civil protection means and experts and made a first report on the capabilities that the Member States are willing to make available to each other in case of a terrorist attack.

To address the factors which contribute to support for, and recruitment into, terrorism;

In the third pillar context, it was recognised that countering radicalisation and recruitment needs a joint strategy of police and security services. To that end experts from the Counter Terrorist Group (CTG) and Police Chiefs Task Force met for the first time. As a result a comprehensive approach to radicalisation and recruitment for police and security services' activities was described. On the Member State level, recommendations were made to better structure the process of intelligence gathering. As far as cross-border EU co-operation is concerned, the importance of further work on the subject of Europol and the CTG was announced. Future presidencies are committed to further develop the counter-strategies.

The topic of recruitment has been mainstreamed in EU's external relations under the Dutch Presidency. An analysis on recruitment-processes will become a fixed part of EU threat assessments on priority countries and regions. In its political dialogue with several third countries where recruitment is an issue, the EU signalled the need to enhance information exchanges on recruitment process. Also, awareness has been raised on how EU's external assistance programmes (Commission and Member States) can address factors that contribute to recruitment to terrorism. A cross-pillar report on recruitment and radicalisation both within and outside the EU has been finalised and forms an important building block for the long-term strategy on recruitment.

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

The EU has launched several initiatives to ensure that its external policy instruments are better used in the fight against terrorism. The role of SitCen was enhanced to enable working groups to focus on the development of policy. Tailor made messages on counter terrorism for political dialogue were drawn up and the EU stepped up its efforts to provide counter terrorism technical assistance to third countries. These efforts have been especially targeted to a first group of priority countries.

Together with EU's Counter Terrorism Coordinator and the Commission the Dutch Presidency launched consultations with these countries on how to intensify counter terrorism cooperation on three fronts: (1) political dialogue (2) information exchange and (3) technical assistance. At the same time, in order to ensure effective future action in these priority countries, EU Member States and the Commission have agreed to enhance information exchange on existing counter terrorism related technical assistance programmes in these countries. Special attention has been paid to political dialogue with selected third countries and regional organisations on terrorist financing.

EU Plan of Action on Combating Terrorism

Revised Action Plan on Terrorism

No.	Measure/Action	Competent Body	Deadlines	Status/Observations
Objective 1: To deepen the international consensus and enhance international efforts to combat terrorism.				
1.1	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 Queda Sanctions Committee, as well as the Terrorism Prevention Branch of the UN Office of Drugs and Crime	Presidency/HR and EU Coordinator/ Commission	Ongoing	Ongoing discussion within the Council on possibilities for improving co-ordination mechanisms between the EU and the UN. Coordination with the Working Group established under UNSCR 1566 should be also considered. The SG/HR in association with the Presidency suggests concrete steps to enhance cooperation inter alia with the UN and other international, regional and sub-regional organisations in the document on Integrating the fight against terrorism into EU external relations policy, submitted to the European Council of December 2004.
1.1.1	Establish and develop contacts between the CFSP Working Group on Terrorism and the Counter-Terrorism Committee	COTER/PSC Presidency, Co-ordinator, Commission, MS	Ongoing	The EU Coordinator met the Executive Director of the Counter-Terrorism Executive Directorate (CTED) in November. The Executive Director of CTED also addressed COTER. Further contacts will now be pursued with the focus on enhancing the efficiency of the relationships.
1.1.2	Establish and develop contacts between the CFSP Working Group on Terrorism and the 1267 Committee	COTER/PSC Presidency/ EU Coordinator/ Commission, MS	Ongoing	The head of the 1267 monitoring group participated in the seminar on terrorism financing in Brussels in September. Contacts continue in New York
1.1.3	Share information on EU priority countries, as appropriate, with the relevant Committees and/or their structures for assisting in the implementation of commitments under UN Security Council Resolutions 1267 and 1373	EU Coordinator/MS/ Commission	End 2005	Discussed with the Executive Director of CTED in November 2004. While actively supporting the UN and its CTED, COTER will continue to address the effective way forward for an increased interaction between the EU and the UN in the fight against terrorism. COTER agreed to invite regularly the Executive Director of the UN CTED for an exchange of views.
1.1.4	Identify ways to work in a more coordinated way with UNODC including consideration of the signing of a Memorandum of Understanding between the UNODC and the EU	Council/MS/ Commission	Ongoing	(i). The EU Coordinator met UNODC Legal Advisor in July. An exchange of views between COTER and UNODC took place in September. UNODC is providing a matrix on its technical assistance programmes. Further contacts should be pursued. (ii) MS should inform the Commission, the Council and other MS of any support they are providing to UNODC projects
1.2	Work to ensure universal adherence to, and full implementation of, existing United Nations Conventions on Terrorism,	All	Ongoing	The EU has raised the issue of universal adherence to, and full implementation of, the UN Conventions and Protocols on Terrorism in the political dialogue

	and to agree on the Comprehensive UN Convention on terrorism and on the UN Convention on Suppression of Acts of Nuclear Terrorism			with several countries and international, regional and sub-regional organisations and will continue to do so.
1.2.1	All Member States to ratify 12 International Conventions against Terrorism and continue to lobby for this in third countries both bilaterally and at EU level	MS	1 Jan 2005	Not all Member States yet have a full record on ratification/implementation.
1.2.2	Identify and demarche, on the basis of agreed mandates, Third Countries which are failing to meet their commitments under UNSCR 1373	Council/HR/ EU Coordinator and Commission	Ongoing	COTER to continue identify target countries
1.2.3	Coordinated EU position on reservations to Conventions should be encouraged	COUNCIL/MS/ Commission	Ongoing	This issue is regularly discussed in COTER and COJUR. Presidency made demarches expressing the EU's concern about reservations to Conventions.
1.2.4	Promote the adoption in the UN of an International Convention on the Suppression of Acts of Nuclear Terrorism	MS at UNGA and the 6 th Committee of the UNGA	Ongoing	Discussions ongoing in New York. The Presidency has undertaken demarches to a number of third countries to build consensus and committed support for agreeing an International Convention on the Suppression of Acts of Nuclear Terrorism amongst the Members of the UN.
1.2.5	Promote the adoption of Comprehensive UN Convention against Terrorism	MS at UNGA and the 6 th Committee of the UNGA	Ongoing	Progress on this draft remains blocked at the UN on the issue of the scope of the Convention. The EU should agree a coordinated strategy aimed at reaching agreement.
1.3	Work with and within regional and international organisations to ensure their effective contribution to combating terrorism in accordance with UN obligations	All	Ongoing	
1.3.1	Support the Council of Europe's work on combating terrorism and in particular support the CoE Committee of Experts on Terrorism (CODEXTER) in their work on formulating an instrument dealing with the prevention of terrorism and covering existing lacunae in international law	MS/EU Coordinator/ Commission	Ongoing	CODEXTER has started discussing an instrument on the prevention of acts of terrorism that provides, inter alia, for a criminalisation of public provocation to commit acts of terrorism and of recruitment and training of terrorists. It is expected that CODEXTER will complete its work on the draft instrument by mid March 2005.
1.3.2	Identify avenues for expert exchanges between the CFSP Working Group and Regional and Sub-Regional Organisations	COTER/PSC	Ongoing	The EU has developed its contacts with a number of regional and sub-regional organisations, notably OSCE, ASEAN, AU and OAS. The EU is considering the issue of providing support to CT initiatives of regional organisations (such as the JCLEC and the AU centre for the Study and Research on Terrorism) as possible fora for information exchange and cooperation.
1.3.3	Develop further Technical Assistance projects aimed at Counter-Terrorism capacity	Commission/MS/Council	Ongoing	(i) Council, Commission and Member States to develop proposals for assistance to such organisations

	building for Regional and Sub-Regional Organisations			(ii) MS to supply expertise and funding to the maximum extent possible
1.3.4	Ratify the UN-Convention against Transnational organised crime and Protocols thereto and lobby for this in third countries both bilaterally and at the EU level	MS/Council	Ongoing	All Member States have signed the Convention, 17 Member States have ratified it. The European Community has signed and approved it. All Member States and the European Community have signed the Protocol on Trafficking in Persons, Especially Women and Children, 13 Member States have ratified it. All Member States and the European Community have signed the Protocol against the Smuggling of Migrants, 12 Member States have ratified it. 18 Member States and the European Community have signed the Protocol on Firearms, 6 Member States have ratified it.
1.4	Strengthening further cooperation with the US and other parties in countering the threat posed by terrorism, building on the solidarity and cooperation enshrined in the 2001 Plan of Action to combat terrorism	EU Coordinator/Commission	Ongoing	Outstanding elements of the 2001 Plan of Action to Combat Terrorism are included in this Action Plan
1.4.1	Enhance counter terrorism dialogue at political and official level with the US	All	Ongoing	An EU-US Declaration on Combating Terrorism was adopted at the June Summit. An informal EU-US ad-hoc Troika meeting on terrorist financing took place in September. COTER Troika held with the US in October. Ministerial Troika with Secretary Ridge of Homeland Security on 18/09/04 and meeting of Ministers of Justice and Home Affairs with Attorney General Ashcroft on 29/09/04. The EU Coordinator and the Commission also met with key US administration personnel. The second meeting of the High Level Policy Dialogue on Border and Transport Security with the US held in November.
1.4.2	Implement decisions following the review of COTER Troika criteria	COTER/PSC	Ongoing	COTER Troika criteria review completed in June. The SG/HR document on integrating the fight against terrorism into EU external relations policy identifies additional concrete steps to enhance effectiveness of troika dialogues.

No.	Measure/Action	Competent Body	Deadline	Status/Observations
Objective 2: To reduce the access of terrorists to financial and other economic resources				
2.1	<p>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</p> <p>Mechanisms for designation of terrorists and asset freezing should be kept under constant review with a view to improving their effectiveness</p>	RELEX (in sanction form)/COTER/Commission/EU Coordinator	Ongoing Ongoing See below	The new comprehensive strategy on combat against financing of terrorism (14180/4/04) proposed by the SG/HR and the Commission puts forward proposals in this regard.
2.1.1	Ratification and full implementation of the 1999 UN Convention for the Suppression of the Financing of Terrorism and to give increased effect to the provisions of UNSCR 1373 directed to the freezing of assets	MS	1 January 2005	Action also under Objective 1.2.1. Encouragement needs to be provided to the two MS who have not yet ratified the 1999 UN Convention for the Suppression of the Financing of Terrorism
2.2	Establish operational links and improve cooperation between relevant bodies to facilitate enhanced exchange of information on terrorist financing			
2.2.1	Establish specific intelligence capacity in relation to terrorist financing within SitCen to inform the work of relevant bodies	HR/SitCen	September 2004	Achieved
2.2.2	Increase cooperation between national competent authorities, Financial Intelligence Units and private financial institutions to facilitate improved exchange of information on terrorist financing	MS/EU Coordinator/ Private Sector	Ongoing End 2005	<p>The Commission proposal for a Council Decision on the exchange of information and cooperation concerning terrorist offences extends 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. (8200/04)</p> <p>Member States shall ensure the full implementation of the Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information</p> <p>The FIU-NET project, co-financed by the Commission, is designed to</p>

				establish a fully operational computer network linking all MS Financial Intelligence Units (FIUs) for the processing and exchange of financial information, including intelligence suspected to be associated with terror financing. Currently 16 MS have adhered. According to the strategy against terrorist financing, all MS should be fully functioning members of FIU.NET by end 2005
2.2.3	Establish an electronic list of persons, groups and entities in relation to which restrictive measures apply	Commission/Private Sector	Progress to be reported on by end 2004	In June 2004, the European Commission, in partnership with the four European Credit Sector Federations have established an electronic database containing all relevant data concerning persons, groups and entities, subject to European Union financial sanctions
2.3	Develop and implement an EU strategy on the suppression of terrorist financing, including the regulation of charitable organisations and alternative remittance systems Tools for improving traceability and transparency of the movement of funds by terrorists, terrorist organisations and those who finance terrorism, especially with respect to transactions through the informal banking sector and via non-profit organisations should be developed		December 2004 and June 2005	Strategy to be adopted by European Council on 17 December. First report on implementation due by June 2005.
2.3.1	Identification of measures to improve 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 Proposal for a Third Money Laundering Directive, which addresses terrorist financing, requires MS to ensure that credit and financial institutions are able to respond fully and rapidly to enquiries from national Financial Intelligence Units or other authorities about any business relationship such institutions have or have had with a specified person	Council/Commission/ EU Coordinator	Ongoing	Partly achieved during Irish Presidency; continued by the Netherlands Presidency. Further revisions likely to be adopted before the end of 2004. Effectiveness of the mechanism and of implementation at national level will continue to be kept under review. The recommendations contained in the best practices paper being developed in the Foreign Relations Counsellors Group ^{III} concerning national rules and procedures for implementing asset freezing measures will be relevant in this context and should continue to be kept under review in the Group 22 April Commission Communication on Organised Financial Crime addressed transparency issues The Framework Decision on the Execution of Orders Freezing Property and Evidence includes terrorist offences within its scope. It facilitates intra-EU freezing

	Proposal for a Regulation on controls of cash entering or leaving the Community is currently under discussion in the Council.			<p>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.</p> <p>Agreement on a general approach to the draft 3rd Money Laundering Directive reached on 7 December 2005</p> <p>The Draft Framework Decision on the Execution of Confiscation Orders includes acts of terrorism within its scope.</p> <p>Political agreement on the draft cash controls regulation reached on 16 November 2004</p>
2.3.2	Review capacity of EU institutions and legal instruments to respond to the problem of aliases/front organisations and apply sanctions against leaders of terrorist organisations	Council	Ongoing	<p>Effective freezing action will require from all Member States efforts to prepare designations that are based on solid intelligence and information from competent authorities which comply with the criteria the EU uses for freezing, drawing on the enhanced information sharing recommended above, while respecting legal safeguards. There should be greater focus on front organisations, non-profit organisations and individuals as well as on problems relating to the re-naming of organisations. The Council, together with the Commission, will examine whether the legal framework can be strengthened with regard to these issues.</p>
2.3.3	Considering improvements on regulation and transparency of legal entities, including charities, which may be used by terrorists to acquire funding for their activities	Council/Commission	Ongoing End 2005	<p>(i) Commission examining scope for measures to prevent terrorist groups infiltrating legitimate activities and the question of the need for a legal instrument to set up a system for registering bank accounts. . [See Commission Communication on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information. COM (2004) 221]]</p> <p>(ii) With a view to the full implementation of Special Recommendation VIII of the FATF, and as a follow up to the conclusions of the combined ECOFIN/JHA Council of October 2001, the Commission is invited to assess the need for measures at the EU level, in addition to those taken at national level, in particular with regard to the transparency of legal entities in the non-profit sector with a view to reducing the vulnerabilities of this sector to abuse for terrorist financing. A</p>

				<p>report should be made to the Council by the end of 2005</p> <p>(iii) Review of MS non-profit sectors currently underway in Financial Action Task Force Working Group. The Union is closely following this work.</p>
2.4	Cooperate closely with the Financial Action Task Force (FATF) on all issues regarding the financing of terrorism and ensure that the EU framework is adapted to the nine special recommendations on terrorist financing	All		
2.4.1	All Member States to implement the FATF 9 special recommendations on terrorist financing	MS	July 2005	FATF Special Recommendation I: Ratify and implement UN instruments - all MS committed to ratify, and 23 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 assets of identified persons and entities have been implemented
2.4.2	Review EU and terrorist financing legislation and structures in particular on their compatibility with FATF standards.	COUNCIL/MS/ EU Coordinator	December 2005	<p>(i) 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 Working Group 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</p> <p>(ii) Commission 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 into Community law. This would help ensure a level EU playing field in the approach to these Recommendations which both deal with payments issues.</p> <p>(iii) Special Recommendation IV: Reporting suspicious transactions related to terrorism – The Third Money Laundering Directive will oblige banks and other persons subject to the Directive, to report transactions suspected to be linked to terrorist financing. Agreement on a general approach to the draft directive reached by the Council on 7 December 2004.</p> <p>(iv) Special Recommendation V: International cooperation in the fight against terrorist financing - at EU level this is ensured through a series of instruments and Financial</p>

				<p>Directives including those on mutual recognition and the Council Decision on the exchange of information among Financial Intelligence Units</p> <p>(v) Special recommendation IX: cash couriers. The implementation of SR IX at EU level is already partly assured by the existing Customs Code and will be completed once the proposal for a regulation on controls of cash entering or leaving the Community Customs territory is adopted by the Council and the Parliament (political agreement reached by the Council in November 2004)</p> <p>The Council will consider, in consultation with the Commission, the possibility of commissioning an independent scrutiny of the EU's efforts in the fight against terrorist financing and how the current strategy will enhance those efforts, in relation to the 9 FATF special recommendations on terrorist financing</p> <p>Relex/Sanction Formation Agreed on best practices document for implementation of sanctions regarding terrorist financing</p>
2.4.3	Initiate outreach programmes to EU financial private sector to coordinate procedures to combat terrorist financing	Council/Commission	Commence by September 2004	The Commission Communication of 29 March calls for the need to bring in measures to improve transparency of bodies corporate in order to counter the infiltration of the legitimate sector by terrorist organisations.
2.5	Pursue political and technical dialogue with Third Countries, in order to step up the fight against the financing of terrorism	Presidency/ Commission/ EU Coordinator	Ongoing	Measures to combat terrorism, including the financing of terrorism, already play a priority role in EU relations with Third Countries and EU technical assistance programmes. See also Objective 7
2.5.1	Pursue ad hoc expert level dialogue with third countries on financing in line with EU priorities	COTER/Commission/ EU Coordinator	Ongoing	An informal EU-US ad-hoc Troika meeting on terrorist financing took place in September. Contacts continue between Presidency and GCC on an EU-GCC seminar on TF to be held in the Gulf region. EU-US practitioners meeting on 9 November 2004

	Measures/Action	Competent Body	Deadlines	Status/Observations
Objective 3: To maximise capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent terrorist attacks				
3.1	Developing and implementing the legislative framework for combating terrorism			
3.1.1	Framework Decision on the European Arrest Warrant Implementation	MS	June 2004	All but one Member State (IT) have reported completion of implementation measures Commission EAW Report due by 31 Dec 2004 (not submitted yet)
3.1.2	Framework Decision on Joint Investigation Teams Implementation	MS	June 2004	18 Member States have reported completion of implementation measures Commission JIT Report due by 1 July 2004 (not submitted yet)
3.1.3	Framework Decision on Combating Terrorism Implementation	MS	June 2004	17 Member States have reported completion of implementation measures The Council has adopted the Presidencies report on the implementation (11687/2/04) which is based on the report from the Commission. The Commission is invited to submit a follow-up report to the Council by 30 June 2005.
3.1.4	Framework Decision on money laundering, the identification, tracing, freezing and confiscation of instrumentalities and the proceeds of crime Implementation	MS SCLWG (to report)	June 2004	18 Member States have reported completion of implementation measures The Council has adopted the Presidency report (10369/2/04) which is based on the report from the Commission. The Commission is invited to submit a follow-up report to the Council by 30 June 2005.
3.1.5	Framework Decision on the execution of orders freezing property or evidence Implementation	MS	December 2004	1 Member State (AT) has reported completion of implementation measures Commission report on implementation due in 8/06
3.1.6	Convention on Mutual Assistance in Criminal Matters and its Protocol Ratification	MS	December 2004	10 Member States have reported completion of ratification measures 5 Member States have reported completion of ratification measures relating to the Protocol.
3.1.7	Draft Framework Decision on the Confiscation of crime related proceeds, instrumentalities and property Adoption (and	JHA Council	June 2004 June 2006 (Implementation)	Political agreement on 19/12/02 Formal adoption by Council as soon as J/L text is available.

	implementation.)			
3.1.8	Draft Framework Decision on Attacks against Information Systems	JHA Council	December 2004	Political agreement on 28/02/03 Formal adoption by Council as soon as J/L text is available.
3.1.9	Draft Framework Decision on the application of the principle of mutual recognition to Confiscation Orders Completion of negotiations of text.	JHA Council/ CATS/ Cooperation in Criminal Law Matters Working Party	June 2004	Political agreement on substantive text on 29/04/04 and on certificate on 08/06/04. Parliamentary scrutiny reserves remain on the part of four Member States (DK, UK, IT, SE)
3.1.10	Draft Framework Decision on the retention of telecommunications traffic data. Conclusion of negotiations and adoption.	JHA Council/ CATS/ Cooperation in Criminal Law Matters Working Party	June 2005 (adoption)	The proposal presented by France, Ireland, Sweden and United Kingdom (8958/04) was examined by Council (JHA) on 2/12/04 (15098/04).
3.1.11	Draft Council Decision on the exchange of information and cooperation concerning terrorist offences. Conclusion of negotiations and adoption.	JHA Council/ CATS	June 2005 (adoption)	The Council agreed on a general approach on 2/12/04 (15871/04)
3.1.12	Draft Framework Decision on a European Evidence Warrant Conclusion of negotiations.	JHA Council/CATS / Cooperation in Criminal Law Matters Working Party	December 2005	Commission presented proposal on 14 Nov. 2003. This proposal is currently being discussed in the Working group. Negotiations are still at a relatively early stage and will continue during LU and UK Presidencies (15221/04).
3.1.13	Cross border hot pursuit Preparation of proposals for consideration by Council	Commission	Second half of 2004 (Presentation)	Commission to present proposal in 2005
3.1.14	A) Measures to improve the exchange of information on convictions B) Proposal on mutual recognition of conviction C) European register on convictions and disqualifications Preparation of proposals for consideration by Council	JHA Council JHA Council/ Commission	June of 2005 [Early 2005]	The Council agreed on a general approach on the text of Art. 1-8 of the draft Decision on the exchange of information extracted from the criminal record (15281/04) A linked proposal from Belgium on exchange of information on disqualification has been tabled and will be discussed in the working group next month. See also Commission Communication on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information [COM (2004) 221]
3.1.15	European Protection Programme for the protection of witnesses in terrorist cases Preparation of proposals for consideration by Council	Commission	[As soon as possible] (Presentation)	Commission to present proposal in due course
3.1.16	Draft Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States, in particular as regards serious offences including terrorist acts.	Sweden/Commission	December 2005	The proposal presented by Sweden (10215/04) on 4 June 2004 is discussed by MDG and by CATS The European Council endorsed the principle of availability in the Hague Programme on 04/11/04

	Preparation of proposals for consideration by Council			
3.1.17	<p>Framework Decision to replace Joint Action 1998/733/JHA on Criminal Organisations.</p> <p>Preparation of proposals for consideration by Council.</p>	Commission	December 2004 (presentation)	Commission to present proposal
3.1.18	<p>Reinforcing judicial cooperation</p> <ul style="list-style-type: none"> - ensure the execution of any request for mutual legal assistance related to terrorist offences - provide each other with the fullest cooperation - study of concrete measures to propose 	MS		Eurojust held a coordination meeting at strategic level where specialized Prosecutors were present. Cooperation between Prosecutors and law enforcement is ongoing on a daily basis.
3.2	Ensure optimum and effective use of existing EU bodies such as Europol, Eurojust and the Police Chiefs Task Force			
3.2.1	<p>Europol/Eurojust Agreement</p> <p>Adoption</p>	JHA Council	May 2004	<p>Approved by JHA Council on 29 April 2004</p> <p>Signing by Europol on 9 June 2004 Signing by Eurojust on 9 June 2004</p> <p>Agreement effective from 10 June 2004</p>
3.2.2	Associating Europol and Eurojust representatives with the work of Joint Investigation Teams as far as possible	MS/Commission	Ongoing	Commission had to report on JIT by beginning of the second semester 2004. Report will be forthcoming but experience is limited because of delayed implementation of the Framework Decision of 13 June 2002 by 7 Member States. Europol cannot fully participate to JIT before the 2002 Protocol is ratified by all MS. Eurojust has no experience in JIT so far.
3.2.2 bis	<p>"To examine the scope for further measures to improve the capacity of Eurojust to contribute to the fight against Terrorism"</p> <p>Concerned bodies should bring forward adequate proposals or recommendations for consideration by the Council by December 2004</p>	JHA Council/ EUROJUST	December 2004	<p>Council conclusions were adopted on 2/12/04 (15285/04). The issue of Eurojust budget needs also to be addressed. Information to Eurojust is addressed in the Decision on improving information to Europol and Eurojust in terrorist cases. On the Council's request, Eurojust has examined and defined the scope of measures to improve its capacity to contribute to the fight against terrorism (see Eurojust's report 10008/04).</p> <p>Despite the agreement recently concluded, the exchange of information with Europol is limited by its legal framework.</p> <p>Thus :</p> <ul style="list-style-type: none"> - Need for more and complete, updated information - Need for own Eurojust analyst(s) (there is no direct access by Eurojust to Europol's analysis files). - Need for more budgetary support

3.2.3	<p>Protocols to the Europol Convention</p> <p>Ratification</p> <p>2000 Protocol 2002 Protocol 2003 Protocol</p>	MS	December 2004	<p>18 Member States have reported completion of ratification 13 Member States have reported completion of ratification 10 Member States have reported completion of ratification</p>
3.2.4	Reinforcing Europol counter-terrorism capacities and reactivating the Counter-Terrorism Task Force	MS/Europol		<p>The setting up of the Counter-Terrorism Task Force (CTTF) is under way (see progress report from Europol in doc. 14846/04). All Member States have been invited to second experts to the CTTF. The assignment of experts will facilitate the flow of information to Europol on terrorism.</p>
3.2.5	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/EU Coordinator	Presentation of the report at the next JHA meeting - December 2004	<p>A process of mutual evaluation, within the framework of the Multidisciplinary Group on Organised Crime, is currently under way in relation to the exchange of information and intelligence between Europol and the Member States and also among Member States. An interim report in relation to the evaluation reports in respect of five Member States was taken note of by Council on 2/12/04 (9501/4/04).</p> <p>The EU Counter-Terrorism Coordinator has also presented provisional findings arising from this evaluation process (9876/04)</p>
3.2.6	Improve the flow of intelligence to Europol in relation to all aspects of terrorism	MS		<p>Europol counter-Terrorism Task Force is revitalised. Link between Europol and SitCen is being established.</p>
3.2.7	Take forward the further development of the relationship between Europol and intelligence services	MS/Europol		<p>Links between SitCen and Europol is being established.</p>
3.2.8	Implementation of the Europol Information System	Europol/MS	December 2004	<p>Europol Management Board will decide at its meeting on 14/15 December 2004 on whether EIS or alternative EISA will be implemented.</p>
3.2.9	Decision establishing Eurojust Implementation	MS	June 2004	<p>COM reported on implementation of the Eurojust Decision in July 2004 (11280/04) 5 MS had not by this date adopted the required legislation and 1 had partly adopted the required legislation. In the meantime, one more MS has adopted the required legislation. The Council adopted conclusions on 2/12/04 (15285/04). The COM is invited to submit a follow-up report to the Council by mid 2005.</p>
3.2.10	Designation of Eurojust national correspondents for terrorist matters.	MS	[June 2004]	<p>All MS have designated their Eurojust national correspondent for terrorist matters (10644/4/04). Regular contacts between national members and national correspondent for terrorism are</p>

				encouraged.
3.2.11	Strengthening cooperation between anti-terrorist magistrates	Eurojust	Without delay	Strategic and ad-hoc meetings between anti-terrorist magistrates organised by Eurojust (the first one took place in June 04; the intention is to ensure a follow-up at a six months interval) Establishment of a network between key players in CT. A questionnaire has been sent to all Eurojust national correspondents with a deadline for responses on 15.10.04.
3.2.12	Speeding up the linking of the EJN to the VPN secure electronic network	Eurojust/EJN	Without delay	EJN contact points have been consulted on the precise requirements and a decision on what to implement has taken in December. In parallel, Eurojust is defining its communication needs so that the technical solution can be combined where possible. Subject to the current discussions on the 2005 Eurojust budget, implementation can start in the second half of 2005.
3.2.13	Police Chiefs Task Force (PCTF) Review how greater operational capacity can be reinforced, focussing on proactive intelligence	PCTF/JHA Council	November 2004	Decision by the Council on 19/11/04 on the role and positioning of the PCTF (14938/04)
3.2.14	Preparation of a report on the Terrorist attacks in Madrid from a law enforcement perspective	PCTF	May 2004	Report completed by PCTF
3.3	Improve mechanisms for cooperation for the sharing of expertise on protective, investigative and preventative security policies between police and security services			The Commission presented first ideas on improving intelligence-led law enforcement
3.3.1	Decision on the implementation of specific measures for police and judicial cooperation to combat terrorism Implementation	MS	June 2004	All Member States have reported completion of Decision of 19 December 2002 measures. COM monitoring the designation of Eurojust correspondents (Council Decision 2003/48/JHA)
3.3.2	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	Ongoing	This objective is covered by the Hague Programme
3.3.3	Interim report on the outcome of the process of peer evaluation of national arrangements in the fight against terrorism in the 15 Member States	JHA Council / CATS/ TWP / EU Coordinator	Sept 2004	Interim report taken note of by the Council (JHA) on 2/12/04 (14306/3/04). The EU Counter-Terrorism Coordinator has also presented provisional findings arising from this evaluation process (9876/04).
3.3.4	Final report on the outcome of the process of peer evaluation of national arrangements in the fight against terrorism covering the new Member	JHA Council / CATS/ TWP / EU Coordinator	Sept 2005	Schedule of visits to the remaining 10 Member States agreed, commencing September 2004. HU, CY, CZ and PL evaluated before the end of 2004.

	States			
	Preparation and adoption			
3.3.5	Identification of suspected terrorists in Europe and of the organisations which support them, in order to draw up a common list of terrorist organisations	GAERC/JHA Council		Lists containing the most significant terrorists and terrorist organisations are regularly and appropriately updated.
3.3.6	Study the role of Customs in the Member States in relation to security/anti-terrorism at EU Borders	JHA Council/CCWG	June 2004	Report approved by CCWG (10238/04) Follow-up actions under way (13793/04)
3.4	Promote effective, systematic collaboration in intelligence exchange between Member States and maximize the effectiveness of information systems			
3.4.1	(i) Draft Council Regulation on the introduction of new functions for the Schengen Information System (SIS) and (ii) Draft Decision on the introduction of new functions for the Schengen Information System (SIS) Adoption	Council	June 2004 June 2004	Regulation adopted at JHA Council on 29/4/04. Awaiting adoption, pending (SE) parliamentary reservation
3.4.2	Decision on the location, management and financing of SIS II - for development phase - for long term	- JHA Council - JHA Council	- May 2004 - June 2005	- Council Conclusions adopted on 29/4/04 - Discussions at CATS
3.4.3	The Visa Information System (VIS) - Draft Council Decision establishing the VIS Proposal for a second legal instrument which will define the VIS in all its elements (including the categories and use of data, access right, data protection rules) and its operation.	JHA Council/SCIFA/Visa Working Party/Commission Commission	- Beginning 2005 (presentation of proposal)	Council Decision establishing the Visa Information System (VIS) adopted on 8 June 2004 (2004/512/EC) JO L 213 (15/06/2004) The VIS is a system for the exchange of visa information and is primarily meant to support common visa policy. The Commission hopes to submit its 2nd proposal (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 it is to be entered and the criteria for its entry, the rules concerning the content of VIS records, the rights of access for authorities to enter, update and consult the data and its control) early 2005. As the legal basis requires co-decision with EP,

				final adoption should not be expected till end 2005 (and more likely mid-2006).
3.4.4	Enhancing the interoperability between European Databases and of synergies between the existing and future information systems (SIS II, VIS and EURODAC) Preparation of proposals for consideration by Council	Commission	Early 2005 (presentation of proposal)	Commission propose to present a "Communication on enhanced synergies of existing and future information systems in the field of visa, travel, border and migration management" which would cover these issues, as well as the question of interoperability. The March declaration of the European Council highlighted under n°5 that "the Commission should also include provisions to enable national law enforcement agencies to have access to the EU systems".
3.4.5	Exchange of personal information (DNA, fingerprints and visa data) for the purpose of terrorism Preparation of proposals for consideration by Council	Commission	June 2004 (presentation of proposal)	The Commission presented on 18 June 2004 a communication "Towards enhancing access to information by law enforcement agencies" (10745/04)
3.4.6	Improving mechanisms for cooperation and the promotion of effective systematic collaboration between police, security and intelligence services	MS		(1) Meeting Counter-Terrorism Coordinator/TFPC/SitCen during NL Presidency. (2) Peer evaluation process going on (see pont 3.3.3)
3.4.7	Regular updating of the network of contact points in the Member States, with particular regard to the new Member States, in respect of multinational ad hoc teams	JHA Council/ CATS/TWP		
3.4.8	Extension of the BDL system to the 10 new Member States	JHA Council/ CATS/TWP	December 2004	All 25 Member States are currently connected to the BDL.
3.5	Enhance the capacity of appropriate EU bodies in preparation of intelligence assessments of all aspects of the terrorist threat, with a closer linkage to EU policymaking			
3.5.1	Integration within the Council Secretariat of an intelligence capacity on all aspects of the terrorist threat with a view to informing EU policy Preparation of proposals for consideration by Council	SG/HR Solana / EU Coordinator	June 2004	Report by EU Counter-Terrorism Coordinator to Council on 19/11/04
3.6	Work to identify, disrupt and dismantle arrangements for supply of weapons to terrorists			
3.6.1	Examine the scope for measures to ensure greater security of (i) firearms, (ii) explosives, (iii) bomb-making equipment, (iv) the technologies that contribute	Council/ CATS/ TWP / Commission	June 2005 October 2004 December 2004 March 2005	TWP to consider scope for measures in the first instance (15920/04) COM is currently preparing a Communication on measures to ensure greater security in explosives, detonators, bomb-making equipment and firearms.

	to the perpetration of terrorist outrages			COM has drafted a questionnaire to assess the capabilities of MS relevant services to deal with terrorist bomb attacks (Bomb Disposal Squads)
3.6.2	Examination of legislation with reference to the "terrorist threat"	Commission/ Council/ Parliament	Ongoing	Forthcoming work: Examination of terrorist and criminal threat when examining each new legislative proposal (cf. Commission Communication 8809/02 ADD 3)
3.6.3	Examine and report on the requirements in relation to the exchange of information and the coordination of investigations, in particular relating to restrictions on exportation and prevention of WMD Examination and preparation of a report	JHA Council/ CATS/CCWP/HR-PR WMD	End December 2004	Work to continue in 2005
3.6.4	Strengthen the arrangement for the identification, control and interception of illegal trafficking in WMD materials.	Council, Personal Representative of HR, MS and Commission Commission	[PM] without delay	The Council adopted a Statement of support of the Proliferation Security Initiative (PSI) on 17 May 2004. Follow on work on the EU statement, including a reference the necessity to provide criminal sanctions by Member States in the area of trafficking of WMD and related materials, as appropriate, is underway. Adoption of the Regulation on the application of Euratom Safeguards approved by the Council on 30.04.04. not yet adopted by the CION and is foreseen to be completed in early 2005.
3.7	Implement the Conceptual framework on the ESDP dimension of the fight against terrorism, including preventive aspects	Council/PSC Other as indicated in each point	According to deadlines related to each specific action point	The conceptual framework is approved and based on the following principles: <ul style="list-style-type: none"> - solidarity between EU Member States; - voluntary nature of Member States' contributions; - clear understanding of the terrorist threat and full use of available threat analysis; - cross pillar co-ordination in support of the EU common aim in the fight against terrorism; - co-operation with relevant partners; - complementary nature of the ESDP contribution, in full respect of Member States' responsibilities in the fight against terrorism and with due regard to appropriateness and effectiveness considerations. See also objective 5.4.2.2
3.7.1	Support the development of	PSC	Ongoing/First	Work in this field should take into

	military capabilities for EU-led crisis management operations by incorporating the terrorist threat in all relevant illustrative scenarios in the framework of the Headline Goal 2010.		deadline June 2005 with the finalisation of the Requirements Catalogue	account possible preventive and protective measures. Possible measures related to prevention of the terrorist threat, including maritime and airspace control-type operations should be considered
3.7.2	The future Civilian Headline Goal should also give appropriate consideration to the deployment and further development of civilian capabilities (in particular Police, Rule of Law, Civilian Administration and Civil Protection), in order to prevent as well as counter the terrorist threats within the limitations of the mandate.	PSC	Ongoing	
3.7.3	Defence Intelligence Organisations (working through the Intelligence Division of the EUMS) should support through increased exchanges of intelligence the Joint SITCEN as it implements the SG/HR's report to June European Council on the establishment of an intelligence capacity to cover the range of terrorist threats affecting EU interests both within and outside of the Union;	PSC, SG/HR, SITCEN		
3.7.4	Improve protection of all personnel, material and assets deployed for crisis management operations under Title V of the TEU, including, as appropriate, the ability to protect possible key civilian targets, including critical infrastructure, in the area of operations within available means and capabilities and on a case by case basis based on the threat analysis;	PSC	PSC preliminary recommendations to Council by the 2005 June European Council	These recommendations should also foster ongoing work in the ECAP NBC Project Group, notably on an NBC Centre of Competence, including civilian expertise
3.7.5	Support to third countries in combating terrorism;	PSC		Specific measures could entail the development of appropriate co-operation programmes to promote trust and transparency, the support in planning activities related to the fight against terrorism including consequence management or support in training and exercises
3.7.6	Conceptual work on consular co-operation and evacuation of EU citizens in third countries should continue in the relevant working groups. These cases could be included in the relevant scenarios of HLG2010 as well as in EU exercises.	PSC COCON	Ongoing	
3.7.7	Develop a visible and effective rapid response protection capability to be included as	PSC	Concept to be developed by June 2005	Such capacity to be voluntarily contributed by Member States.

	protection component of EU-led crisis management operations under Title V of the TEU;			
3.7.8	Sponsor an ISS Seminar on the ESDP contribution to the fight against terrorism in the wider context of the EU approach in this field;	PSC, ISS	March 2005	Participation in the seminar would be open to representatives and high level experts (national crisis coordinators, academics, etc) of key partners, such as the US, the UN and NATO.
3.7.9	Seek ways of co-operating with NATO in the fields of: <ul style="list-style-type: none"> - non-binding guidelines and minimum standards for the protection of the civilian population against CBRN risks; - framework agreement on the facilitation of cross border transport; - identification of the relevant national points of contact, with a view to creating a common database of points of contact; - cross-participation, on a case-by case basis, in each other's consequence management exercises, as observers 	PSC	Ongoing	
3.8	Other Related Measures			
3.8.1	Examining measures in relation to a database on forensic material	Council/Commission	Second half 2005 (Presentation of proposal)	Commission to present proposals.
3.8.2	Consideration of need for new committee structures in order to ensure greater operational cooperation on security and terrorism.	Council/ COREPER		It is decided that Coreper has coordinating role within Council working structures
3.8.3	Adoption of the Strategy for Customs Cooperation and related work plan	JHA Council	May 2004	Adopted by the JHA Council on 30 March 2004

No.	Measure/Action	Competent Body	Deadline	Status/Observations
Objective 4: To protect the security of international transport and ensure effective systems of border control				
4.1	Ensure the integration of counter-terrorism considerations into the work of relevant EU bodies (transport, border controls, identity documents etc)			
4.1.1	Regulation establishing a European Borders Agency Agency operational	Council / Commission	May 2005	Regulation adopted by Council on 26 October 2004. (OJ, L 349, 25/11/04, p. 1)
4.1.2	(i) Draft Council Regulation amending Regulation (EC) No 1683/95 laying down a uniform format for visas. Finalisation of the technical specification to be adopted by COM Adoption of Regulation (ii) Draft Council Regulation on standards for security features and biometrics in passports and travel documents issued by Member States. Adoption of Regulation	JHA Council Commission/Article 6 Committee JHA Council	[End 2004] [End 2004] End 2004	In November 2003 the JHA Council agreed on a general approach. "Article 6 Committee" concluded after a debate on the technical feasibility of the decision that the integration of the chip in every visa and residence permit is impossible. The conclusions of the "Article 6 Committee" were agreed by Coreper on 24th November 2004 and have been submitted as informative points to the JHA Council on 2 December 2004 - - Regulation adopted by Council on 13 December 2004
4.1.3	Creation of an integrated system for the exchange of information on stolen and lost passports having recourse to the SIS and Interpol database	Council/Commission	December 2004 (Adoption of proposal) End of 2005 (Implementation of proposal)	Political agreement at the Council on 2 December 2004
4.2	Work to develop further EU transport security standards, in coordination with relevant international organisations and third countries			On 11 March 2004 the Council agreed to submit to ICAO a Working Paper on PNR on behalf of the European Community and its MS, thereby initiating multilateral work on this subject. On 22 September 2004 the Presidency submitted (on behalf of the EC and its MS) a working paper on establishing an international framework for the transfer of PNR data to the ICAO 35th Assembly (28/09-8/10/04). The paper was well received and work within ICAO will now begin.
4.2.1	Strengthening of the security of all forms of transport systems, including through the enhancement of the legal framework and the	Council/MS		

	improvement of prevention mechanisms	Commission	Foreseen by end 2004	
4.2.2	<p>Draft Communication/Directive on safety of intermodal transport</p> <p>Enhancing the security measures in harbours and ships</p> <p>Preparation of proposal for consideration by Council</p>	<p>Commission/TTE Council/European Parliament</p> <p>Committee/ TTE Council/ European Council</p>	<p>Adopted 31 March 2004, in force as of 1 July 2004</p> <p>TTE Council of June 2004 agreed on a general approach on the proposed Directive. Adoption expected at first reading in beginning of 2005.</p>	<p>a) Regulation (EC) No 725/2004 of the European Parliament and of the Council 2004 on enhancing ship and port facility security. The regulation incorporates the maritime security measures adopted in December 2002 by IMO into Community legislation in order to prevent acts of terrorism against ships.</p> <p>b) Regulation (EC) No 724/2004 of the European Parliament and of the Council of 31 March 2004 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency. The regulation provides the European Maritime Safety Agency <i>inter alia</i> with clearly defined tasks in the filed of Maritime security.</p> <p>c) Proposal for a Directive of the European Parliament and of the Council on enhancing port security. It aims at complementing (EC) No 725/2004 on enhancing ship and port facility security. The purpose of the Directive is to enhance security in areas of ports not covered by the Regulation and to ensure that security measures implemented in application of the Regulation benefit from enhanced security in the port. The Directive does not create new obligations in areas covered by the regulation.</p>
4.2.3	<p>Regulation 2320/2002 on civil aviation security and Regulation 1486/2003 on procedures on Commission inspections in the field of civil aviation security</p> <p>Implementation</p>	Commission	Ongoing	<p>Ongoing legislative work to develop detailed implementing legislation (by comitology) to complement Regulation 2320/2002. Two implementing Regulations were adopted so far this year:</p> <ul style="list-style-type: none"> - Commission Regulation (EC) N° 68/2004 of 15 January 2004 amending Commission Regulation (EC) N°622/2003 laying down measures for the implementation of the common basic standards on aviation security. - Commission Regulation (EC) N° 1138/2004 of 21 June 2004 establishing a common definition of critical parts of security restricted areas at airports.
4.2.4	<p>Follow up to Container Security Initiative (CSI)</p> <p>Examination of extension to other regions</p>	Commission	<p>22 April 2004</p> <p>15 November 2004</p>	<p>EC/US Agreement concluded expanding customs co-operation to cover CSI and related matters in order to cover transport security aspects. Allows for co-operation on exchange of advance cargo information and creation of equal levels and standards of controls for US and EC operators.</p>

				At the 5th EU-US Joint Customs Cooperation Committee, meeting it was agreed to implement the recommendations elaborated by the Joint Working Group established under the agreement and to continue work in the areas that need further deliberations (central risk management, joint rules set on containers security, advanced cargo data elements etc.). In addition, an action plan containing a timetable for further steps should be drawn up.
4.3	Develop and implement a common EU approach to the exchange and analysis of passenger information			
4.3.1	Council Directive on the obligation of carriers to communicate passenger data Adoption	JHA Council	30 April 2004	Adopted at the JHA Council on 29/4/04 OJ L 261, 6.8.2004, p. 24
4.3.2	Common EU approach to the use of passenger data for border and aviation security and other law enforcement purposes Preparation of proposal for consideration by Council	Commission	June 2004 (presentation of proposal)	Commission 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 Discussions with Canada on the transfer of PNR data are being undertaken by CION in view of reaching an agreement similar in form to the one with the US
4.4	Encourage and support non-EU states to comply fully with the ICAO and IMO standards	Council		Member States support the EU's multinational initiative on PNR at ICAO with a view to promoting the development of global standards (see also point 4.2)
4.5	Enhance capacities for the identification of terrorists and the detection of terrorist devices, materials or funds at ports, airports and land borders	MS/Commission		
4.5.1	Review of 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	JHA Council/Commission	End 2004 - Early 2005	Commission will analyse the need for further harmonisation of grounds related to the introduction of article 96 alerts in the SIS in the context of the planned proposals for the legal basis for SIS II.
4.5.2	Development of terrorist profiles with a view to developing an operational tool	Council /CATS/TWP	Dec 2005	Work to continue in 2005
4.5.3	Coordinated recourse to Article 2(2) of the Schengen Convention (reestablishment of border checks)	JHA Council	Without delay	Commission to present proposal
4.6	Reinforce the protection of European citizens in third countries	Council		The EU solidarity programme on the consequences of terrorist threats and attacks invites the Member States and the Presidency to ensure that the civil protection services of the Member States will as far as possible, when one or more of them are called upon to intervene in a third country following a terrorist attack : <ul style="list-style-type: none">• render assistance to all EU-

				citizens <ul style="list-style-type: none">• assist the consular authorities of the Member States upon a request from the relevant authorities,• cooperate with each other
4.6.1	Establish mechanism for publication of advice on terrorist threats to EU citizens in third countries	SitCen/Council Secretariat/COUNCIL	June 2005	This and other Objectives for Action will be contingent on the HR/SG Solana's report on the development of an intelligence capacity within the Council.

	Measures/Action	Competent Body	Deadlines	Status/Observations
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Objective 5: To enhance the capability of the European Union and of Member States to deal with the consequences of a terrorist attack

5.1.	<p>Strengthen the assessment and analysis of the risks on possible targets of terrorist threats so as to provide emergency response services with information and knowledge that is useful in order to prevent and respond to potential terrorist threats and attacks.</p>	<p>Council (Terrorism WG) Council Secretariat (Sitcen), Commission, Europol Member States</p>	<p>on-going</p>	<p>The EU Solidarity Programme of 2 December 2004 on the consequences of terrorist threats and attacks (widened CBRN-programme) (15480/04) deals with this item in Strategic goal 1 (Risk assessment and analysis).</p> <p>Council, Council Secretariat, Cion, Europol and MS will</p> <ul style="list-style-type: none"> - make a more structured use of threat assessment and analysis under 3.5 of the Terrorism Plan of Action for the risk assessment, prevention and consequence management, - stimulate, where necessary and through the appropriate channels, improved cooperation between intelligence services, national authorities and relevant emergency services such as civil protection, health and police. - improve the exchange of knowledge and experience on the methods of risk assessment and analysis, - Improve the bilateral exchange of information on cross-border risks.
5.2	<p>Prepare, on the basis of a coordinated approach by the SG/HR and the Commission, an overall strategy to enhance the protection of critical infrastructures</p> <p>To strengthen 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</p>	<p>Commission Member States</p>	<p>end of 2005</p>	<p>The EU Solidarity Programme on the consequences of terrorist threats and attacks (widened CBRN-programme) deals with this item in its Strategic goal 2 (preventive measures).</p> <p>1) As indicated in its communication on critical infrastructure protection (13979/04), the Commission intends to propose, in the near future, a European Programme for Critical Infrastructure Protection (EPCIP) which will contain :</p> <ul style="list-style-type: none"> - horizontal organisational measures such as the identification of critical infrastructures having a transboundary effect, - the analysis of vulnerabilities and interdependencies, and - the outlining of protective solutions, <p>2) By June 2005, Cion will establish a Critical Infrastructure Warning Information Network (CIWIN) as a network of specialists to assist in the drawing up of the EPCIP and to stimulate an exchange of information on threats, vulnerabilities, measures and strategies.</p>
5.3.	<p>Ensure that adequate mechanisms are in place for a quick detection and identification of an actual threat, for alerting</p>	<p>Commission Member States</p>		<p>The widened CBRN Programme deals with this subject in its strategic goal 3 (detection, identification and alert).</p>

	professionals and the public in appropriate ways. (Detection, identification and alert)			<p>Cion will create a secure general rapid alert system (ARGUS) to link all specialised systems for emergencies that require action at European level.</p> <p>RAS-BICHAT rapid alert system for deliberate releases of biological and chemical agents : Securisation against technological risks and against security breaches. Improved co-operation with other alert mechanisms EWRS (communicable diseases, food, animals, plants, MIC).</p> <p>MediSYS Monitoring of a Web-based information to provide advance warning of suspicious circumstances or outbreaks.</p> <p>A network of high-level of safety laboratories has been formed to provide quality-assured diagnostics for high-risk pathogens and for mutual assistance between all Member States to allow quick introduction of counter-measures.</p>
5.4.	Reinforce the Civil Protection Capacity of the EU to deal with terrorist attacks through scenario planning, using - databases of available resources, - training and exercises			The EU Solidarity Programme on the consequences of terrorist threats and attacks (widened CBRN-programme) deals with this item in its Strategic goal 4 (Preparedness and consequence management):
5.4.1	<i>Assess the capabilities for mutual assistance</i> "Assess the capabilities of Member States both in preventing and coping with the consequences of any types of terrorist attacks, identify best practices and propose the necessary measures" (European Council of 17-18 June 2004, sub 19)	Commission Council (for military resources) Member States	mid-2005	<p>Cion will :</p> <ul style="list-style-type: none"> - update by mid 2005-, its EU-restricted report of November 2004 assessing the capabilities available at EU level for assistance to MS affected by a major terrorist attack on the basis of certain scenarios of response to different types of terrorist attacks. - upgrade its databases of Civil Protection means and experts. - Obtain and share, on a restricted basis, information on relevant vaccines, sera and other medical resources, that can be made available in the event of a major terrorist attack.
5.4.2	<i>Improve the capabilities for mutual assistance</i> "Strengthen the capacity within Member States 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 programmes" (25/3/04 European Council Declaration – Section 11)	Commission Council Member States	on-going	
5.4.2.1	Civilian resources :	Council Commission Member States		1) Council and Commission will, by June 2005, develop appropriate initiatives for awareness raising and decision support for policy advisors

				<p>to the political authorities of the EU and the Member States, so as to enable them to deal with the civil protection aspects of consequence management.</p> <p>2) Council and Commission will further improve inter-operability of technical equipment, including civilian-military interoperability, i.a. by training and exercises, further research and proposals to enhance interoperability if necessary.</p> <p>3) Cion intends to enhance specific training courses relevant for coping with the consequences of terrorist attacks, such as psychological aftercare and operating in a contaminated environment.</p> <p>4) MS, CL and Cion are considering to develop a list of relevant exercises, to develop a procedure to allow cross-participation and fine-tuning in the field of exercises</p> <p>5) MS and Cion will consider establishing a mechanism for mobilising professional multidisciplinary advisory teams</p> <p>6) Council will adopt, end 2004, a Decision to extend the current Community Civil Protection Action Programme (OJ L 332/2000) to 2005/2006 and prioritise public information and self protection (14017/04)</p> <p>7) Cion will facilitate Civil Protection teams from MS with appropriate logistics and equipment and additional common insignia.</p> <p>8) A Directory of health Experts is being set up .</p> <p>9) and rules for consultation for assistance in the health sector are drawn.</p> <p><i>Scenario building and training:</i></p> <p>11) EU-wide exercise to test communication channels and evaluation of existing emergency plans will be conducted in 2005.</p> <p>12) Joint Training Programme of Commission with EUROPOL on interaction between Law Enforcement and Public Health (April 2004)</p> <p>13) Incident investigation and environmental sampling group is developing EU-wide protocols and share good practice and know-how.</p>
5.4.2.2	Military resources : In the framework of the			

	<p>Conceptual Framework on the ESDP dimension of the fight against terrorism (see action 3.7) :</p> <ul style="list-style-type: none"> - Elaboration of a detailed report to the Council on modalities procedures and criteria to develop the appropriate level of interoperability between military and civilian capabilities in the framework of protection of civilian populations following a terrorist attack, including in crisis management operations under Title V of the TEU. - Consolidate ongoing work in view of deepening and widening the content of the military database of military assets and capabilities relevant to the protection of civilian populations against terrorist attacks, including CBRN; 	<p>PSC</p> <p>PSC, PROCIV also involved</p>	<p>First semester 2005</p> <p>PSC to identify a set of recommendations to the Council on the role of this database by May 2005</p>	<p>This report should contain concrete proposals based on lessons-learned from real life incidents and planning scenarios taking into account best practices.</p> <p>In this framework, a bidding process to incorporate Member States voluntary contributions in an addendum to the current Force Catalogue has been launched. The PSC, based on an EUMC preliminary detailed analysis, should identify a set of pragmatic recommendations to the Council on the role of this database in the wider context of the Headline Goal 2010.</p> <p>Special attention should be given to all possible instruments for assistance to victims</p>
5.4.2.3	<p>Inclusion as appropriate into the EU's Exercise Programme of activities related to the contribution of ESDP to the fight against terrorism, including relevant aspects of the March 2004 Declaration on solidarity against terrorism.</p>	Council/PSC	<p>Ongoing EU Exercise programme to be agreed by Council in May 2005 at the latest</p>	<p>The inclusion of such activities, in line with the Conceptual Framework for ESDP and the Fight against terrorism, in the Programme for 2005-2009, is under consideration.</p>
5.4.3	<p>Improve the procedures for mutual assistance</p>	Council and Commission	<p>July 2006</p>	<p>1) Council, Member States and Commission intend, by 1 July 2006, to set up, within the existing structures, while fully respecting national competences, integrated EU crisis management arrangements for crises with cross-border effects within the EU addressing effectively the public order and security aspects of such crises and the coordination between the areas of civil protection and vital infrastructures.</p> <p>2) Cion will create a secure general rapid alert system (ARGUS) to link all specialised rapid alert systems for emergencies that require action at European level.</p> <p>3) Cion will also create a central Crisis Centre which would bring together representatives of all relevant Commission services during an emergency and coordinate efforts and to propose the appropriate response measures, with respect to the national competences.</p> <p>4) While establishing ARGUS and the Crisis Centre, the feasibility of the establishment of appropriate links with relevant Council Services and other competent authorities could be</p>

5.4.4.	Develop strategies to improve the capacity of Member States to communicate with citizens in the event of a major terrorist attack	Commission Member States	ongoing	<p>examined</p> <p>1) Cion and MS will develop appropriate initiatives for an optimal coordination of the public information by the Member States during cross border crises.</p> <p>2) Cion will facilitate, together with the Member States, a permanent dialogue between emergency service operators and authorities on interoperable systems for emergency handling and on new concepts for public warning systems and procedures.</p>
5.5.	Provide the appropriate scientific basis in order to address efficiently the other strategic goals above.	Commission Council	2005- 2006	<p>Strategic goal 5 (R&D) of the widened CBRN Programme specifies in greater detail the actions to be undertaken.</p> <p>1) Cion will continue the work of the Preparatory Action entitled "Enhancement of the European industrial potential in the field of Security research 2004-2006"</p> <p>2) Council will give further emphasis to prevention and limitation of the consequences of terrorist threats when participating in the establishment of the Seventh R&D Framework Programme (2007-2013), including an EU Security Research Programme.</p> <p>3) Cion will encourage the development and production of pharmaceuticals relevant for combating the effects to health resulting from deliberate release of harmful CBRN agents, of which some are yet commercially less attractive.</p> <p>4) Chemical event scenarios and clinical toxicology guidelines: Working Group and Project (as of 2004) on agents and scenarios, including the EU's Poison Centres.</p> <p>5) Case definitions for bio-terror agents, Com. Dec 2003/534/EC, 17.07.2003.</p> <p>6) See Commission Matrix on deciding on health system vulnerabilities, prioritising and resource allocation for facing up to attacks and threats using particular pathogens</p> <p>7) A series of ten guidelines on case diagnosis and clinical management is to be published by EUROSURVEILLANCE and placed on the Web</p> <p>8) Guidance on General preparedness and response planning and integration of EU dimension in all national health emergency plans is being prepared</p>

				9) Guidance on use of vaccines, antidotes and dilution of vaccinia immunoglobulins has been issued. Negotiations on guidance for vaccines and anti-virals for pandemic influenza have started.
5.6.	Identify areas for closer cooperation in preparedness and consequence management, including with other international organisations within their respective competences, such as NATO	All (PSC for NATO)	Ongoing	<p>Cion has signed, with the United Nations Office for Coordination of Humanitarian Affairs (UNOCHA) on 27 October 2004, an exchange of letters concerning their cooperation in the framework of disaster response.</p> <p>The Council will, within its competence and together with the Commission, facilitate the cooperation on developing further the capabilities to deal with the consequences of a terrorist attack, undertaken with the USA within the framework of the EU-US Declaration on combating Terrorism adopted at Dromoland Castle on 26 June 2004.</p> <p>Russia - Discussions are being undertaken with Russia on civil protection cooperation, in the framework of the establishment of the EU-Russia road-map.</p> <p>WHO - Cion participates in work on consequence management guidance, and revision of the International Health Regulation.</p> <p>G7 - G7 countries + Mexico + Commission are working on the Global Health Security Initiative (risk communication and management including exercises for evaluation of smallpox plans, laboratory cooperation, patient isolation techniques, preventing and mitigating the consequences of chemical agent and radiological agent attacks and surveillance methods).</p>
5.7.	Act in solidarity in case of attack against EU-citizens abroad	Member States and Presidency	On-going	<p>MS and Presidency will ensure that the civil protection services of the Member States will, as far as possible, when one or more of them are called upon to intervene in a third country following a terrorist attack</p> <ul style="list-style-type: none"> - render assistance to all unrepresented EU-citizens, - assist the consular authorities of the Member, States upon a request from the relevant authorities and - cooperate with each other.
5.8.	Ensure full implementation of the EU Health Security Strategy and CBRN programmes	Council Commission Member States		The 2002 CBRN-programme will be replaced by the 2004 Solidarity Programme
5.8.1	Update the December 2003 implementation report on the 2002 CBRN Programme (16285/03)	Council/EU Coordinator/ Commission	end 2004	The 2004 solidarity programme [will] contain a report on the implementation of the 2002 CBRN-Programme
5.9	Ensure that support and assistance is provided to the victims of terrorist crimes, and protect minority	JHA Council		Continued monitoring by the European Monitoring Centre on Racism and Xenophobia of racial violence and discrimination with

	communities who may be at risk of a backlash in the event of a major attack			particular focus on Muslim communities following the terrorist attack in Madrid of 11 March 2004
5.10.	Adoption of the Council Directive on Compensation to crime victims	JHA Council	1 May 2004	Adopted at JHA Council 29 April 2004
5.11.	The European Council endorses the proposal of the European Parliament to declare March 11 a European day commemorating the victims of terrorism	Commission	[PM]	Commission will launch a call for proposals for pilot projects supporting victims of terrorism, including actions to commemorate the first 'victims of terrorism day'. Commission is in the final stage of the evaluation process of the call for proposal.

	Objectives	Competent Body	Deadline	Status/Observations
Objective 6: To address the factors which contribute to support for, and recruitment into, terrorism				
6.1	Identify factors which contribute to recruitment to terrorism, both within the EU and internationally, and develop a long-term strategy to address these			
6.1.1	Finalise report on recruitment to terrorism including the possible adoption of an agreed set of recommendations	GAERC/JHA Council/ PSC/CATS/COTER/ TWP	December 2004	Report completed.
6.1.2	Develop a coordinated long-term strategy, based on the initial report at 6.1.1, both within the EU and internationally, to address the factors which contribute to recruitment into Terrorism	COUNCIL/EU Coordinator/MS	December 2005	Work to be undertaken in 2005 on developing a strategy to address Recruitment into Terrorism. The report under 6.1 can be used as building blocks.
6.1.3	Conduct more detailed studies, including academic studies, of recruitment to terrorism in specific contexts such as in prisons, in schools, in universities or in mosques; studies in to the role of the media, including the internet, in radicalisation or in promoting support or sympathy for terrorists; an exploration of links with work in complementary areas such as work on promoting cohesive communities or on the integration of minorities, including any such work being undertaken by first pillar EU Working groups	CATS/COTER/ EU Coordinator	December 2005 – December 2006	Deadlines should be specific to each study and prioritised by each Presidency
6.2	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		Ongoing	SitCen to include relevant material in assessments. Working Groups to make policy recommendations as appropriate.
6.3	Make more efficient use of relevant external assistance programmes including in particular support for good governance and the rule of law to address factors which can contribute to the support for terrorism,	EU Coordinator/MS/ Commission/Council Secretariat	Ongoing	
6.3.1	Promotion of cooperation in good governance between Europe and the Arab world	Council Secretariat/ Commission/ EU Coordinator	Ongoing	

	though dialogue, with participation of governments and the wider civil society of Arab states, including non-violent Islamist parties			
6.4	Develop and implement a strategy to promote cross-cultural and inter-religious understanding between Europe and the Islamic World			
6.4.1	Put in place funding for journalist training programmes and, regional language broadcasts of European television and radio news and other initiative in Middle Eastern and North African countries	Commission	Ongoing	
6.4.2	Promote better understanding of aspects of Islamic culture within Europe, in conjunction with leaders of religious communities	Commission/MS	Ongoing	
6.4.3	Continue to make use of existing information sources in developing strategy		Ongoing	Action by the European Monitoring Centre on Racism and Xenophobia and the 2003 round tables on anti-Semitism and islamophobia are examples of potential sources.

	Measure/Action	Competent Body	Deadline	Status/Observations
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				
7.1	Expand the role of the SitCen in the carrying out of threat assessments to enable working groups to focus on the development of policy	SitCen		
7.2	Develop capacities to analyse and evaluate third country activities in counter-terrorism	Council/HR/ EU Coordinator/ Commission		
7.2.1	Task SitCen with the compilation of Country Threat Assessments to be used by Second and Third Pillar formations in the development of policy	COTER/PSC CATS	Ongoing	New system in place. First SitCen assessments to COTER in November.
7.2.2	Deploy and further develop technical capacity for monitoring and analysing open source information relevant to third country activities in counter-terrorism	SitCen/MS/Commission	Ongoing	
7.3	Develop and implement technical assistance strategies to enhance the counter-terrorist capacity of priority countries, in coordination with other international organisations and Donor states	MS/Commission/ COTER/EU Coordinator		The document by the SG/HR in association with the Presidency on integrating the fight against terrorism into EU external relations policy suggests concrete steps to enhance EU effectiveness in this field.
7.3.1	Enhance coordination between Member States and the Commission on existing technical assistance projects	MS/Commission	Ongoing	COTER inventory should be revised and updated. MS and Commission should consider designating contact points for counter-terrorism in their Missions on the ground, especially in the COTER priority countries.
7.3.2	Identify approximately 10 partner countries for Technical Assistance	COTER/EU Coordinator	July 2004	COTER has identified 7 priority countries where counter-terrorism capacity needs to be enhanced.
7.3.3	Conduct a review of selected Community and bilateral assistance projects with the aim of sharing best practice/lessons learned on counter-terrorism assistance	Commission/COTER	December 2004	Work to continue in 2005.
7.3.4	Develop and implement technical assistance programmes, aimed at capacity building in the field of counter terrorism, in coordination with UN agencies and other organisations as appropriate	MS/Commission	Ongoing	MS and COM should regularly update COTER and the UNCTC on CT projects under way.
7.4	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	Council/Commission	Ongoing	Standard clause already exists, dating from April 2002. A comprehensive Joint Report by the EU Coordinator and the Commission on CT clauses, including an overview of where the clause has already been included, which negotiations are underway and which agreements are coming up in the next couple of years where such

				clauses should be added, has been submitted to the Council.
7.4.1	Implement suggestions contained in the Joint Report on clauses submitted to the Council	All	Ongoing	See also Objective 1
7.5	Mainstream counter-terrorist objectives into the work of the geographical working groups and external assistance programmes	Coreper/PSC Council Secretariat/CION	Ongoing	Commission is already working on mainstreaming within external assistance programmes
7.5.1	Each geographic working group to submit report on counter-terrorist elements of its work programme once per Presidency	Council	Ongoing	
7.6	To target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced	Council/EU Coordinator		NB The emphasis here is also on countries having the capacity, but lacking the commitment, to combat terrorism
7.6.1	Develop focussed action plans for each identified countries	COTER/Commission/ EU Coordinator	June 2005	The EU Coordinator and the Presidency started consultations with priority countries selected by COTER with the aim of drawing up an initial inventory of their needs. Action plans will be prepared on the basis of feedback from these missions.
7.6.2	Report on Progress on the priority countries to European Council	Council / EU Coordinator	June 2005	If appropriate, this could be contained in an overall report on Counter Terrorism

Glossary of Terms			
ASEAN	Association of South East Asian Nations	IMO	International Maritime Organisation
AU	African Union	JHA Council	Justice Home Affairs Council
CATS	Comité de l'article trente-six - Article 36 Committee	JIT	Joint Investigations Teams
CBRN	Chemical, Biological, Radiological, Nuclear	MDG	Multidisciplinary Group on Organised Crime
CCWG	Customs Cooperation Working Group	MS	Member States
CFSP	Common Foreign & Security Policy	PCTF	Police Chiefs' Task Force
CODEXTER	Council of Europe Working Group Experts on Terrorism	PSC	Political & Security Committee
COM	Commission	SCIFA	Strategic Committee on Immigration, Frontiers & Asylum
COREPER	Committee of Permanent Representatives	SCLWG	Substantive Criminal Law Working Group
		SIS	Schengen Information Systems
COTER	CFSP Working Group on Terrorism	SitCen	Joint Situation Centre's
EAW	European Arrest Warrant	TWP	Terrorism Working Party (JHA)
EJN	European Judicial Network	UNCTC	United Nations Counter-Terrorism Committee
ESDP	European Security and Defence Policy	UNGA	United Nations General Assembly
ESS	European Security Strategy	UNODC	United Nations Office on Drugs & Crime
GAERC	General Affairs and External Relations Council	UNSCR	United Nations Security Council Resolution
GCC	Gulf Co-operation Council	VIS	Visa Information System
IAEA	International Atomic Energy Agency	VPN	Virtual Private Network
ICAO	International Civil Aviation	WMD	Weapons of Mass

	Organisation	Destruction
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**Implementation of the legislative Instruments listed in the Declaration on terrorism
of the European Council of 25 March 2004 – state as on 29 November 2004**

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	I
1. Instruments of the European Union [2]																			
a) Framework Decision of 13 June 2002 on the European Arrest Warrant (initial deadline for old Member States: 3 Member States: date of accession; deadline set by the Declaration of the European Council: June 2004)																			
y	y	y	y	y	y	y	y	y	- [3]	y	y	y	y	y	y	y ²	y	y	y
b) Framework Decision of 13 June 2002 on Joint Investigation Teams (initial deadline for old Member States: 1 Jan States: date of accession; deadline set by the Declaration of the European Council: June 2004)																			
y	- [4]	y	y	y	y	y	-	y	-	- ³	y	y	y	y	- [5]	y	y	p [6]	y

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU
c) Framework Decision of 13 June 2002 on Combating Terrorism (initial deadline for old Member States: 31 December 2002; date of accession: deadline set by the Declaration of the European Council: June 2004) ^[17]																		
y ⁶ [8]	y ⁶	y ⁶	y ⁶	y ⁶	y	y	y ⁶	-	y ⁶	y ⁶	y	y	y ⁶ [9]	y ⁶	-	°	y	y
d) Framework Decision of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of the proceeds of crime ^[12] (initial deadline for old Member States: 31 December 2002; for new Member States: date of Declaration of the European Council: June 2004)																		
y [13]	y	y	y	y [14]	y	y	-	y	p [15]	-	y	y [16]	p	y	°	°p	y	y

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	
e) Decision of 28 February 2002 establishing Eurojust ^[17] (initial deadline: 6 September 2003; deadline set by the Declaration of the European Council: June 2004)																			
y	y	y	y	-	y	y	-	y	-	-	y	y	y	y	-	y	y	y	
f) Decision of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism (initial deadline for old Member States: 31 December 2002; for new Member States: date of Declaration of the European Council: June 2004)																			
y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	y	
g) Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union (initial deadline for old Member States: 31 December 2002; for new Member States: date of Declaration of the European Council: December 2004)																			
-	-	-	y	y	y	-	-	-	-	-	y	y	°p [19]	-	°	[20]	-	y	-

AT	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU
h) Protocol of 16 October 2001 to the Convention on Mutual Assistance in Criminal Matters between the Member States (deadline set by the Declaration of the European Council: December 2004)																		
-	-	-	-	y	-	-	-	-	-	-	y	-	-	-	o ¹⁹	-	-	-
i) Protocol of 30 November 2000 amending the Europol Convention (deadline set by the Declaration of the European Council: December 2004)																		
-	-	y	-	y	y	y	y	-	y	-	-	y	y	y	y	y	-	y
																	[22]	
j) Protocol of 28 November 2002 amending the Europol Convention and the Protocol on the privileges and immunities of the Court of Justice (deadline set by the Declaration of the European Council: December 2004)																		
y	-	y	-	y	y	-	-	-	-	-	-	-	-	-	y	y	- ²¹	y
k) Protocol of 27 November 2003 amending the Europol Convention (deadline set by the Declaration of the European Council: December 2004)																		
-	-	-	-	-	-	-	-	-	-	-	-	-	-	y	y	y	- ²¹	y
l) Framework Decision of 22 July 2003 on the execution of orders freezing property or evidence (initial deadline for Acceding States): 2 August 2005; deadline set by the Declaration of the European Council: December 2004)																		
c ^o [23]	-	-	-	-	-	-	-	-	-	-	-	-	-	p ^o [24]	o	-	-	-

	BE	DE	DK	ES	FIN	FR	GR	IE	IT	LU	NL	PT	SE	UK	CY	CZ	EE	HU	I
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before the House of Representatives.

[6] HU has indicated that the FD on JITs has been implemented insofar as police co-operation is concerned. Relating to judicial co-operation, the legislation has been enacted but will only enter into force when the 2000 EU Convention on MLA enters into force.

[7] On 8 June 2004 the Commission submitted a report on the implementation of the FD on Combating Terrorism by the 15 old Member States (doc. 10528/04 DROIPEN 28 CATS 30 + ADD 1 issued on 15 June 2004). According to this report, only FIN, FR and PT appear to have fulfilled entirely the obligations emerging from the FD on Combating Terrorism except Article 9(2) of the FD. The latter provision appears to have been incorporated, according to the aforementioned report, by none of the Member States. This report is the basis for a note from the Presidency to the Council (doc. 11687/2/04 DROIPEN 40 REV 2). The legislation of the 10 new Member States as well as further progress in implementing this Framework Decision and additional information provided for by the old Member States will be examined in a second report from the Commission (to be submitted to the Council by 30 June 2005).

[8] According to the aforementioned report from the Commission (doc. 10528/04 DROIPEN 28 CATS 30 + ADD 1), AT did not entirely comply with the Framework Decision at the time of the drafting of the report. Since then, AT has introduced further legislative procedures so as to enact supplementary legislation.

[9] Sweden has provided supplementary information concerning the Swedish implementation of the FD on Combating Terrorism.

[10] CY has indicated that new counter terrorism legislation is under preparation.

[11] LV has informed the General Secretariat of the Council that it has implemented the FD on Combating Terrorism apart from the provisions on liability of legal persons.

[12] The report from the Commission on the implementation of this Framework Decision (doc. 9251/04 DROIPEN 14) which is the basis for the Presidency's note to Council (doc. 10369/2/04 DROIPEN 24 REV 2 + COR 1) examines only the legislation of the 15 old Member States. The legislation of the 10 new Member States as well as further progress in implementing this Framework Decision and additional information provided for by the old Member States will be examined in a second report from the Commission (to be submitted to the Council by 30 June 2005). According to the report from the Commission on the implementation of this Framework Decision (doc. 9251/04 DROIPEN 14), ES, IT and LU were, at the time of the drafting of the report, preparing legislation that had not yet entered into force, a special legislative drafting committee was producing national transposing provisions in GR and SE was examining whether new legislation was necessary to comply with the Framework Decision

[13] According to the aforementioned report from the Commission (doc. 9251/04 DROIPEN 14), AT did not entirely comply with the Framework Decision at the time of the drafting of the report. Since then, AT has notified the COM and the GSC of legislation that was enacted in order to comply with the Framework Decision.

[14] According to the aforementioned report from the Commission (doc. 9251/04 DROIPEN 14), ES did not entirely comply with Articles 1 and 3 of the Framework Decision at the time of the drafting of the report. Since then, ES has enacted new legislation in order to transpose the Framework Decision. These provisions have already entered into force and will be applied to offences committed after 1 October 2004.

[15] According to the aforementioned report from the Commission (doc. 9251/04 DROIPEN 14), IT did not inform on provisions implementing Article 2 of the Framework Decision. Thus, it is taken that IT complies only in part with the Framework Decision.

[16] According to the aforementioned report from the Commission (doc. 9251/04 DROIPEN 14), PT did not entirely comply with the Framework Decision at the time of the drafting of the report. Since then, PT has enacted new legislation in order to transpose the Framework Decision.

[17] The information refers to the question whether Member States have enacted legislation or take the view that they comply with the Council Decision on the basis of existing provisions (=y) or not (= -). As to the appointment of national members of Eurojust, all (old and new) Member States have notified the General Secretariat of the Council of the EU of their decisions. On 6 July 2004 the Commission submitted a report on the legal transposition of the Council Decision setting up Eurojust by the 15 old Member States (doc. 11280/04 EUROJUST 66 + ADD 1). According to this report from the Commission, FIN, UK, IE, GR, SE and DK still had to bring, at the time of the drafting of the report, their national legislation into conformity with the Eurojust Decision.

[18] Designation of a Eurojust national correspondent for terrorism matters by each Member State

[19] According to information received from SE, the MLA Convention has been implemented to a large extent. So far, the General Secretariat of the Council has not been notified thereof.

[20] CY has indicated that the 2000 Convention on MLA and the 2001 Protocol thereto have been implemented into national law. So far, the General Secretariat of the Council has not been notified thereof, accordingly.

[21] PL has indicated that the legislation to implement the 2000 Convention on MLA and the 2001 Protocol thereto were awaiting signature by the President. The ratification instrument can only be signed by the President after Poland has received an authentic text of the Convention and the Protocol in Polish.

[22] EE has indicated that it intends to ratify the Europol Convention and the Protocols thereto by the end of 2004 at latest.

[23] AT has indicated that its legislation to implement the FD on the execution of orders freezing property or evidence was published in the Austrian Official Journal on 30 April 2004. According to this law, it will enter into force on 2 August 2005. However, it is envisaged to put it into force by December 2004.

[24] UK has indicated that it has implemented the FD on the execution of orders freezing property or evidence insofar as terrorist assets are concerned. UK is making progress towards full implementation.

[25] LV has indicated that legislation to implement the FD on the execution of orders freezing property or evidence is currently being reviewed and prepared by the Latvian Parliament for 3rd and final reading.

[26] r= ratification (or accession or succession); s= signature (without ratification);