

## **EU MEASURES IMPLEMENTING THE 2004 EU-U.S. DECLARATION ON COMBATING TERRORISM**

The adoption of the Dromoland Castle Declaration on 26 June 2004 marked a significant step in counter-terrorism cooperation between the United States and the European Union. The Declaration identified several fields in which coordination between American and European counter-terrorism efforts could be enhanced. Since then, the EU has undertaken much work to fulfil its commitments. The following statement is keyed to the points of the Declaration:

### **1. We will work together to deepen the international consensus and enhance international efforts to combat terrorism**

The EU emphasised its full support to the United Nations in political dialogue meetings with partner countries as well as with international, regional and sub-regional organisations. The EU enhanced its cooperation with the Counter-Terrorism Executive Directorate of the UN Counter-Terrorism Committee (CTC). EU observers took part in three CTED assessment missions.

In all meetings with partners countries and international, regional and sub-regional organisations, the EU promoted universal adherence to, and full implementation of, the 12 UN Conventions against terrorism. Moreover, the EU encouraged all partners to fully implement all relevant UN resolutions, including UNSCR 1373 (2001) and UNSCR 1267 (1999) and all subsequent amending resolutions.

In its meetings with partner countries the EU also worked to reach an international consensus on a UN Convention for the Suppression of Nuclear Terrorism and a Comprehensive UN Convention against terrorism. The UN Convention for the Suppression of Nuclear Terrorism was formally adopted by the United Nations General Assembly on 13 April 2005.

### **2. We reaffirm our total commitment to prevent access by terrorists to financial and other economic resources**

The European Commission is a full and founding member of the Financial Action Task Force on Money Laundering (FATF). The Commission is able to contribute to FATF debates and ensure that key FATF recommendations are properly reflected in Community legislation. The EU has actively supported the work of the FATF on all issues regarding the financing of terrorism, latest at its plenary meeting in Singapore, and has in particular supported the new methodology to evaluate national legal frameworks. The agreement reached on Special Recommendation VII on wire transfers at that meeting was supported by the EU.

In October 2004 the Commission adopted a Communication on the Prevention of and fight against terrorist financing through measures to improve the exchange of information, to strengthen transparency and enhance the traceability of financial transactions. This Communication entails all the principles of the FATF 9 special recommendations.

The EU has made great strides in developing the dialogue with the US on Terrorist Finance. There have been regular exchanges both with policy officials and with law enforcement and judicial practitioners. This has involved discussion of trends in terrorist finance as well as exchanges on best practice with regard to the designation of terrorist suspects and groups, assets freezing and so on.

Internally, the Third Anti Money Laundering Directive agreed by Council of Economic and Finance Ministers on 7 June, prohibits money laundering and terrorist financing. It is applicable to the financial sector as well as to lawyers, notaries, accountants, real estate agents and casinos. The directive imposes new requirements on those involved in the movements of large sums of cash and wire transfers to identify and verify the identity of their customer or beneficiaries, to report suspicions on money laundering and terrorist financing to the national financial intelligence unit and take additional measures, such as improved record keeping, training of personnel and the establishment of internal policies and procedures. Proposals are expected from the European Commission on certain aspects of the regulation of alternative remittance systems and on wire transfers. On other aspects of alternative remittance systems an agreement has been reached by the Council in the framework of the Third Anti Money Laundering Directive. Political agreement has been reached on an instrument regarding cash couriers and trans-border cash movements.

The EU has strengthened mechanisms for designation and freezing of assets, based on United Nations Security Council Resolution 1373 (2001) and continues to improve this mechanism in order to make it more effective, while safeguarding individual rights. The EU also considered appropriate ways to deal with renaming and front organisations. An EU consolidated list of all persons and entities subject to asset freezing is available on the website of the European Commission.

### **3. We commit to working together to develop measures to maximise our capacities to detect, investigate and prosecute terrorists and prevent terrorist attacks**

In the Dromoland Declaration, the U.S. and the EU commit themselves to promoting cooperation between their law enforcement agencies and institutions, for the purpose of the prevention, detection, investigation and prosecution of terrorist offences.

In particular, the U.S. and the EU decided to work together to develop strategies to prevent cyber attacks that threaten our critical information infrastructures and to combat use of the Internet as a means for communication among terrorists and other criminals. To this end, the European Union has adopted a Framework Decision on Cybercrime on 24 February 2005.

The EU and the U.S. also set out to enhance their abilities to share information among intelligence and law enforcement agencies and to cooperate on a better use of sensitive information in aid of prosecutions of terrorists. To this end, a U.S.-EU seminar on the use of intelligence in Court will be organised by Eurojust.

The Council has evaluated Member States' capacities with regard to the use of appropriate investigative techniques, such as electronic surveillance, in combating terrorism. This evaluation will contribute to further cooperation with the U.S. in this field.

With regard to legal cooperation foreseen in the Dromoland Declaration, the negotiation of the bilateral instruments foreseen by the EU-U.S. agreements on Extradition and Mutual Legal Assistance should be completed by the end of 2005 so that they can enter into force in the course of 2006. Furthermore, the U.S. and the EU are continuing negotiations in order to strengthen cooperation between U.S. prosecutors and Eurojust.

In the Dromoland Declaration, the U.S. and the EU pledged to ensure that conduct consisting of knowingly supplying or attempting to supply material or logistic support to terrorists or terrorist groups is made a criminal offence. The EU Framework Decision on the fight against terrorism of 13 June 2002 covers this type of conduct.

In the framework of the common commitment in the Dromoland Declaration to review developments regarding proposals directed at improving the exchange of information, a joint U.S.-EU assessment of the two relevant agreements between Europol and U.S. Law Enforcement Agencies will be conducted in the near future.

In order to enhance mutual awareness of each other's criminal justice systems, a seminar aimed at introducing U.S. law enforcement officials to EU law enforcement issues was hosted by the Presidency of the Council, with assistance of the Commission, on 6-8 April 2005. A similar seminar for EU law enforcement officials will be organised in Washington in the Autumn.

#### **4. We will seek to further protect the security of international transport and ensure effective systems of border control**

The EU and the US have continued to enhance trade and transport security dialogue under the auspices of the Policy Dialogue on Border and Transport Security (PDBTS) established in April last year as well as through relevant technical expert working groups such as the Joint Customs Cooperation Committee (JCCC) and the EU-US Transport Security Co-ordination Group (TSCG).

In the area of Customs Co-operation the EU and the US have agreed and are implementing a 10 point action plan on, among other, minimum standards for controls applied by EC and US customs authorities on high risk consignments, joint threat assessment, the exchange of risk-related information, pilot project on transshipments, a study of trade partnership programs and cooperation on research. The EC and the US have recently agreed that the Container Security Initiative is open for participation by all European ports that comply with the minimum requirements that have been jointly agreed. The EC is currently developing an Authorised Economic Operator concept which would provide a number of tangible benefits to operators capable of meeting certain standards including enhanced security standards. We have throughout maintained dialogue with private economic operators to ensure their interest and expertise are properly reflected in planning the concept. The Commission is working to promote the adoption by the EU and the US of mutually compatible trade security standards involving mutual recognition and full reciprocity of controls, security standards and industry partnership programs

A Council Regulation was adopted concerning standards for security features and biometrics in EU passports and other travel documents. It provides, in the first phase, for the insertion of biometrics on digital images within 18 months and, in the second phase, for those on fingerprints within 36 months. The adoption of the first part of the aforementioned technical specifications was completed on 28 February 2005. The deadline for the implementation of the digital image is set for 28 August 2006.

In order to enhance information exchange in responding to the problem of lost and stolen passports, the EU has adopted a Common Position on 24 January 2005 on exchanging certain data with Interpol.

#### **5. We will work together to develop further our capabilities to deal with the consequences of a terrorist attack**

The European Union has continued work on health security and civil protection in the event of major disasters, including terrorist attacks. The European Council of June 2004 asked the Commission and the Council to assess Member States capacities to prevent and cope with terrorist attacks and to enhance the existing cooperation on civil protection. On that basis, the Commission

together with Member States has launched a process aimed at assessing the civil protection assistance that Member States can collectively make available through the Community Civil Protection Mechanism in the event of a major terrorist attack. This process, now well advanced, should be finalised by the end of 2005. In parallel the EU continues to work on health security notably through the Health Security Committee which has been actively working to develop and implement health security policy. The EU continues to participate in international programmes, such as the G7 sponsored Global Health security initiative.

The EU is ready to enhance coordination with the United States in this field.

**6. We will work in close cooperation to diminish the underlying conditions that terrorists can seize to recruit and exploit to their advantage.**

The EU is working on the establishment of a comprehensive long-term strategy to address radicalisation and recruitment into terrorism, both within the EU and globally. This strategy will be finalised by December 2005. In the past year, the U.S. and the EU have continued to coordinate their efforts and to exchange views on this issue.

The EU consistently discusses the issues of radicalisation and recruitment in its consultations with partner countries and regional organisations. It fully recognises the importance of increased tolerance and cross-cultural and inter-religious dialogue in this regard.

The EU continues to work, in close coordination with Member States, to address the factors that contribute to the emergence of terrorism. In addition, EU programmes aimed at promoting democracy, development, good governance, and human rights in third countries contribute to the reduction of factors underlying radicalisation and recruitment outside of the EU. In this context, the establishment of the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures, jointly financed by all 35 members of the Euro-Mediterranean Partnership and inaugurated in April 2005, is worth mentioning. The Foundation's main objective is to bring people and organizations from both shores of the Mediterranean closer to each other and to help bridging the gap between them. The Anna Lindh Foundation pays particular attention to the development of human resources.

**7. We will target our external relations actions towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced**

The EU devotes much attention to enhancing assistance to countries where counter-terrorism capacities need to be developed. In the past year, it conducted consultations with a number of countries and carried out assessment missions in order to identify priorities that could benefit from EU technical assistance. The UN Counter-Terrorism Executive Directorate invited the EU participate in three of its missions with a view to coordinating counter-terrorism efforts. The EU also continued to support the coordinating role of the G8 Counter-Terrorist Action Group.

The Commission has been 'mainstreaming' counter-terrorism into various Community assistance programmes. The Community is already providing some 400 million Euros of counter-terrorism related assistance to approximately 80 third countries. EC funding will also support regional counter-terrorism capacity building in Africa, through support to the African Union's Terrorism Research Centre in Algiers and in Asia through the Jakarta Centre for Law Enforcement Co-operation (JCLEC).

Since the Dromoland Declaration, the EU and the US have undertaken steps to enhance their cooperation on the provision of technical assistance to third countries in the fight against terrorist financing.