

Questions & Answers: Security Union – Commission presents anti-terrorism package to better protect EU citizens

Security has been a political priority since the beginning of the Juncker Commission's mandate. Since adopting the [European Agenda on Security](#) in April 2015, the Commission has been supporting Member States by creating the right framework at EU level to better protect EU citizens. Decisive action has been taken to deny terrorists the means to carry out attacks, share intelligence between Member States, protect Europeans online and better manage our borders.

The Commission reports regularly on progress made towards creating an effective and genuine Security Union and is today presenting its 11th Progress Report, setting out a package of operational and practical anti-terrorism measures to be rolled out over the next 16 months. These measures will help Member States address vulnerabilities exposed by recent terrorist attacks and will make a real difference in enhancing security. The measures will:

- Support Member States in protecting public spaces;
- Close the space in which terrorists can operate by further restricting access to explosive precursors and improving cross border access to financial information;
- Enhance preparedness, resilience and coordination at EU level in case of an incident involving chemical, biological, radiological or nuclear (CBRN) substances;
- Support law enforcement and judicial authorities that encounter encryption by criminals in criminal investigations;
- Set out the next steps on countering radicalisation;
- Reinforcing the EU's external action on counter-terrorism.

1. An EU Action Plan to support the protection of public spaces

What has been done so far at EU level?

Whilst Member States are primarily responsible for protecting public spaces, the EU can and should do more to provide support to improve preparedness and better protect them from the threat of terrorism. The Commission's work on supporting the protection of public spaces (and so-called "soft target" protection) has focused on facilitating practical cooperation by bringing law enforcement practitioners together to share best practice, developing guidance materials and conducting detection trials together with Member States.

Building on this work, as well as work undertaken in the context of critical infrastructure protection such as research on the physical protection of buildings, the Action Plan presented today sets out immediate, concrete

measures to support the Member States improve the physical protection and reduce the vulnerability of public spaces

Why is the Commission proposing an Action Plan?

With the growing threat to public spaces, as shown by the recent attacks in Barcelona, Berlin, London, Manchester, Nice, Paris and Stockholm, there is a need to do more in this area, including at EU level, by facilitating cooperation, sharing information and best practices across borders – including through targeted funding of over €118 million over the next year – and providing guidance to Member States. The EU can also provide support through the establishment of forums involving a wide range of stakeholders in this work, including from the local level and the private sector.

As part of the Action Plan, the Commission will:

- Set up specialised forums for **exchanging expertise and best practice**. A **Practitioners' Forum** will be established where law enforcement practitioners and existing law enforcement networks can share knowledge about protecting public spaces. A **High-Risk Security Network** will be established to organise common trainings and joint exercises for law enforcement to improve their preparedness and enhance their response capacity.
- Help develop **guidance material** and work towards common standards on issues such as the physical protection of buildings, the protection of specific events (e.g. sporting events) or places (e.g. airports), the design and planning of public spaces in order to make them more secure and the better use of detection methods (e.g. technologies and the use of dogs), including “security by design” solutions to make public spaces more secure while preserving their open and public nature.
- Foster the **involvement of stakeholders** in protecting public spaces by establishing an **Operator's Forum** to engage with all stakeholders, including private sector operators such as concert hall owners and car rental companies, with the aim of encouraging public-private security partnerships. The Commission will also pursue dialogue with local and regional authorities, including mayors of major European cities, to share best practice and facilitate funding opportunities.

How much additional funding will the Commission make available for the protection of public spaces?

EU funding can support Member States in the protection of public spaces, drawing on expertise and best practice in other Member States and enhancing cooperation across borders. Funding can, for example, support measures to promote the development of innovative security by design infrastructure, including measures such as access control zones at the entrance to buildings that ensure secure public spaces without changing their open character. As part of the Action Plan, the Commission is today making an additional over €118 million available in EU funding, both for short- and medium-term measures.

Increased EU funding for short-term measures: To address immediate needs, the

Commission is **today launching a call** for project proposals through the **Internal Security Fund (ISF) Police** for a total amount of **€18.5 million**. This funding will support transnational projects improving the protection of public spaces (e.g. development of new concepts of urban design). Funding will also be made available within this call to improve the cooperation between first responders in the aftermath of terrorist attacks through projects that aim to enhance the coordination between, for example, law enforcement, civil protection and medical services.

Increased EU funding for medium-term measures: The short-term funding will be complemented with additional funding of up to **€100 million** in 2018 through the **Urban Innovative Act** under the European Regional Development Fund (ERDF) to support projects ensuring the physical resistance of buildings, the physical protection of crowded places and promoting security by design. The Commission is currently collecting ideas from cities on innovative security solutions, to prepare the relevant calls for proposals to be launched in October 2018.

In addition, the EU has so far funded 48 security research projects related to the protection of public spaces under the Seventh Framework Programme and Horizon 2020 for a total amount of €195 million. A dedicated topic on the protection of public spaces will be included in a call for research proposals under Horizon 2020 in its 2018–20 Work Programme.

How much funding is the Commission making available for other security related actions through the Internal Security Fund?

The Internal Security Fund (ISF) was set up for the period 2014-20 to promote the achievement of an efficient and genuine Security Union, [law enforcement cooperation](#) and improve the [management of the EU's external borders](#). The ISF–Police component of the Internal Security Fund contributes to ensuring a high level of security in the EU by funding projects to combat crime, including [terrorism](#), and to reinforce coordination and cooperation between law enforcement authorities and other national authorities in Member States, including with Europol.

The ISF–Police fund is mainly utilised by participating Member States through shared management with the Commission – i.e. each country makes use of the funding through national annual programmes setting out the yearly priorities and objectives. For the period 2014–20, Member States have at their disposal a total of €754 million.

In addition, the Commission manages part of the ISF–Police fund directly. For 2017, the Annual Work Programme budgets a total of €108 million for direct management by the Commission – almost 3 times the amount for 2016 (€39 million). Five priority areas have been defined for 2017: counter-terrorism, organised crime, cybercrime, operational cooperation and information exchange.

What measures are taken to improve transport security?

With recent terrorist attacks focusing increasingly on public spaces,

transportation means are both targets of terrorist acts but also a means to conduct attacks (e.g. hijacked planes or truck-ramming). In response to this, there is a need to assess the degree to which transport security rules ensure security while also ensuring fluid transport networks.

Because its infrastructure is by nature open, **rail transport** is a high risk target. In June 2017, the Commission, along with Member States, launched a common railway risk assessment and is working on further measures to improve passenger railway security.

In **road transport**, the Commission is developing a best-practice security guidance toolkit for the end of 2017 focusing on truck security to address the risk of hijacking and theft of trucks used in ramming attacks, while new technologies are also being explored, such as collision avoidance systems and automatic emergency braking.

While the **aviation sector** is already a well-protected sector, the Commission will further enhance airport security by providing guidance on the protection of landside areas with a focus on passenger flows.

The Commission will also continue enhancing **maritime transport security**, in particular to step up the protection of ports, container ships and passenger transport ships such as ferries and cruise ships.

2. Cutting access to explosive precursors and improving cross border access to financial information

What measures are in place at EU level to restrict the access to explosive precursors?

At EU level, the [Regulation on Explosives Precursors](#), adopted in 2013, harmonises rules across Europe on the availability, introduction, possession and use of certain chemical substances or mixtures (such as hydrogen peroxide) that could be misused for the illicit manufacture of explosives. The EU rules ensure that the general public cannot acquire, possess and use the restricted chemical substances unless their Member State establishes a licensing or registration system. Economic operators in the supply chain are also required to report suspicious transactions, disappearances and thefts involving a broad list of chemicals.

Whilst the implementation of this Regulation has contributed to reducing access to dangerous explosive precursors, recent terrorist attacks and incidents indicate that the threat posed by home-made explosives in Europe remains high. In spite of the efforts to effectively restrict and control access to them, explosives precursors continue to be accessed and used for the purpose of making home-made explosives. As part of the measures presented today to cut off access to the means used by terrorist to prepare and carry out attacks, the Commission is today presenting a **Recommendation setting out immediate steps to prevent the misuse of explosives precursors**.

What new measures is the Commission recommending today?

To restrict as much as possible the access to and use of explosives

precursors by terrorists better achieve the objectives of the Regulation on explosive precursors, the Commission is today recommending that Member States:

- Assess whether the **prohibition, licensing or registration system** for precursors in place at national level is effectively contributing to restrict the availability of these substances, and inform the Commission of the result of this assessment within four month after the adoption of the Recommendation. The information received from Member States will help to consider if possible further measures are necessary at EU level.
- Promote and, where possible, require the use of **alternatives substances or lower concentrations** that can be used for the same legitimate activity whilst posing less concern to security.
- Establish conditions for the **secure storage** of explosives precursors for economic operators, professional users and members of the general public who are legally in possession of explosives precursors.
- Carry out **background checks** on anyone applying for a licence and set up inspection systems to identify non-compliance by economic operators.
- Engage with the **supply chain** by providing training to law enforcement and customs authorities.
- Encourage end-users of explosives precursors to **report** any significant disappearances or thefts.
- **Exchange information** on suspicious incidents with other Member States, whenever there is a potential cross-border element.

The Commission is also stepping up its **review of the Regulation** with an impact assessment to be carried out during the first half of 2018.

How will cross-border access to financial information be improved?

Due to its reliability and accuracy, financial data can help identify terrorists, uncover links with accomplices, establish the activities and logistics of suspects and map out terrorist networks. Having a rapid overview of the financial activities of suspects and their accomplices can provide law enforcement with crucial information to prevent attacks or react in the aftermath of an attack.

Access to financial transaction data held in other Member States can be facilitated through **Financial Intelligence Units**. The **European Investigation Order** also offers new possibilities to obtain financial transaction data when such information needs to be used as evidence in criminal proceedings.

The Commission is exploring options to **improve cooperation among Financial Intelligence Units** and in the context of the proposed amendments to the 4th Anti-Money Laundering Directive currently under negotiation with the co-legislators, work is on-going to facilitate access to financial data within a Member State, with the establishment of central bank account registries or data retrieval systems in all Member States. These systems will be accessible to Financial Intelligence Units. Building on this work, the Commission is preparing an initiative to broaden law enforcement access to bank account registries. The Commission is also analysing the need for additional measures to facilitate access to financial transaction data held in other EU

jurisdictions for counter-terrorism investigations.

Bringing together ongoing assessments regarding the use of financial information for counter-terrorism investigations, the Commission will organise a stakeholder meeting in November 2017 to discuss:

- The main obstacles to effective and timely access to financial transaction data held in other Member States for counter-terrorism investigations;
- The necessity, technical feasibility and proportionality of possible additional measures to facilitate cross-border access to financial transaction data for counter-terrorism investigations in a quick, effective and secure manner.

The Commission continues to promote the exchange of best practice concerning investigation techniques and analysis of terrorist methods to raise and move funds, including financial support based on a **call for proposals launched today worth €2.5 million**.

3. A new EU Action Plan to strengthen chemical, biological, radiological and nuclear (CBRN) security

Why is the Commission proposing a new Action Plan?

In 2009, the Commission adopted a chemical, biological, radiological and nuclear (CBRN) [Action Plan](#) with the aim to prevent and limit the impact of risks by restricting access to CBRN materials, improving their detection and enhancing the response to incidents involving CBRN substances.

Although CBRN agents have not been used in terrorist attacks in Europe and whilst the probability of an attack using CBRN is considered low, the overall CBRN threat is evolving and the impact of a possible attack could be high. The EU is therefore focusing on stepping up prevention, preparedness and response planning. The new Action Plan presented today builds on the work launched in the 2009 Action Plan and addresses the gaps identified following the review of its implementation, also taking into account emerging threats. Many of the actions proposed will also improve society's preparedness for possible incidents involving CBRN that are unconnected to terrorism.

Measures proposed in the new Action Plan will:

- **Reduce the accessibility** of CBRN materials by optimising the exchange of technical information about CBRN weapons through a systematic inclusion of technical information on CBRN weapons and incidents in the European Bomb Data System managed by Europol, and improving customs detection capability and better address insider threats in facilities holding CBRN materials.
- **Boost preparedness and response** to security incidents by developing a common EU training curriculum for first responders (law enforcement, civil protection, health) to incidents, by re-engineering the Early Warning and Response System (EWRS) to improve information flow regarding cross-border threats to health. Handbooks to raise awareness of the

risks related to emerging biotechnologies will be developed in the fourth quarter of 2018. A mapping of existing EU training activities will be completed by January 2018 and a roll-out of new training and exercises will start in the fourth quarter of 2018.

- **Build stronger links with key international and regional partners** by organising joint workshops or exercises with strategic partners (such as the US), by cooperating more closely with NATO to design common trainings on CBRN, and by sharing best practices with multilateral organisations (such as Interpol and IAEA).
- **Enhance and exchange knowledge of CBRN risks** at EU level by establishing an EU CBRN security network composed of national CBRN Security Coordinators, EU experts and Europol's European Counter-Terrorism Centre (ECTC) to pool expertise and coordinate initiatives; by exploiting better research results; and by identifying new research needs such as solutions on how to mitigate emerging threats. The network, to be fully operational by 2018, will be supported by a CBRN knowledge hub in Europol as well as expertise available in Member States.

The technical complexity, relatively low likelihood and high costs related to prevention, preparedness and response to CBRN incidents make this an area where cooperation at EU level and pooling of resources with a view to achieving better preparedness for possible CBRN incidents, including those unconnected to terrorism, are particularly useful and result in significant security gains.

4. Supporting law enforcement in criminal investigations online

What is the role of encryption in criminal investigations?

Law enforcement and judicial authorities are increasingly facing challenges posed by the use of encryption by criminals in the context of criminal investigations. This is not only limited to serious crimes: in many cases, electronic data may be the only information and evidence available to prosecute and convict criminals. The challenges are not only due to attempts by criminal users to disguise their electronic communication and privately stored data, but also due to the default option of many communication services to apply encryption. The use of encryption by criminals, and therefore its impact on criminal investigations, is expected to continue to grow in the coming years.

How is the Commission proposing to support Member States on encryption?

Following consultation with Member States and stakeholders, the Commission has proposed today:

- to support Europol to further develop its decryption capability;
- to establish a network of centres of encryption expertise;
- to create a toolbox for legal and technical instruments;
- to provide training for law enforcement authorities, supported by €500,000 from the ISF–Police fund in 2018;
- to establish an observatory for legal and technical developments;
- to establish a structured dialogue with industry and civil society

organisations.

In early 2018, the Commission will present proposals to provide for a **legal framework** to facilitate access to electronic evidence.

5. Countering radicalisation

How does the Commission support Member States in their efforts to counter radicalisation?

Recent attacks have shown that some terrorists have been radicalised very quickly, be it online or offline. The prevention and countering of radicalisation is a key element to effectively fight against terrorism and prevent attacks from taking place. The European Commission has been supporting Member States for over a decade in their efforts across several policy areas, from tackling extremist propaganda online and radicalisation in prisons to promoting inclusive education and common values. Support is provided for example through dedicated EU funding and through the setting up of a number of dedicated expert groups and forums to improve EU cooperation in different areas.

In July 2017, the Commission set up the **High-Level Expert Group on Radicalisation** to step up efforts to prevent and counter radicalisation and improve coordination and cooperation between all relevant stakeholders, building on the achievements obtained so far. The Group is tasked with setting out recommendations for further work in this area, with a first interim report to be completed this year, including on the need for and added value of establishing an EU Centre for the Prevention of Radicalisation.

In parallel, the EU is further engaging on reducing and countering online radicalisation, notably through the **EU Internet Forum**. In July 2017, the EU Internet Forum set out an Action Plan to combat terrorist content online, calling on the internet industry to take decisive action, devote resources and develop the necessary technological tools to ensure the swift detection and take-down of harmful material. Currently, some companies are reporting that 75% of content is now detected automatically and then referred to human reviewers for the final decision on removal, whereas for others, 95% of content is now detected via proprietary detection tools. On 6 December 2017, the European Commission will convene the EU Internet Forum at Ministerial level with the participation of high-level representatives of the internet industry to assess progress and pave the way for future action.

On 28 September 2017, the actions taken in the context of the EU Internet Forum were reinforced by [new guidance and principles](#) for online platforms to increase the proactive prevention, detection and removal of illegal content inciting hatred, violence and terrorism online. The Commission will carefully monitor progress made by the online platforms over the next months and assess whether additional measures are needed, including possible legislative measures to complement the existing regulatory framework. This work will be completed by May 2018.

The Commission also continues to work on **preventing radicalisation in**

prisons. In this area, the Commission supports Member States to develop de-radicalisation and rehabilitation schemes, as well as risk assessment tools to help judicial authorities to fight this phenomenon. On 27 February 2018, the Commission will organise a conference bringing together judges, prosecutors, prison and probation staff to discuss the criminal justice response to radicalisation and share results of ongoing projects.

6. Reinforcing the EU's external action on counter-terrorism

EU external action on counter-terrorism

Cooperation with third countries in the fight against terrorism and organised crime is a prerequisite to strengthen the Union's internal security.

Why is the Commission proposing a revised Passenger Name Record (PNR) Agreement with Canada?

Following the [opinion](#) of the European Court of Justice in July 2017 on the EU-Canada PNR Agreement, the Commission is preparing negotiations to revise the text of the Agreement.

To this effect, the Commission has today submitted a Recommendation to the Council to authorise the opening of negotiations for a revised Agreement in line with all the requirements set out by the Court in its Opinion. Given that the use of PNR data is an important tool to fight terrorism and serious transnational crime, the Council is invited to swiftly authorise the opening of these negotiations.

How is the Commission proposing to strengthen Europol's cooperation with third countries?

In the light of the EU's operational needs in terms of security cooperation with third countries, the Commission will put forward recommendations to the Council before the end of the year to authorise the **opening of negotiations for agreements on the transfer of personal data** between Europol and Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey. Such agreements will further strengthen Europol's capabilities to engage with these third countries for the purposes of preventing and combatting terrorism and serious crimes.

Proposals for Council decisions on the conclusion of the Council of Europe Convention on the prevention of terrorism

To step up international cooperation on counter-terrorism, the Commission is today presenting **proposals for Council Decisions on the conclusion of the Council of Europe Convention on the Prevention of Terrorism and its Additional Protocol.**

The Convention, adopted by the Council of Europe in 2005, relates to the criminalisation of terrorist and terrorist-related activities, to international cooperation regarding such offences and to protection, compensation and support for victims of terrorism. The Additional Protocol to the Convention, adopted by the Council of Europe on 18 May 2015, furthers a

common understanding of, and response to, offences related to foreign terrorist fighters.

The EU signed the Convention and its Additional Protocol in October 2015. With the adoption of the [Directive on Combating Terrorism](#) in March this year, the EU has now transposed all the provisions of the instrument, paving the way to completing its commitment to become a party to the Convention and its Additional Protocol. Today's proposal will conclude this procedure.

The High Representative and the European Commission are also working jointly to implement the decision taken by the Ministers of Foreign Affairs in June 2017 on [EU External Action on Counter-Terrorism](#). This includes:

- **Strengthen the network of counter-terrorism experts in EU Delegations;**
- **Enhance cooperation** between Common Security and Defence Policy missions and operations and EU Justice and Home Affairs Agencies;
- **Step up international cooperation** with partner countries, key strategic partners and key regional and multilateral partners.

For More Information

[Press release](#): Security Union – Commission presents new measures to better protect EU citizens

[Factsheet](#): Protecting public spaces

[Factsheet](#): Security Union – a Europe that protects

[Factsheet](#): Security Union – State of Play October 2017

[Eleventh Progress report towards an effective and genuine Security union](#)

[Action Plan to improve the protection of public spaces](#)

[Action Plan to enhance preparedness against chemical, biological, radiological and nuclear security risks](#)

[Commission Recommendation on explosive precursors](#)

[Proposal for a Council Decision on the conclusion, on behalf of the EU, of the Council of Europe Convention on the Prevention of Terrorism](#)

[Annex](#)

[Proposal for a Council Decision on the conclusion, on behalf of the EU, of the Additional protocol supplementing the Council of Europe Convention on the Prevention of Terrorism](#)

[Annex](#)