

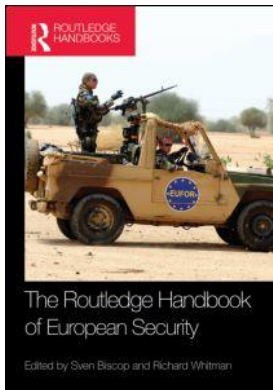
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THE EU AND COUNTER-TERRORISM

Javier Argomaniz and Wyn Rees

International terrorism has become one of the principal security scourges of the twenty-first century. Terrorism itself is not a new phenomenon for many members of the European Union, who have either experienced it as a domestic problem or suffered it during periods of transition from colonial power status. As a domestic problem for some European Community states from the 1960s onwards, it created an unhappy precedent chiefly because Western European states achieved very little cooperation in countering the problem (Den Boer, 2009: 211). This was because the groups acted primarily within their own borders and there was consequently an absence of shared threat perceptions amongst the major European countries.

The contemporary wave of international terrorism has drastically altered those perceptions. This terrorism, motivated by religious extremism, seeks to conduct mass casualty attacks around the world (Hoffman, 1998). It is perpetrated by loosely affiliated Islamist groups from many different countries, which appear able to move with ease across state boundaries. They strike against targets all around the globe in Western and Muslim countries, thereby deserving the description of a global insurgency. The *modus operandi* of the attacks is usually multiple suicide bombings, and the aim is not to obtain sympathetic media coverage but rather to inflict the maximum amount of destruction. These groups recruit new members either through radical preaching or by spreading their ideology across the Internet. They have developed a global discourse that links the suffering of Muslim peoples around the world, in Chechnya, Palestine and Bosnia, and use it to justify a conflict between religious communities.

The primary danger for EU countries has derived from the radicalization of members of their own societies. Second and third generations of immigrant people, suffering a sense of alienation within their own communities, have been susceptible to radicalization. They have been willing to train abroad in places such as Pakistan and then conduct suicide attacks either on their own societies, such as the London Tube bombings in July 2005, or go to fight in war zones such as Iraq, Afghanistan and Somalia (Neumann, 2006; Wiktorowicz, 2005; Dalgaard-Nielsen, 2010). They present a particularly significant source of danger for three reasons. First, they are drawn from large immigrant populations that reside in Western Europe. Second, their process of radicalization can mean that they have never been brought to the attention of the security services, resulting in these 'clean skins' presenting a sudden

and unexpected source of danger. Third, when training abroad they acquire a range of skills and contacts that can be put to deadly use once they have returned home.

The EU has faced the task of fashioning a response to this threat amidst a complex environment. Part of this complexity has related to the fact that the Union is a constrained actor in the field of counter-terrorism. Most of the means to fight terrorism remain at the national level with states reluctant to relinquish additional powers to the EU. For example, the Union does not possess a police force capable of arresting terrorist suspects and it only possesses criminal intelligence that its members are willing to share with it. EU efforts have mainly focused on assisting with the coordination of national responses. This has resulted in a congested institutional architecture with a large number of actors involved in the development of counter-terror policies at the Union and national level. The EU's own competences have, prior to the Lisbon Treaty, been divided across its three pillars: the European Communities, Common Foreign and Security Policy and Justice, Liberty and Security. This has meant that the EU has been required to engage in cross-pillar coordination in order to act purposefully against the threat.

The other part of this complexity has been the EU's attempt to design a comprehensive counter-terrorism response in the face of the US-led War on Terror. The US has put pressure on other Western countries for a robust approach but it has projected its own interpretation of the nature of the threat. US thinking since 9/11 has been shaped by the fear that states opposed to the Western conception of international order could make available to terrorist organizations weapons of mass destruction. This has led the USA in its security strategy to emphasize the need to be proactive in addressing threats a long way from its territory, to be willing to use force and to be prepared to act pre-emptively.¹ This military-driven foreign policy strategy has been complemented by an energetic 'homeland security' policy that seeks to work with allies to minimize the risk of future attacks on the American homeland. Yet European policy-makers have been wary that excesses in US policy could reflect badly on the legitimacy of the EU's actions. American detention of suspects in the legal limbo of Guantanamo Bay, the use of torture techniques such as water-boarding and the outsourcing of interrogations through the practice of Extraordinary Rendition have led to the EU being circumspect about the extent of the cooperation it undertakes with the USA. This was further reinforced by the unpopular invasion of Iraq and has only recently been mitigated by the election of the Obama administration. Pressure from Washington to cooperate has been regarded as a two-edged sword in Brussels.

This chapter seeks to look at the two strands of the EU's counter-terrorism response; the foreign and internal security agendas. It argues that counter-terrorism activity in the field of foreign policy has been modest, whilst the internal security agenda has grown more substantively. EU Member States have accorded a progressively larger role to the EU in combating the internal security dimensions of terrorism, creating a host of institutions and agencies. This has led to a dense institutional framework and has resulted in demanding coordination efforts within the Union.

Counter-terrorism, CSDP and CFSP

External action has been an instrument of secondary importance in the EU's counter-terrorism efforts. The external response of the EU has, in the words of Keohane, 'lag[ged] far behind its internal security reaction in terms of political impetus, resources and ... initiatives' (Keohane, 2008a: 127). This has reflected the fact that the Union has seen the threat from international terrorism primarily in terms of a law enforcement, intelligence and judicial

challenge. This was signalled in 2004 by the decision to prioritize a response through the third pillar of Justice and Home Affairs (JHA, later retitled Justice, Liberty and Security). It has been reinforced by the traditional ethos of the EU as a non-military power, thereby according the lead role to civilian agencies. In light of the extensive Muslim communities within Western Europe, this approach has minimized the risk of alienating elements of the domestic population.

In the case of the European Security and Defence Policy (ESDP, subsequently renamed the Common Security and Defence Policy), its contribution to counter-terrorism has been conceived largely in terms of military capabilities that could provide assistance in the aftermath of a terrorist attack. It has not focused on deploying major military forces overseas. Tangible military initiatives have been few: expanding the contents of the military database of assets and capabilities relevant to the protection of civilian populations;² chemical, biological, radiological and nuclear (CBRN) exercises involving civil military responders as part of the Community Civil Protection Mechanism;³ European Defence Agency research projects to enhance the protection of crisis management personnel and infrastructure;⁴ and related programmes with tangential impact in counter-terrorism.⁵ Member States have remained sceptical about the added value that ESDP/CSDP can offer. EU capabilities in this area continue to be modest and the Union has often struggled to achieve concerted action (Wright, 2006: 294). Moreover ESDP involvement overlaps with NATO, whose capabilities are more considerable, yet still of limited significance in the fight against terrorism.

The Lisbon Treaty offers some innovations in this respect with the inclusion of a Solidarity Clause (Title VII, Article 188) that calls upon countries to 'act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack' and also to mobilize all available instruments including 'military resources' to prevent the 'terrorist threat'. The Clause had already been invoked in the aftermath of the Madrid attacks in the European Council Declaration and it is no more than a political act since it is up to each Member State 'to choose the most appropriate means to comply with this solidarity commitment'.⁶ So the Clause represents no legal obligation. Moreover, no terrorist attack in Europe has ever strained a state's capabilities to the extent that it has been forced to request military assistance from other European countries. Complementing the Clause, Article 43 also inserts new actions announced in the European Security Strategy (ESS) of 2003 to join the Petersberg tasks, actions which 'may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories'.⁷ Of these, only military advice and assistance hold direct relevance to the external fight against terrorism but their deployment is unlikely due to the political implications and the above-mentioned scepticism amongst European countries regarding the use of military capabilities in this area.

In terms of more general foreign policy activity, particular Member States have close relationships with individual countries but pursue these links at a bilateral level. Hence UK involvement with Pakistan is pursued outside of the confines of the EU, rather than being routed through Brussels, as is French cooperation with Algeria and Spanish cooperation with Morocco (Keohane, 2005; Brady, 2009). The EU does play an active role in supporting the counter-terrorism efforts of the United Nations, believing that multilateral cooperation is the most effective and legitimate way of countering the threat from both terrorist groups and states that may be willing to sponsor them. The Union took an active part in steering through UN Security Council Resolution 1373 in September 2001 that mandates financial reporting by countries designed to prevent funds reaching terrorist groups. It also encourages universal adherence to the 16 UN conventions against terrorism.

Where the EU has made a more substantive contribution in foreign policy terms is by acknowledging the paradox that its own internal security has an external policy dimension. At the special summit at Tampere in October 1999 devoted to JHA, Section D of the Conclusions stated the EU's desire to build 'Stronger External Relations in the Field of JHA'.⁸ Recognition of the intimate relationship between internal and external security has led the Union to try to draw its neighbours into patterns of counter-terrorism cooperation that will contribute to its own internal security. This became a priority because the enlargement process has made the Central and East European countries the external frontiers of the Union with the responsibility for keeping out such problems as criminals and illegal migrants (Huysmans, 2006). The main mechanism by which the Union has been able to secure compliance from its neighbours has been the prospect of accession. The principle of conditionality has enabled the EU to impose its own security perceptions upon countries seeking membership.

The EU, consistent with its own ethos, has preferred to offer positive incentives to states to enter into counter-terrorism cooperation. Whereas in the 1990s the USA sought to contain and isolate countries such as Iran and Libya that were accused of state sponsorship of terrorism, the Union sought to critically engage with them. In 1996 the USA brought forward extra-territorial sanctions, the Iran–Libya Sanctions Act, but the EU refused to participate in the action and even threatened to take America to the World Trade Organization if European companies were penalized (Niblett and Mix, 2006). Since 9/11, there has been more evidence of the willingness of the EU to employ its economic strength to put pressure on other countries. Since March 2004 the European Council has committed the Union to include counter-terrorism clauses in all its agreements with third countries. Determining the appropriateness of a trade agreement or the export of arms is regarded as dependent upon that country's policies towards countering terrorism.

EU counter-terrorism policies

The EU responded to the 9/11 attacks in the USA by drawing up a multi-dimensional Action Plan on Counter-terrorism. This *Anti-terrorist Road Map* drew upon a range of measures that had been approved at the 1999 Tampere European Council, and contained over 60 initiatives prioritizing the strengthening of police and judicial cooperation, development of international legal instruments, fighting terrorism financing, improving air security and further cooperation with third countries.⁹ Since that time the Union has brought forward a series of initiatives, usually in response to terrorist outrages such as the March 2004 attacks in Madrid and the July 2005 bombings in London. Post-attack periods of intense activity have tended to be followed by slow-down and inertia until the process is reactivated by the next event.¹⁰ As a product of this disjointed expansion, a coherent set of policies has taken time to emerge.

The early institutionalization of counter-terrorism as an EU policy arena was accompanied by the 2002 *Framework Decision on Combating Terrorism*.¹¹ This legislation marked a milestone in so far as it produced the first common legal definition of terrorism produced by an international organization. Moreover it introduced a list of harmonized terrorist offences and penalties, and in doing so providing a solid framework for the development of further European cooperation. Complementing this basic harmonization, the Council Regulation issuing a *Common List of Terrorist Organizations* also represents a common operational reaction in the form of the freezing of assets of both organizations and individuals suspected of involvement in terrorism.¹²

In parallel to these harmonizing efforts, a *European Arrest Warrant* was approved in 2002 to replace the hugely complex system of the multilateral extradition of suspects. Despite the substantial problems in the national transposition of this instrument, the EAW has become the biggest 'success story' so far in European counter-terror cooperation as it led to the reduction of the average length of time for extradition procedures from more than 9 months to 45 days.¹³ For example, one of the July 2005 London bombers fled to Italy after the attacks but was speedily returned to the UK.

In contrast, the 2002 Framework decision on *Joint Investigation Teams*, which permits law enforcement officials and representatives from the judiciary – plus Europol and Eurojust representatives – to work jointly in cross-border judicial investigations,¹⁴ has been far less utilized. These teams have been made to work by countries such as Spain and France, who have engaged in long-standing counter-terrorism cooperation.

Some states have taken long periods of time to implement agreements that have been made at the EU level. Whilst all states have ratification processes that have to be respected, some have only rarely met the Council's implementation deadline for the transposition of EU-wide measures into domestic legislation (Rees, 2006: 89). Both of the Counter-Terrorism Coordinators (CTC) that have been appointed to draw together the work of EU Member States have called attention to the slow domestic implementation of European legislation. Delays for some instruments have reached several years.¹⁵ This implementation gap represents a significant problem because it undermines the added value of the EU and generates significant confusion and frustration amongst national practitioners (Argomaniz, 2010).

It was not until the Madrid attacks that counter-terrorism emerged as a distinctive area of European governance, inspired initially by the political significance of the 25 March 2004 *European Council Declaration on Combating Terrorism*. The Declaration called for reinforced cooperation and faster implementation and offered clear guidelines for action by setting out seven overarching strategic objectives.¹⁶

More importantly in terms of tangible results, the Road Map was replaced by an updated and greatly expanded *Plan of Action* involving more than 175 individual measures presented in a scoreboard form with clear specific tasks and deadlines. Terrorism financing received additional attention in the form of a separate 2004 EU *Anti-Terrorist Financing Strategy* heavily influenced by the Union's international obligations in the form of the nine Financial Action Task Force (FATF) Recommendations on Terrorism Funding. The Strategy has guided EU efforts along three dimensions: improved cooperation in the exchange of information, enhanced traceability of financial transactions and greater transparency of legal entities. Whilst the initial priority was to generate legislative action, the current emphasis has shifted towards better implementation and improving operational coordination amongst national authorities.¹⁷

Similarly, the reaction to the July 2005 bombings in London helped to crystallize the formulation of the first *EU Counter-Terrorism Strategy*. An adaptation of the UK's own domestic strategy, the document reflected some important changes in the representation of the threat, highlighting its home-grown dimension and inherent complexity. The seven pre-existing strategic objectives in the Action Plan were reformulated into four pillars of action: Prevent (combating radicalization and recruitment), Protect (the strengthening of the defence of possible terrorist targets), Pursue (disrupting terrorist planning, cutting off funding and apprehending terrorist activists) and Respond (enhancing the EU's crisis management capacities).

The preventive dimension evolved into a major priority for EU action. As a reflection, the Commission set up a network of experts and delivered a Communication that constituted a

catalyst for the joint *EU Action Plan and Strategy for Combating Radicalisation and Recruitment to Terrorism*.¹⁸ As part of the Strategy, the Council approved a *Media Communication Strategy* aiming to improve the portrayal of EU policies across the world by challenging inaccurate depictions of EU measures.¹⁹ EU efforts have so far focused on mapping out the problem, allocating tasks in terms of ‘streams’, thematic areas assumed by individual countries, often according to previous national experiences and expertise. This is an innovative approach centred on enhancing transgovernmental learning through the sharing of best practices. Yet at the same time it illustrates that Member States believe that anti-radicalization policies should remain a national competence, in light of the marked differences in experience that defy a harmonized approach.

The lack of any major attack in Europe since 2005 has led to a loss of momentum in EU counter-terrorism, a process that the CTC has described as ‘fatigue’.²⁰ Notwithstanding some high-profile legislative acts, such as the *2008 Amendment on the Framework Decision on Terrorism* criminalizing public provocation, training and recruitment for terrorism,²¹ a period of stability has resulted, evidenced by the substantial reduction in the number of initiatives contained in the Action Plan. Far from this being a negative, the absence of public pressure should allow European and national policy-makers a ‘breathing space’ for gradual and deliberate policy development and an opportunity to gather efforts towards a better implementation of those instruments already approved.

Institutional response

Within efforts to counter terrorism under the third pillar, Member States have shared the right of initiative with the Commission. The latter has become, following the Madrid attacks, an active policy entrepreneur producing a substantial number of initiatives generally channelled through the Justice, Liberty and Security Directorate General (DG JLS)²² and often also involving a variety of other DGs (Relex, Transport, Energy and others).²³ Yet at the same time, due to the political sensitivity of these policies, the Council has preserved a central strategic role.

At the Working Group level, terrorism issues have been discussed in a wide variety of Working Parties, including those on Visas, Civil Protection, Police Cooperation and particular geographical regions, such as the Maghreb. Specialized discussions have been developed within the Working Group on Terrorism (TWG), where practitioners from Member States’ security services work on the internal dimension of the threat and the Committee on Terrorism (COTER) composed of diplomats from foreign ministries and dealing with evaluations of the threat in particular regions and cooperation with third countries and international actors.²⁴ Both technical bodies produce consolidated terrorism trend analyses and policy recommendations. In addition, the Common Position 931 Working Party (CP 931) meets in the ‘Clearing House’ format to update the EU’s list with the terrorist entities whose assets are to be frozen by national authorities. Whereas the work of COTER, CP 931 and other external WPs is coordinated by the Political and Security Committee (PSC) and discussed at the Foreign Affairs Council (Foraff), TWG outputs are channelled through the Article 36 Committee before it reaches the Justice and Home Affairs Council (JHA).

Partly to alleviate the dysfunction resulting from these separate parallel decision-making channels, the figure of a Counter-Terrorism Coordinator (CTC) was announced in the European Council 25 March 2004 Declaration. Initially placed under the High Representative for CFSP Javier Solana, the former Dutch junior minister of interior Gijs de Vries was appointed to:

coordinate the work of the Council in combating terrorism and with, due regards to the responsibilities of the Commission, maintain an overview of all the instruments at the Union's disposal with a view to regular reporting to the Council and effective follow-up decisions.²⁵

Following the decision of de Vries to step down in 2007, he was replaced by the former director of the JHA Directorate within the Council Secretariat, Gilles de Kerchove. In addition to internal and inter-institutional coordination, the current priorities of the post involve evaluating the implementation of the EU Anti-Terrorist Action Plan, suggesting policy and institutional changes and representing the EU in international fora and third countries. However, the CTCs reach and effectiveness has been hampered by the limited formal powers and resources with which the position has been endowed, the CTC office comprising just two secretaries and two national officials (Kerchove and Biolley, 2010: 239).

Currently the CTC works exclusively under the Secretary General of the Council and the European President. As such the post is formally no longer under the High Representative. Nevertheless the post-Lisbon High Representative for Foreign Affairs and Security Policy (HR), Catherine Ashton, is still heavily involved with the EU's external counter-terror relations, supported by a new European External Action Service (EEAS) and the Situation Centre (Sitcen). Sitcen is particularly important in this regard. Integrated in 2010 to the EEAS, analysts seconded to Sitcen work with open sources and assessed (non-operational) intelligence submitted by national security services. Along with Europol, Sitcen is the main producer of threat assessments in the area of counter-terrorism at the EU level and provides reports for the HR, national capitals and relevant Council WP's and ESDP structures such as the Policy Planning and Early Warning Unit (PPEWU) or European Union Military Staff (EUMS) (Müller-Wille, 2004: 29).

Europol, the European law enforcement organization entrusted with providing analytical support to national police forces since starting operations in 1999, is the leading EU agency in the fight against terrorism. As a direct response to the 9/11 attacks, Europol extended its mandate to terrorism-related crimes such as kidnapping and cyber crime and a Counter-Terrorism Unit²⁶ was established with internal analysts and seconded liaison officers (ELOs). The Unit has been producing Analytical Work Files from 'raw' intelligence (including classified information on suspects, victims and contacts) provided by national police forces.²⁷ Europol's main analytical database, the Europol Information System, also holds information pertaining to terrorism under the Counterterrorism Support System (Den Boer, 2006: 102). An overview of terrorism attacks and arrests is provided in an annual Terrorism Situation and Threat Report (TE-SAT). Counterterrorism Task Forces, comprising police and intelligence representatives from Member States and Europol officials, were set up in 2001 and 2004 but were subsequently discontinued. This was due to the scarcity of high-quality data provided by domestic agencies, which has been by far the greatest obstacle confronting Europol's activities.

Terrorism data have also been exchanged with third countries through the signing of information-sharing agreements and the exchange of ELOs. The USA has been the leading beneficiary, through the negotiation of data-sharing agreements in December 2001 and 2002. US liaison officers have also been permitted to work inside Europol headquarters in The Hague.

In parallel, Eurojust, the European judicial cooperation body created by a 2002 Council Decision to improve the fight against terrorism, aims to enhance judicial coordination of cross-border and complex terrorism cases. Work on this area is channelled through a

specialized Terrorism Team of national members with practical expertise. The Team prepares strategic meetings with national representatives of EU Member States and third countries to nurture networks and the transfer of information. Tactical meetings have also been conducted to discuss specific terrorism cases brought about by national prosecutors (Eurojust, 2007). A Counter-Terrorism Monitor provides national prosecutors with an overview of relevant judgments across Europe (Coolsaet, 2010). Although the steady antiterrorism case workload reflects positively on the organization,²⁸ Eurojust officials have often deplored the unfulfilled potential of the institution due to the slow implementation by Member States of European legislation that would speed up the vertical exchange of information and the disappointing levels of support provided to some Eurojust national members by their governments (Eurojust, 2006).

In addition to Europol and Eurojust, other European bodies have been drawn into the framework of counter-terrorist activities and have been endowed with competencies. These include the European Border Agency (Frontex), the European Police College (CEPOL), the Police Chiefs Operational Task Force (PCOTF) and networks such as Critical Infrastructure Warning Information Network (CIWIN) or the European Network of Experts on Radicalization (ENER). This illustrates some of the difficulties that the EU has experienced in trying to manage this congested space and take action across the Union's three-pillar structure. The pillars have traditionally hindered efforts at efficient action because they reflect a mix of legal bases as well as different decision-making processes. Measures that have straddled the pillar divide have often advanced slowly or have required parallel legislative acts.

The Lisbon Treaty has sought to overcome some of these coordination problems by dissolving the pillars into the Community structure. This has had the effect of 'communitarizing' police and judicial cooperation in criminal matters. It has created a single, more transparent legal framework and streamlined policy-making by transforming the Commission into the main policy initiator. The future involvement of the European Court of Justice (EJC) introduces, after a five-year transition period, long-overdue judicial oversight into an area that has been severely criticized for the impact of some policies on European citizens' rights. Co-decision powers have been extended to the European Parliament (EP), whose LIBE Committee on Civil Liberties, Justice and Home Affairs has already made confident use of the new powers in high-profile clashes with the Council.²⁹ The new internal security committee (COSI) has the potential to alleviate coordination weaknesses between EU and national operational bodies. Yet Lisbon does little to bridge the separation between the external and internal dimensions of EU policy, since the Union's CFSP and CSDP remain intergovernmental and preserve a separate structure and decision-making methods. There can be little doubt that Lisbon's 'shadow of the pillars' signify that the internal-external gap in EU counter-terrorism is clearly here to stay.

Conclusion

Counter-terrorism powers within Europe remain divided between the national and the EU level. Union states remain in charge of the lion's share of counter-terror work and hold all of the operational powers. Several countries have proved reluctant to share intelligence and law-enforcement information with agencies such as Europol, in spite of repeated demands for them to do so. Leading countries have even formed ad hoc intergovernmental frameworks within the orbit of the Union in order to cooperate more closely with their neighbours, whilst avoiding the loss of powers to the EU. For instance, the 'Group of 6', comprising France, Germany, the UK, Italy, Spain and Poland coordinate closely and share best practice.

Similarly, the Prüm Treaty was an initiative by seven Member States (Belgium, Germany, Spain, France, Luxemburg, the Netherlands and Austria) in 2005 to improve the sharing of law-enforcement data.

Yet the EU has advanced a long way since the 9/11 attacks and has developed into a recognized counter-terror actor. It has developed a strategy, an extensive action plan with periodically updated measures and a constellation of agencies and actors able to contribute to the coordination and the sharing of best practices in the European fight against terrorism.

It remains the case that significant challenges are still to be overcome. The multiplicity of actors within the field of counter-terrorism results in a complex, overlapping institutional framework. The over-population of the decision-making structure results in a diffusion of authority and the need for onerous coordination efforts. The office of the CTC struggles to bring this apparatus together as its formal mandate is restricted to the Council and it can only rely on its own powers of persuasion when liaising with other EU institutions or member states. What is certain, however, is that the challenge presented by international terrorism will continue to evolve. The EU offers its members added value in fighting this menace and its growth in counter-terrorism responsibilities has every prospect of continuing.

Notes

- 1 United States National Security Strategy (2002).
- 2 Council of the European Union (2007a: 35).
- 3 Council of the European Union (2009b: 31).
- 4 Examples include: CBRN Detection, Identification and Monitoring (MID), CBRN Explosive Ordnance Disposal (EOD), Countering IEDs and Man Portable Air Defence Systems (C-ManPads). See Council of the European Union (2009d: 20).
- 5 Such as the Future Unmanned Aerial Systems (FUAS) project or the EU-wide Maritime Surveillance Network. Council of the European Union (2009d: 32).
- 6 European Council (2004a).
- 7 These are: joint disarmament operations, military advice and assistance, conflict prevention and post-conflict stabilization. See European Council (2007).
- 8 European Council (1999).
- 9 Council of the European Union (2001).
- 10 Argomaniz (2010).
- 11 Council of the European Union (2002a).
- 12 Council of the European Union (2003).
- 13 See European Commission (2005a).
- 14 Council of the European Union (2002b).
- 15 Council of the European Union (2009a: 15).
- 16 These were: deepen international efforts, impede terrorist access to funding and other resources; investigate and prosecute terrorists; protect transport and ensure effective border control; enhance states' consequence management; address support and recruitment into terrorism; and assist third countries in their fight against terrorism.
- 17 Council of the European Union (2008: 5).
- 18 The Strategy three pillars are: the disruption of radical networks and individuals activities, the support for mainstream voices over extremism and the promotion of 'security, justice, democracy and opportunity for all'. See Council of the European Union (2005).
- 19 Council of the European Union (2006b: 5).
- 20 Council of the European Union (2009c: 2).
- 21 Council of the European Union (2008c).
- 22 With the appointment of Barroso's second administration in 2009, DG JLS has been separated into two independent DGs: DG Home Affairs and DG Justice and Fundamental Rights. An individual Unit continues to deal specifically with the fight against terrorism: D.1 in DG JLS, now renamed A.1 within DG Home Affairs.
- 23 Interviews with Commission officials, DG JLS, January 2006 and April 2008.

- 24 Council of the European Union (2004b: 3).
- 25 European Council (2004a).
- 26 The so-called O 4, previously SC-5.
- 27 Interview with Europol Officials, Serious Crime Unit and SC-5 Unit, January 2006.
- 28 In 2009 the number of cases experienced a decrease. See Eurojust (2009: 17).
- 29 More specifically in the passing of the EU–US Passenger Name Records agreement and the EU–US Bank Data Transfer.