

# Understanding EU counter-terrorism policy

## SUMMARY

Faced with a persistent international terrorist threat, the European Union (EU) is playing an ever more ambitious role in counter-terrorism. Even though primary responsibility for combating crime and ensuring security lies with the Member States, the EU provides cooperation, coordination and (to some extent) harmonisation tools, as well as financial support, to address this borderless phenomenon. Moreover, the assumption that there is a connection between development and stability, as well as between internal and external security, has come to shape EU action beyond its own borders. EU spending in the area of counter-terrorism has increased over the years, to allow for better cooperation between national law enforcement authorities and enhanced support by the EU bodies in charge of security and justice, such as Europol, eu-LISA and Eurojust.

The many new rules and instruments that have been adopted in recent years range from harmonising definitions of terrorist offences and sanctions, and sharing information and data, to protecting borders, countering terrorist financing, and regulating firearms. However, implementing and evaluating the various measures is a challenging task. The European Parliament has played an active role not only in shaping legislation, but also in evaluating existing tools and gaps through the work accomplished by its Special Committee on Terrorism (TERR) in 2018.

In line with the Parliament's recommendations, as well as the priorities set by the new European Commission and its counter-terrorism agenda presented in December 2020, future EU counter-terrorism action will focus on better anticipating threats, countering radicalisation and reducing vulnerabilities, by making critical infrastructures more resilient and better protecting public spaces. Upcoming developments also include increased information-sharing, by means of better implementation and modernisation of existing tools, a reinforced mandate for Europol, as well as possible investigation and prosecution of terrorist crimes at EU level, through the proposed extension of the mandate of the recently established European Public Prosecutor's Office.

*This briefing builds on an earlier one, entitled ['The fight against terrorism'](#), published in 2019.*



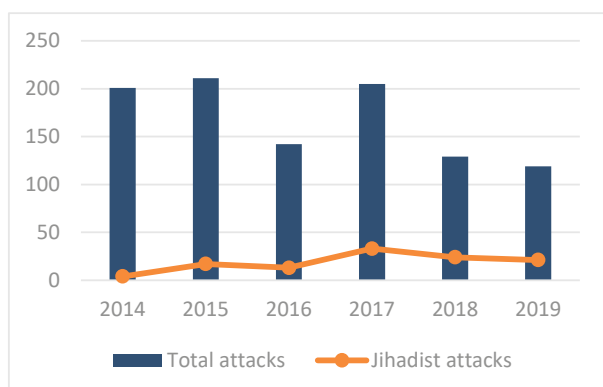
### In this Briefing

- A persistent threat
- Public opinion
- EU legal and policy framework for counter-terrorism
- External dimension of EU counter-terrorism policy
- EU financial instruments to combat terrorism
- European Parliament's role
- Way forward

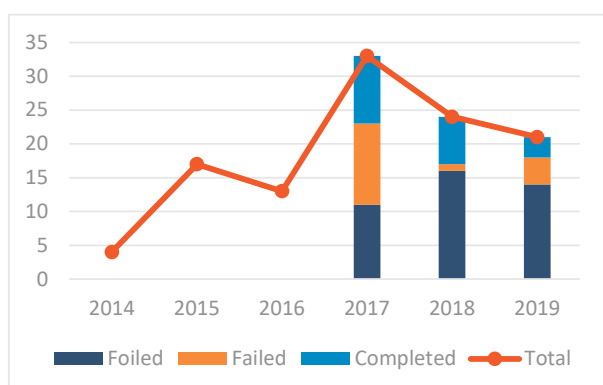
## A persistent threat

The 2020 attacks in France, Germany and Austria have once again propelled terrorism to the top of the EU agenda, reminding us that the terrorist threat has not disappeared from Europe. In its yearly [assessments](#), Europol continually evaluates the level of threat as high. Despite the apparent drop in terrorist incidents over the last couple of years, the number of foiled plots and arrests has remained rather stable, pointing to a persistent threat: for example, in both 2018 and in 2019, foiled jihadist plots represented double the number of completed and failed attacks.

Terrorist attacks in the EU, 2014-2019



Jihadist attacks in the EU, 2014-2019



Source: Europol, [TE-SAT reports](#) 2015-2020.

Terrorism is not a new phenomenon in Europe. Several EU Member States (such as France, Italy, Spain and the United Kingdom) have a long history of fighting domestic terrorist groups. However, since the 11 September 2001 attacks on US soil, the terrorist threat has evolved to a more global scale. Recent [research](#) shows that between 2000 and 2018, 753 people lost their lives in terrorist attacks in the EU, and 1 115 EU citizens fell victim to terror in non-EU countries. Even though [right-wing violent extremism](#) is on the rise and other types of terrorist activities pose a continuous threat, most fatalities in the EU and in the world are caused by [jihadist terrorism](#).

Not only does the threat remain high but it is also becoming increasingly [complex](#), as its nature evolves over time, and poses multiple challenges to the EU and its Member States.

When thousands of Europeans left for conflict zones in Syria and Iraq to join ISIL/Da'esh (Islamic State) as [foreign fighters](#), Europe faced the risk that these individuals, having gained combat experience, would return to the continent to perpetrate or coordinate long-prepared and sophisticated large-scale attacks; sadly, this fear materialised in November 2015 in Paris and in March 2016 in Brussels. However, as ISIL/Da'esh was losing both territory and its ability to

orchestrate military-type attacks, the terrorist activity [shifted](#) to much more spontaneous and unpredictable attacks carried out by individuals acting alone ('lone-wolves'), with only a loose (if any) link to ISIL/Da'esh and often using everyday tools such as knives or cars. According to a recent [study](#), between mid-2014 and the end of 2017 at least 52 attacks (69.3 %) perpetrated in the West<sup>1</sup> lacked a directly established operational connection to a jihadist terrorist organisation. Technological advances that enabled easy access to communication with like-minded individuals and to terrorist material freely available online, increased the capacity 'for anyone to carry out an attack anywhere' – a phenomenon the authors identify as 'democratisation of terrorism'.

The digital environment offers easy ways to radicalise: jihadists and other extremist groups use the internet, the dark net and encrypted communication channels, such as Telegram, for spreading propaganda or training material. Aspiring terrorists do not need to travel any more: most of the [perpetrators](#) of the attacks on European soil in recent years were European citizens, born in Europe and radicalised without leaving their home countries. Even though the Islamic State's 'official' propaganda machine slowed down in 2019 with the loss of its territory, Europol [observed](#) a steady dissemination of supporter-generated content and recycled material.



Other surveys also indicate that Europeans perceive terrorism as a continuous threat. Back in 2017, a special Eurobarometer survey on [Europeans' attitudes towards security](#) showed that 95 % of respondents considered terrorism an important challenge to EU internal security. Interestingly, almost all respondents (92 %) agreed that to optimise the fight on crime and terrorism, Member States' law enforcement authorities should exchange information with each other. According to a more recent Fundamental Rights Agency survey on [security concerns and experiences](#), published in July 2020, almost half (47 %) of people in the EU are very or somewhat worried about experiencing a terrorist attack in the next 12 months. This perception of terrorist threat varies significantly across countries, with the highest degree of fear of a terrorist attack registered in Spain (76 %), France (60 %) and Latvia (55 %), and a much lower degree in Ireland (23 %) and Greece (20 %).

## EU legal and policy framework for counter-terrorism

### Legal basis

EU action in the area of counter-terrorism is based on the Title V, on the Area of Freedom, Security and Justice, of the Treaty on the Functioning of the European Union (TFEU). Article 83 TFEU lists terrorism among the serious crimes with a cross-border dimension for which provision is made for the possibility to establish common minimum rules. However, the Union's competence is limited by Article 4(2) of the Treaty on European Union (TEU), which states that 'national security remains the sole responsibility of each Member State' and by Article 72 TFEU, which confirms national prerogatives for maintaining law and order and safeguarding internal security.

#### Fundamental rights

Counter-terrorism measures taken by the EU have to respect the rights and freedoms of EU citizens enshrined in the EU Charter of Fundamental Rights, including the rights to privacy and data protection. Two important laws in this regard entered into force in 2018: the General Data Protection Regulation (GDPR) and the Data Protection Police Directive, setting standards for protecting individuals when their data are processed in relation to a criminal offence. The Member States also have to comply with the European Convention on Human Rights and European Court of Human Rights case law in the area of counter-terrorism.

Another relevant provision is the '[solidarity clause](#)' (Article 222 TFEU), under which the EU should mobilise all the instruments at its disposal, including military resources made available by Member States, to prevent or respond to a terrorist attack in any one of them.

Counter-terrorism measures can also be taken on the basis of legal provisions pertaining to a range of indirectly related policies (e.g. internal market).

### Policy developments

The roots of EU counter-terrorism policy can be traced back to the [TREVI group](#) (*Terrorisme, Radicalisme, Extrémisme et Violence internationale*), an intergovernmental network of representatives of

justice and home affairs ministries, set up in 1976. Its subsequent development was however hugely influenced by the 11 September 2001 attacks in the USA, which triggered the perception of the terrorist threat as global and borderless. In the aftermath of 9/11, the EU adopted its first action plan and, in June 2002, a fundamental piece of legislation: the [Framework Decision on Combating Terrorism](#), providing a common definition of terrorist offences across Europe.

In 2005, following the Madrid and London attacks of 2004 and 2005, the EU adopted a first overarching [counter-terrorism strategy](#) based on four pillars: prevention, protection, pursuit and response. The strategy was designed to have global reach and emphasised the importance of cooperating with non-EU countries and international institutions. In 2004, the EU appointed a [counter-terrorism coordinator](#) for the Union to monitor the implementation of the strategy. In December 2020, the European Commission adopted a new [counter-terrorism agenda for the EU](#), similarly articulated around four strands: anticipate, prevent, protect, respond. The agenda builds on past years' achievements and sets out the EU action for the years to come.

The fight against terrorism is also among the main priorities set out by broader EU strategic documents (see the box below). Moreover, it is part of the [EU Global Strategy](#) adopted in 2016 with the idea of joining up internal and external policies.

### Security Union

Since 2015, the fight against terrorism has been one of the key priorities – alongside organised crime and cybercrime – of the [European agenda on security](#), the main policy instrument defining the EU response to security challenges for the years 2015 to 2020. Since then, the security agenda has progressively developed into a broader concept of a [Security Union](#), leading to the adoption in July 2020 of the [Security Union strategy](#) for the 2020-2025 period. The new strategy builds, inter alia, on the work of the European Parliament's [TERR committee](#) and the Council [discussions](#) on the future direction of EU internal security. Its integrated approach aims to ensure security both in the physical and the digital environment, while also taking into account the increasing interconnection between internal and external security.

Under the umbrella of these broader strategies, the action to be taken has been specified further through a number of action plans adopted on: [firearms and explosives](#) (2015); [strengthening the fight against terrorist financing](#) (2016); strengthening the [European response to travel document fraud](#) (2016); [protection of public spaces](#) (2017); [preparedness against chemical, biological, radiological and nuclear security risks](#) (2017); on [maritime security](#) (2018), and most recently, on [firearms trafficking](#) (2020) and [money laundering and terrorist financing](#) (2020).

## Recent legislative developments

Over the past decade, the EU has taken a plethora of counter-terrorism measures, resulting in a somewhat complex and multi-faceted framework. The (non-exhaustive) overview below provides insight into the broad range of recent legislative developments across the different areas of EU intervention:

- **Harmonising criminal laws:** in March 2017, the European Parliament and Council (the co-legislators) adopted the [Directive on Combating Terrorism](#) to update the 2002 framework and to implement new international standards. It criminalises a wide range of terrorist activities, including travelling for terrorist purposes or receiving terrorist training. It also adds cyber-attacks to the definition of terrorist offences, allowing for prosecution of cyber-terrorism.
- **Assisting victims of terrorism:** the rights and needs of victims of terrorist attacks have been covered by European legislation on [victims of crime](#) since 2012. However, the above-mentioned Directive on Combating Terrorism added new provisions to improve the response to the specific needs of such victims and for assistance to be provided equally in any EU country for all EU nationals, as well as in their own countries upon their return home.
- **Combating terrorism financing:** the recently adopted [Fifth Anti-Money-Laundering Directive](#) complements the existing [EU framework](#) for combating money laundering and terrorist financing. It aims to increase transparency, facilitate the work of [financial intelligence units](#), set up centralised bank account registers to identify holders, and address risks linked to virtual currencies and anonymous pre-paid cards. Three other pieces of legislation harmonise or update existing rules: a Directive on [countering money laundering by criminal law](#) establishes common minimum sanctions, a regulation on [controls on cash entering or leaving the Union](#) upgrades the definition of cash to include, for instance, virtual currencies, and a regulation on the [mutual recognition of freezing and confiscation orders](#) facilitates the freezing or confiscation of criminal assets across Europe. Moreover, a 2019 directive facilitates law enforcement bodies' access to [financial information](#) necessary for investigations of serious crime, including terrorism.
- **Regulating weapons:** in order to prevent terrorists from easily acquiring firearms or reactivating de-activated weapons, the co-legislators adopted two legislative acts – a directive on the [control of the acquisition and possession of weapons](#) and a regulation on [deactivation standards](#) to ensure that deactivated firearms are rendered irreversibly inoperable; both have

applied since 2018. A 2019 regulation imposed stricter rules for marketing and use of [explosive precursors](#) (which could be used to make home-made bombs) in order to limit their availability to the public and ensure the reporting of suspicious transactions throughout the supply chain.

- **Protecting EU borders:** to prevent terrorists from circulating freely within the EU, several countries have introduced [temporary controls](#) at their borders, and the Commission has proposed [new rules](#) on the possibility to adopt such temporary measures in cases of a serious threat to internal security (still under examination<sup>4</sup>). When it comes to external borders protection, the EU has sought to optimise the use of existing databases and create new ones to close the gaps. In 2017, a targeted [amendment to the Schengen Borders Code](#) introduced an obligation to carry out systematic checks against relevant databases at external land, sea, and air borders on all persons, including EU nationals. More recently, two new information systems were adopted: an [entry/exit system](#) (EES) to register entry and exit data for non-EU nationals crossing EU borders, and a [European Travel Information and Authorisation System](#) (ETIAS) to bolster security checks on visa-exempt non-EU nationals.<sup>5</sup>
- **Exchanging information:** data is an important tool in the fight against terrorism; it is therefore crucial that Member States' law enforcement authorities share information with each other. Several steps have been taken to enhance the collection and exchange of data. The 2016 [EU PNR Directive](#) established an EU system to collect flight passenger data in order to detect suspicious travel and counter the foreign fighters phenomenon. In 2018, the co-legislators [adopted](#) new rules to strengthen the Schengen information system (SIS), including in the field of [police and judicial cooperation](#). The SIS allows police and border guards to enter and consult alerts on wanted or missing persons and lost or stolen property. The reform introduced new types of alerts for cases related to terrorist activities. The co-legislators also approved a new centralised [system](#) for the exchange of criminal records of non-EU nationals in the EU (ECRIS-TCN), complementing the existing decentralised European criminal records information system (ECRIS) for EU nationals. Finally, to use existing and future databases in a more intelligent and targeted way, the Commission issued proposals on [interoperability](#) between [EU information systems](#). The new interoperability architecture, formally adopted in spring 2019, should become operational after 2023 and would provide border guards and law enforcement authorities with a single interface for their searches, as well as a biometric matching service to facilitate identification. A special feature would also help to address the issue of false or multiple identities. Moreover, in order to combat identity fraud, the co-legislators adopted in 2019 a regulation enhancing the security of [identity cards](#) and residence permits issued by Member States, setting common security standards and making biometric data mandatory for EU countries where ID cards are in use.
- **Enhancing cybersecurity:** EU legislators have taken important steps to increase the EU's resilience to cyber-attacks (and heighten its protection against cyber-terrorism). The [Network and Information Security](#) (NIS) Directive, in force since May 2018, identifies 'essential services providers' and imposes obligations to report cyber-incidents to competent authorities. Another piece of legislation, adopted in April 2019, transformed [ENISA](#) into a body with a permanent mandate and greater operational resources: the [EU Cybersecurity Agency](#).
- **Reinforcing the institutional framework:** the EU has completed a new security architecture by upgrading the powers and means of its bodies that are active in the area of security and justice. The European police agency (**Europol**), set up in 1995, has seen its [role](#) reinforced through a new [mandate](#), in force since May 2017, and the creation of the [European Counter Terrorism Centre](#) (ECTC) – a specialised Europol unit acting as a central information and coordination hub in the EU fight against terrorism. The ECTC provides strategic and operational support and is also in charge of the Internet Referral Unit ([IRU](#)), tackling online terrorist propaganda, and the Terrorist Financing Tracking Programme ([TFTP](#)). [New rules](#) have also been adopted to improve the operational effectiveness of the EU agency for criminal justice cooperation (**Eurojust**). Moreover, this agency's support to judicial authorities dealing with [terrorism](#) has increased further with the launch in 2019 of the [counter-terrorism register](#) (CTR) – a unique EU-wide database for judicial information on all types of terrorist acts. In 2016,

an ambitious [reform](#) transformed **Frontex**, the agency in charge of EU border management, into the European Border and Coast Guard (EBCG) Agency. In 2019, a second regulation to strengthen the [EBCG was adopted](#), extending its mandate and creating a new standing corps of up to 10 000 operational staff (5 000 as of 2021 and 10 000 by 2027). Finally, the co-legislators [revised](#) the mandate of the EU Agency for the Operational Management of Large-Scale IT Systems (**eu-LISA**), to take charge of the development of interoperability solutions and the management the EU information systems.

Two important legislative files are yet to be finalised:

- a proposal on preventing the dissemination of [terrorist content online](#), which would require internet service providers to remove terrorist content within one hour of notification by law enforcement authorities;
- proposals to facilitate access by law enforcement to [electronic evidence](#), allowing competent authorities to directly request from service providers the production or the preservation of electronic data needed for investigation and prosecution of crimes.

### EU efforts to tackle radicalisation

Since the adoption of its first [strategy for combating radicalisation and recruitment to terrorism](#) in 2005 (last [revised](#) in 2014), the EU has taken several steps to tackle [radicalisation](#), both offline and online. In 2011, the EU launched the [Radicalisation Awareness Network](#) (RAN), which now links more than 6 000 practitioners (police officers, prison and probation staff, teachers, youth workers, civil society representatives, academics, etc.) from all over Europe. In October 2015, the RAN Centre of Excellence was established as an EU knowledge hub, fostering the exchange of best practice. Most recently, a new structure – the [Steering Board on Radicalisation](#) – was created as part of an EU Cooperation Mechanism to improve coordination between all relevant stakeholders. As to its efforts to prevent the dissemination of terrorist propaganda online and to increase the volume of alternative narratives, in 2015 the EU launched the [EU internet forum](#), bringing together a number of major internet industry players. In 2018, the Commission proposed binding legislation on the removal of terrorist content online.

## Implementation and evaluation challenge

EU counter-terrorism legislation is often in the form of directives requiring transposition into Member States' national law to become applicable. Implementing EU rules at national level is often a challenging task that suffers (sometimes considerable) delays. According to the [Twentieth progress report towards Security Union](#) of October 2019, measures that had not been fully transposed by all Member States included the directives: on the EU PNR system, on combating terrorism, on the control of acquisition and possession of weapons, on protection of personal data by law enforcement, as well as the fourth Anti-Money-Laundering Directive; the transposition deadline for most of these instruments expired in 2018. In December 2020, [infringement procedures](#) were still ongoing for all of the above instruments (except the directive on combating terrorism), with the notable example of the legislation on firearms: a large majority of Member States are yet to transpose not only the directive itself but also the implementing legislation.

Evaluating EU counter-terrorism measures is yet another, much greater challenge, given their impressive number and transversal nature. In 2013, in an attempt to compile a [catalogue of EU counter-terrorism measures](#), a research project - [SECILE](#) - identified 239 counter-terrorism measures adopted between the autumn of 2001 and the summer of 2013, 88 of which were 'legally binding'. Researchers pointed to the lack of a systematic, participatory, evaluative review of EU counter-terrorist measures, which could undermine their legitimacy. In 2015, the European Parliament too [insisted](#) on the need to regularly evaluate EU action in this area. Consequently, the Commission stepped up its efforts and produced in 2017 the first [comprehensive assessment of EU security policy](#), reviewing policies and instruments developed over the past 15 years – including on counter-terrorism. A July 2020 follow-up report on the [implementation of legislation in the internal security field](#) provided a detailed overview of the implementation of recently adopted legislative and non-legislative measures, e.g., on the criminalisation of terrorist behaviours, prevention of radicalisation, protection of public spaces and crisis management, as well as international cooperation.

## External dimension of EU counter-terrorism policy

In the fight against terrorism, the EU cooperates with international organisations and bodies including the United Nations (UN), the Global Counter-terrorism Forum, the Global Coalition against ISIL/Da'esh, the Financial Action Task Force (FATF) and the Council of Europe (CoE).

The EU is actively implementing the 2006 [UN global counter-terrorism strategy](#) and relevant [UN Security Council resolutions](#) and [sanctions regimes](#) for suspected terrorists (individuals or groups). The EU has acceded to the 19 [UN conventions](#) dealing with terrorism that have been issued since 1963. The UN has set standards on preventing and combating terrorism, including criminal law measures and tools to address terrorist financing, as well as [foreign terrorist fighters](#).

The EU and seven individual Member States belong to the [Global Counter-terrorism Forum](#), an informal multilateral counter-terrorism platform launched in 2011 to promote a strategic long-term approach to counter-terrorism and the violent extremist ideologies that underpin it.

The EU and 26 individual Member States (plus the UK) are members of the [Global Coalition against Da'esh](#), set up in 2014 to counter the group's spread and ensure its defeat. Beyond military campaigns in Iraq and Syria that put an end to Da'esh's territorial ambitions, the coalition seeks to tackle ISIL/Da'esh's financing infrastructure, dismantle its networks and counter its propaganda.

The [FATF](#) issues anti-money laundering (AML) [recommendations](#) that also cover terrorist financing and are recognised and implemented by many countries around the world. The EU has implemented the FATF recommendations through successive [AML directives](#).

The CoE has adopted several major [conventions](#) setting legal standards in law enforcement and human rights in the area of counter-terrorism. In 2018, the EU [ratified](#) the CoE Convention on the Prevention of Terrorism, as well as its Additional Protocol. The convention aims to strengthen the fight against terrorism, while reaffirming that all measures taken to prevent or suppress terrorist offences must uphold the rule of law, human rights and fundamental freedoms.

### EU-US cooperation

The US is the EU's key counter-terrorism [partner](#). There is substantial political dialogue on justice and home affairs issues, including counter-terrorism, with regular meetings at ministerial and senior official level, as well as inter-agency cooperation. Countering radicalisation and violent extremism are important joint interests. Europol and the [US Customs and Border Protection](#) signed two [agreements](#) on foreign fighters and illegal immigration in 2015: the Focal Point Travellers Agreement and the Focal Point CheckPoint Agreement. Focal Point (FP) Travellers is a specialist Europol team coordinating EU Member States' investigations and analysing data on foreign terrorist fighters. A further agreement from 2016 allowed for [active FBI involvement](#) in FP Travellers. An EU-US 2016 '[umbrella agreement](#)' established a comprehensive data protection framework for EU-US law enforcement cooperation. It covers all personal data (names, addresses, criminal records) exchanged between the EU and the US for the prevention, detection, investigation and prosecution of criminal offences, including terrorism.

The EU cooperates bilaterally with third countries in the field of counter-terrorism. Since 2001, the EU has included counter-terrorism clauses in bilateral and multilateral agreements, such as the [partnership and cooperation agreements](#), association agreements, and [stabilisation and association agreements](#) with the Western Balkan countries. The scope of the agreements differs, but the [provisions on countering terrorism](#) are phrased similarly and include references to the relevant UN resolutions and to the sharing of information and best practices.

The EU has also concluded sectoral agreements with non-EU countries (on police and judicial cooperation). These include counter-terrorism objectives: mutual legal assistance and extradition agreements, [passenger name record](#) (PNR) agreements, and [Europol](#) and [Eurojust](#) cooperation agreements. In 2010, the EU concluded the [EU-US Terrorist Finance Tracking Programme \(TFTP\) Agreement](#) on the exchange of financial information to allow law enforcement access to financial transaction data. Specific [counter-terrorism action plans](#) are meanwhile in place with Jordan, Lebanon, Egypt, Israel and Tunisia, and the [Western Balkans](#).



As part of its [Global Strategy](#), the EU holds regular EU counter-terrorism political dialogues with 20 countries. The EU also provides certain countries with technical assistance and training, including support for [counter-terrorism capacity-building](#) and [CVE](#) (countering violent extremism) initiatives.

In June 2020, the Council [called](#) for enhanced cooperation with the regions most affected by terrorism, such as the Western Balkans, North Africa and the Middle East, the Sahel and the Horn of Africa. For example, as regards the [G5 Sahel countries](#) – Burkina Faso, Mali, Mauritania, Niger and Chad – the EU has [provided](#) €147 million to establish the African-led G5 Sahel Joint Force with the aim to improve regional security and fight terrorist and criminal groups. The EU has deployed two civilian capacity-building missions and one military training mission to Niger and Mali.

## EU financial instruments to combat terrorism

### Funding spread across the EU budget

It is not possible to make a precise estimate of total [EU spending on counter-terrorism](#) for two reasons. First, Member States play a primary role in allocating resources to combating radicalisation, adopting new security measures and enhancing resilience against terrorist attacks. Second, the EU budget is not conceived as a flexible tool adaptable to contingencies, but as one that distributes the available resources on a cyclical basis.

Under the 2014-2020 multiannual financial framework, the [Internal Security Fund](#) (ISF) was the financial instrument designed to support security-enhancing initiatives in the EU. The total 2014-2020 ISF budget amounted to €3.8 billion. Within the ISF, the main component related to counter-terrorism was the 'ISF-Police', designed to ensure a high level of security in the EU and to combat serious and organised crime, including terrorism. Funding from the ISF-Police budget (of just over €1 billion) has been used in part to support EU bodies involved in counter-terrorism, such as the recently created [European Counter Terrorism Centre](#) within Europol, which received €2 million in 2016 to increase its staffing. Another example is the [Radicalisation Awareness Network Centre of Excellence](#); created in 2015 to step up support for Member States and priority non-EU countries, this network has been [allocated](#) a budget of €25 million until 2020.

Other funds are also available for counter-terrorism related actions under budgetary lines spread across the EU budget. Examples include funds:

- for actions aimed at [preventing radicalisation through education](#). In 2016, for instance, up to €400 million was made available under [Erasmus+](#) for fostering inclusion and promoting fundamental values;
- for [security research](#). For the 2018-2020 period, more than €1 billion has been allocated to research and innovation under [Horizon 2020](#) to improve security, including €135 million for projects targeting crime and terrorism threats.

The EU provides financial support to non-EU countries' counter-terrorism activities in several ways:

- The [Instrument contributing to Stability and Peace](#) (IcSP) can be used, inter alia, to fund measures to promote cooperation with third countries in the fight against terrorism. Cooperation can be with individual countries or with regional and sub-regional organisations.
- Common security and defence policy (CSDP) missions provide another framework through which the EU tries to address the root causes of terrorism and radicalisation. Civilian missions under the CSDP are financed by the common foreign and security policy (CFSP) [budget](#).

### New financial framework

In May 2018, the European Commission issued its first proposal for a [multiannual financial framework](#) (MFF) for the 2021-2027 period, subsequently [amended](#) in May 2020 to address the Covid-19 crisis. As regards internal security, under the new [Heading 5](#) the Commission proposed to

[multiply](#) EU funding by a factor of 1.8, compared with the 2014-2020 period, to ensure a high level of security in the EU and to reinforce the role of the decentralised agencies in this area.

The financial envelope initially [proposed](#) by the Commission for the [future](#) Internal Security Fund (ISF), replacing the current ISF-Police component, amounted to €2.5 billion (in current prices), with €1.5 billion to be allocated to the Member States and €1 billion to the thematic facility. Even though the Council subsequently [cut](#) the future ISF funding by 23 % compared to the Commission proposal, according to the political compromise reached by the co-legislators in November, and adopted in December 2020, the ISF will still benefit from €1.9 billion in 2021-2027, which is almost twice as much as the budget of its predecessor, ISF-Police. Funding [allocated](#) to the Member States' programmes will amount to €1.35 billion, i.e. around 70 % of the total envelope, while the remaining 30 % (€0.58 billion) will be managed through the thematic facility. The latter will provide funding for a number of priorities defined by the Commission, but can also be used to respond to immediate security challenges or emergency situations. The ISF has three specific objectives: 1) to enhance information exchange among and within the EU law enforcement authorities; 2) to intensify cross-border joint operations in relation to all forms of crime, in particular to terrorism and serious and organised crime; and 3) to strengthen capabilities to combat and prevent crime, including terrorism.

ISF funding will be complemented by other EU funds for specific actions, such as the [Integrated Border Management Fund](#) for border protection, [InvestEU](#) and the [cohesion policy funds](#) for critical infrastructure resilience and protection of citizens in public spaces, the [European Social Fund+](#) for fostering integration, the [Digital Europe Programme](#) for enhancing cyber-resilience, and [Horizon Europe](#) for security research.

Other areas of increased expenditure include the EU agencies in charge of security and fighting terrorism,<sup>6</sup> which would be [allocated](#) around €1.5 billion for 2021-2027. The budgets of these agencies have grown steadily over the years: for instance, the Europol budget increased from €92.8 million in [2010](#) to €158 million in [2020](#). In its [conclusions](#) of July 2020, the European Council stated that the 2021-2027 Europol and Eurojust budgets would be at least 10 % higher than their 2020 level. In 2018, the Commission [estimated](#) that €461 million would need to be allocated between 2019 and 2027 for the implementation of the interoperability of EU databases mentioned above, including €261 million for eu-LISA. The overall budget of eu-LISA and of the EBCG will be allocated under the '[Border Management](#)' heading.

As regards international cooperation, it is planned to allocate more than €80 billion (in current prices) for the 2021-2027 period to the Neighbourhood, Development and International Cooperation Instrument ([NDICI](#)). Although the proposal does not single out terrorism specifically, security in the European Neighbourhood and beyond is one of the key priorities to be addressed by the new instrument. A rapid response component has been added to enable the EU to contribute to stability and conflict prevention in situations of urgency during emerging crises, but also in crisis- and post-crisis situations. Moreover, the High Representative of the Union for Foreign Affairs and Security Policy has proposed setting up a [European peace facility](#), an EU fund outside the multi-annual EU budget, [allocated](#) €5.7 billion, to help the EU build peace and strengthen international security. Finally, the proposed [Instrument for Pre-accession Assistance](#) (IPA) includes strengthening security cooperation, including on terrorism, and the fight against radicalisation among its priorities.

## European Parliament's role

Despite a number of [limitations](#), linked to the fact that the Member States remain primarily responsible for maintaining national security, in recent years the European Parliament has played a growingly active role, contributing to shaping the EU counter-terrorism policy not only through its role of co-legislator but also through several own-initiative reports and resolutions. Between 2015 and 2018, the Parliament adopted a number of resolutions focused on different aspects of security, for example on the [prevention of radicalisation](#) and recruitment of European citizens by terrorist organisations and on the [EU anti-terrorism measures](#), as well as a [recommendation](#) on cutting the

sources of income for jihadists – targeting the financing of terrorism. In 2017, the Parliament set up a special committee on terrorism (TERR) in order to evaluate the efficiency of EU counter-terrorism action and consider possible ways forward.

The TERR [report](#), adopted by the Parliament in December 2018, delivered extensive recommendations for immediate or long-term actions to prevent terrorism, combat its root causes, protect EU citizens and assist victims in the best possible way. The report recommended to further consolidate the institutional framework, notably by expanding the powers of the newly established [European Public Prosecutor's Office](#) (EPPO) to cover organised crime and terrorism. It reiterated the need to step up the fight against terrorist financing and called for establishing an EU Terrorist Financing Tracking System ([TFTS](#)) to complement the TFTP and track intra-EU transactions in euros. The report drew attention to the utmost importance of ensuring an adequate response to specific needs of victims of terrorism, and suggested to adopt new EU legislation providing a common definition of the status of victim of terrorism and related rights, and a standardised form and simplified procedures for compensation, as well as to set up a single online platform in all EU languages for victims and contact points in Member States, including helplines. The report also called for intensifying international cooperation and to identify synergies between common security and defence policy operations and justice and home affairs actions.

Some of these developments are already under way. For example, following Parliament's calls, the European Commission launched an [EU centre of expertise for victims of terrorism](#), which started to operate in January 2020. A number of recommendations have been addressed by new legislation (adopted or being finalised – as described above), while some other suggestions have been taken on board in the new Commission priorities and working programmes.

## Way forward

The protection of EU citizens and the fight against organised crime and terrorism have been part of the new Commission's [priorities](#) from the very beginning. Adopted in July 2020, the new [Security Union strategy](#) described the main lines of future EU action to combat terrorism both online and offline: stepping up implementation of existing instruments and closing remaining gaps; updating current legislation on critical infrastructures protection and revising the directive on network and information security (NIS); and strengthening law enforcement cooperation through a European police partnership. Under the strategy, the Commission also adopted a new [action plan on firearms trafficking](#) and announced an EU agenda to fight terrorism for 2021.

The terrorist attacks that shook Europe in the autumn of 2020 accelerated the Commission's plans, leading to the adoption of the new [EU counter-terrorism agenda](#) in December 2020. Articulated around four pillars – anticipate, prevent, protect, respond – the new agenda focuses on: developing strategic intelligence, and enhancing preparedness and early detection capacity, notably through research and new technologies; countering radicalisation and extremist ideologies, in particular online; increasing resilience of critical infrastructures and protecting people in public spaces; securing external borders, including by closing gaps in the use of SIS and by modernising other EU information-sharing tools, such as the Prüm framework and the advanced passenger information (API) scheme; and last but not least, reinforcing law enforcement and judicial cooperation, with the planned adoption of an EU [police cooperation code](#) and mechanisms to support financial investigations and facilitate access to evidence. The Commission also puts strong focus on support to victims of terrorism, in line with its new [strategy for victims' rights](#). As to international cooperation, it should be reinforced across all four pillars of the agenda.

Together with the counter-terrorism agenda, the Commission presented a new stronger mandate for [Europol](#), aimed at strengthening its operational support and transforming it into an information and innovation hub. In the longer term, another important development at the institutional level could be the extension of [competences](#) of the EPPO to include investigation and prosecution of cross-border terrorist crimes. This extension of EPPO powers would require a Treaty change by a

unanimous decision of the European Council, following the Parliament's consent. The Commission is also considering to add [hate crimes and hate speech](#) to the list of EU crimes, another development that would require unanimous agreement in Council, following Parliament's consent.

Prevention of radicalisation is one of the central aspects of the EU counter-terrorism efforts. Online radicalisation will be in the heart of the EU intervention, with new legislation (currently being [finalised](#)) to ensure the swift removal of terrorist material, but also with future plans to make the major internet platforms more accountable when it comes to combating illegal and harmful online content (through the [Digital Services Act](#)). Moreover, the new [European action plan for integration and inclusion](#), presented in November 2020, would also contribute to prevention efforts, assuming that a more cohesive and inclusive society can help prevent the spread of extremist ideologies leading to terrorism and violent extremism.

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## ENDNOTES

- <sup>1</sup> The scope of the study goes beyond the EU, analysing data on terrorist attacks 'in the West': the United States, Canada, Australia, New Zealand, the European Union (including the United Kingdom), Norway, and Switzerland.
- <sup>2</sup> See Europol's [Terrorism Situation and Trend report \(TE-SAT\) 2020](#), page 13.
- <sup>3</sup> Graphic by Nadejda Kresnichka-Nikolchova.
- <sup>4</sup> The Parliament adopted its legislative resolution on the proposal at first reading in April 2019, and is waiting for Council to establish its position. For more details, see our publication on ['Temporary border controls in the Schengen area'](#).
- <sup>5</sup> While EES and ETIAS were supposed to start operations in [2020](#) and [2021](#) respectively, both systems are now expected to be operational in 2022 ([in the first half](#) and [by the end of year](#)).
- <sup>6</sup> The decentralised agencies funded under the 'Security' heading are Europol, CEPOL and EMCDDA.

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