



Council of the
European Union

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JAI 292
ECOFIN 277
TRANS 168
RELEX 439
ECO 95
PESC 748
COTER 48
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PROCIV 117
ENER 131
ATO 78

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Subject: Summary of Special Coreper discussion on Counter-Terrorism (20 July 2005)

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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NOTE

from : Presidency
to : delegations

Subject : Summary of Special Coreper discussion on Counter-Terrorism (20 July 2005)

1. Coreper met on 20 July for a special session on operational co-operation against terrorism. The objectives of the session were to develop Coreper's understanding of the realities of counter-terrorism co-operation in Europe, in order to help focus on areas where EU-level activity adds most value. This note records the main points made in that discussion.
2. Presentations by the Heads of the British, Danish, Polish and French security services set out the nature of practical co-operation on counter-terrorism between security and intelligence services in the EU and beyond. The presentations explained that:

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- (a) Co-operation between European security and intelligence services is longstanding and intensive. This involves both intelligence gathering and exchange. Co-operation takes place in small groups and at 25.
- (b) Security and intelligence work is different to police work. The former is proactive and aims to be preventative; the latter is generally about retrospective investigations and tends to work on the basis of information designed for use as evidence. As a result, intelligence is different to law enforcement information: it depends upon very sensitive, covert sources which need to be protected. Since only the originator will fully understand the vulnerabilities of a particular source, intelligence information must remain within the originator's control.
- (c) Intelligence on active operations/investigations is therefore shared on a "need to know basis" in order to protect human sources and sensitive intelligence gathering techniques. This can mean bilateral exchanges where two Member States are affected, although it is also done in groups of several Member States. These exchanges take place on intelligence channels which are fast, reliable and secure.
- (d) Multilateral co-operation on counter-terrorism has existed for as long as terrorism has threatened European interests, although the first informal network for Security Services was not formed until the 1960s.. At present, exchanges of intelligence at EU25 take place in particular through the Counter-Terrorism Group of Security and Intelligence agencies. The extended analytical capability within the EU Situation Centre and the CT Task Force at Europol add extra dimensions to this co-operation. The creation of any further structures is unnecessary and risks diverting services from their core operational work.
- (e) Effective intelligence exchange between Member States is necessary but not sufficient. Appropriate capabilities to collect, assess and respond to the implications of intelligence, are equally important.
- (f) Co-operation between EU services is only part of the picture. Terrorism is a global problem. Terrorist networks operating in Europe usually have overseas links. Terrorist groups overseas often pose a threat to Europe and European interests.

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3. In discussion, the panel of experts took questions from Coreper. Key conclusions from discussion were that:

- (a) There is a high level of intelligence exchange between security services in Europe. Multilateral co-operation through the CTG and SitCen is an increasingly important part of this;
- (b) An important distinction had been drawn between the nature of law enforcement information and that of intelligence;
- (c) The EU has an important role in supporting operational co-operation. In particular through:
 - the peer review of Member States' national CT arrangements, which had led to practical improvements being made in a number of Member States;
 - work with priority third countries to build CT capabilities with the EU's partner countries;
 - agreeing legislation, such as on data retention, to ensure that Member States' had minimum capabilities in the fight against terrorism; and
 - working with the SitCen and Europol (including its Counter-Terrorism Task Force), to ensure that the EU has a common picture of the threat and develops policies accordingly.
- (d) EU databases and information systems could be important tools in the fight against terrorism, though their use needed to be weighed against data protection safeguards.
- (e) More generally, a balance needed to be struck between measures to increase security and the need to protect individual liberties.
