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**"I/A" ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee (Part 2)/Council

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Subject: Draft Council conclusions on preventing and combating the use of dangerous substances and methods to carry out acts of terrorism

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1. The Presidency submitted draft Council conclusions on preventing and combating the use of dangerous substances and methods to carry out acts of terrorism to conclude the work it undertook in order to get an insight into the threat posed by the use of these substances and methods.
2. Delegations discussed the draft Council Conclusions at the meeting of the Working Party on Terrorism on 18 November and comments were also provided subsequently in writing. Agreement on the text which is in annex was reached at the JHA Counsellors meeting on 8 December 2014 with a UK reservation.
3. On this basis, COREPER is requested to invite the Council to approve the draft Council Conclusions as set out in the Annex.

**Draft Council conclusions on preventing and combating the use of dangerous substances and methods to carry out acts of terrorism**

THE COUNCIL OF THE EUROPEAN UNION,

Reaffirming the Union's commitment to fighting terrorism and any form of insidious threat to human life and safety,

Noting the increasing recourse by terrorists to techniques and methods with limited offensive potential but with extremely insidious characteristics and which, as such, are very difficult to identify and neutralise beforehand,

Noting that the innovativeness of terrorists in concealing improvised explosive devices poses real detection challenges,

Considering that the attacks carried out using these methods have the intrinsic effect of spreading general terror and producing a destabilising impact at a very low cost involving protected targets as well as more vulnerable targets or even targets with no protection at all but with highly symbolic value,

Noting that these attacks are not necessarily associated with a specific ideological background, but may also be driven by other causes and ambitions, which make them even more indiscriminate and difficult to detect and to neutralise,

Concerned about the fact that instructions on how designing of Improvised Explosive Devices (IEDs) and Improvised Incendiary Devices (IIDs) are easily accessible and available on the internet, in spite of the efforts made at EU and national level to reduce the availability of material on the Internet,

Convinced that only an integrated approach within the EU involving the enhancement and further development of existing tools, coordination and exchange of strategic and operational information as well as of good practices, will deliver the highest level of security for all EU citizens and residents,

Recognising the importance of research in the field of detection and neutralisation of dangerous substances and the need for constant cooperation between public and private sectors aiming at adopting adequate and shared protocols and measures of protection,

Taking into account the European Commission Communication on Industrial Security Policy as well as the opportunity offered by EU Research and Innovation programme Horizon 2020 and in particular the need to develop civil and military synergies in the field of technology and protection protocols,

Having regard to 2013 Commission Communication “Towards a more competitive and efficient defence and security sector”<sup>1</sup> and in particular its conclusions aimed at establishing a new framework for enhancing civil/military co-operation and capabilities,

Taking into account the Presidency conclusions following the Seminar on “The use of malicious means/methods to carry out acts of terrorism” held in Rome on 2 and 3 October 2014<sup>2</sup>,

Recalling the Council conclusions on the new CBRNE Agenda<sup>3</sup> of 11 December 2012 which underlines the need to identify areas with insufficient security arrangements and to focus on and prioritize further common efforts to enhance the security of production, storage, handling and transportation of high-risk CBRN and E materials, and encourage the development of prevention and detection measures, awareness raising, and research on the security of CBRN materials and explosives,

Recognising the importance of the activities supported by the European Commission targeted to the improvement of detection capabilities, awareness raising and training in the field of protection from CBRN-E attacks<sup>4</sup>,

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<sup>1</sup> 12773/13  
<sup>2</sup> 15378/14  
<sup>3</sup> 16980/12  
<sup>4</sup> 8311/08, 15505/1/09 REV 1

Welcoming the entry into force of Regulation (EU) 98/2013 on the use and marketing of explosives precursors,

Welcoming the recent adoption of Directive (EU) 29/2013 on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles,

Aware of the risk that flammable and explosive substances legitimately used to manufacture pyrotechnic articles can also be employed to prepare IEDs and IIDs,

Recognizing that certain pyrotechnic devices can have equivalent power as hand grenades and that terrorists are increasingly interested in the use of these to commit terrorist acts

Recalling the Commission Communication of 5 May 2014 on a new EU approach to the detection and mitigation of CBRN-E risks<sup>5</sup>, stressing the EU need to adopt a more proactive strategy to detecting CBRN-E materials,

Recalling the Council conclusions of 25 October 2012 on the protection of soft targets from terrorist activities<sup>6</sup> as well as the Council conclusions of 6 December 2012 on aviation security against terrorist threats<sup>7</sup>,

Taking into account the lessons learned in parallel contexts, such as the aviation security sector and the measures and procedures adopted in those contexts, in order to take advantage of already developed technologies and operational screening,

Considering that three possible areas of action have already been identified:

- enhanced sharing of operational information between competent authorities at both domestic and international level, including favouring the creation of data banks containing information of specific interest where appropriate, and the interaction/partnership with bodies performing monitoring/control functions (both public and private);

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<sup>5</sup> 9550/14  
<sup>6</sup> 14591/12  
<sup>7</sup> 17008/12

- operating protocols defining the procedures already implemented or to be implemented by said bodies (both public and private);
- technical aspects, as well as equipment and technological research that can be made available for monitoring ordinary situations or when a potential threat is reported.

### **Invites Member States**

- to be particularly attentive to a full implementation of Regulation (EU) 98/2013 on the use and marketing of explosives precursors,
- to raise awareness among social actors and especially first-line practitioners, in the effort of detecting signs of radicalisation leading to violence,
- to keep on feeding into and making use of existing analytical and operational tools/fora in the CBRN-E field, *inter alia* Europol's European Explosive Ordnance Disposal Network (EEODN), and EU Bomb Data System (EBDS) and Early Warning System (EWS), improving analysis capabilities, risk awareness and streamlining the flow of useful practical CBRN-E information towards frontline practitioners,
- consider to analyse possible gaps in national legislation especially with respect to the existing measures aimed at preventing the use of pyrotechnics substances for the preparation of IEDs and IIDs,
- to increase the cooperation between EU experts groups working on pyrotechnics and Europol's EEODN and EBDS. In order to achieve this, regular contacts and procedures should be established,
- to step up their efforts to counter the threat stemming from the illegal use of pyrotechnic devices,
- to initiate a process of reflection on ways and means to strengthen postal services' awareness of the use of dangerous substances and their detection capacity.

### **Invites Member States and the Commission**

- to reflect on how to further develop concrete synergies between civil and military sectors as well as between public and private sectors in the field of technological and procedural detection of dangerous substances,
- to reflect on how to strengthen the awareness of the latest concealment and design of threat devices in order to develop a more robust threat mitigation approach to detection,
- in full respect of applicable law, consider measures aimed at reducing drastically accessibility of online information and instructions on how to make IEDs and IIDs,

- to consider how to address the issues associated with insider threats, especially in view of the risk posed by EU foreign fighters returning with bomb-making skills and who may seek employment in critical infrastructures and vulnerable public areas,
  - to consider how to improve the technical performance of CBRN-E detection equipment, support more operational detection trials, development of appropriate detection related written guidance materials and also address the security operators in terms of training and awareness,
  - as appropriate, consider public awareness-raising campaigns on precautions to take against attacks carried out using insidious means in the form of suspicious objects, parcels or other types of correspondence.
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