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## COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	27 August 2015
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	JOINT DECISION OF THE EUROPEAN COMMISSION AND THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY on the participation of the European Union in various organisations for cooperation to prevent and counter terrorism

Delegations will find attached document JOIN(2015) 32 final.

Encl.: JOIN(2015) 32 final



EUROPEAN  
COMMISSION

HIGH REPRESENTATIVE  
OF THE UNION FOR  
FOREIGN AFFAIRS AND  
SECURITY POLICY

Brussels, 27.8.2015  
JOIN(2015) 32 final

**JOINT DECISION OF THE EUROPEAN COMMISSION AND THE HIGH  
REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY  
POLICY**

**on the participation of the European Union in various organisations for cooperation to  
prevent and counter terrorism**

**JOINT DECISION OF THE EUROPEAN COMMISSION AND THE HIGH  
REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY  
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prevent and counter terrorism**

THE EUROPEAN COMMISSION AND THE HIGH REPRESENTATIVE OF THE UNION  
FOR FOREIGN AFFAIRS AND SECURITY POLICY,

Having regard to the Treaty on the European Union, and in particular Article 17(1) and  
Article 27(2) thereof,

Whereas:

- (1) The Global Counterterrorism Forum serves as a multilateral forum to strengthen international cooperation on counter-terrorism where the participating members discuss the need for mobilising expertise, resources and initiatives to more effectively counter terrorism. Within this framework, members proceeded with the establishment of specialised international bodies to address issues of prevention and countering violent extremism: the Hedayah Center of Excellence for Countering Violent Extremism, the International Institute for Justice and the Rule of Law, and the Global Community Engagement and Resilience Fund.
- (2) The Hedayah Center of Excellence for Countering Violent Extremism was created in response to the need identified for the establishment of an independent, multilateral centre devoted to training, dialogue, collaboration and research to counter violent extremism in all of its forms and manifestations, one that can bring together experts, expertise, and experience from around the globe.
- (3) The mission of the International Institute for Justice and the Rule of Law is to provide rule of law-based training to lawmakers, police, prosecutors, judges, corrections officials, and other justice sector stakeholders on how to address terrorism and related transnational criminal activities, strengthen criminal justice systems and build regional judicial, police and other criminal justice practitioner networks to promote justice, security, and human rights. It is also serving as a forum for similar activities of cooperation partners such as, *inter alia*, the United Nations Office for Drugs and Crime, the United Nations Counter Terrorism Executive Directorate, the Global Counter-Terrorism Forum.
- (4) The Global Community Engagement and Resilience Fund was established within the framework of the Global Counterterrorism Forum to support current and future efforts of governments and community-based organisations to address violent extremism and foster resilience to violent extremist agendas in a complementary way. The Fund aims to support local, community-level initiatives on countering violent extremism.
- (5) The European Union, as a founding member of the Global Counterterrorism Forum and having been involved closely in the founding of the Hedayah Centre of Excellence for Countering Violent Extremism, the International Institute for Justice and the Rule

of Law, and the Global Community Engagement and Resilience Fund, views these bodies as central to its international cooperation efforts to counter violent extremism in general and terrorism specifically.

- (6) The Commission Implementing Decision adopting the Thematic Strategy Paper 2014-2020 and accompanying Multi-annual Indicative Programme 2014-2017 of the Instrument contributing to Stability and Peace (C(2014) 5607) of 11 August 2014 identified provisions for long-term actions to address specific actions of cooperation between the Union and partner countries and regions in order to combat global and trans-regional and emerging threats, as provided for under Article 5 of Regulation (EU) No 230/2014 establishing the Instrument contributing to Stability and Peace (<sup>1</sup>).
- (7) The Strategy, with counter-terrorism being one of the main priorities identified, called upon the European Union to contribute to the overarching European Union objective of promoting effective multilateralism and prioritised trans-regional cooperation. Support to specific counter-terrorism cooperation programmes developed within the United Nations or other multilateral frameworks such as the Global Counterterrorism Forum is expressly mentioned as one option under the Instrument contributing to Stability and Peace.
- (8) Building on the Strategy, the Multi-annual Indicative Programme 2014-2017 prioritised the promotion of multilateral counter-terrorism cooperation in the long-term, in particular at the United Nations and at the Global Counterterrorism Forum, as well as support for global outreach and dialogue on prevention of terrorism and countering violent extremism including with multilateral initiatives, governments, civil society organisations and local communities.
- (9) The Commission is funding actions through the International Institute for Justice and the Rule of Law under the Commission Implementing Decision adopting the Annual Action Programme for 2013 (C(2013) 4599) on counter-terrorism aspects of the criminal justice systems in the Middle East and North Africa due to its expertise and mandate in promoting rule of law-based criminal justice reform.
- (10) In the Commission Implementing Decision adopting the Annual Action Programme for 2014 (C(2014) 5647), the Commission decided that it would participate in the work of the Hedayah Center of Excellence for Countering Violent Extremism and the Global Community Engagement and Resilience Fund. The Commission under this Decision has provided grants to both the Hedayah Center of Excellence for Countering Violent Extremism and the Global Community Engagement and Resilience Fund for the purpose of sub-granting to fund local, community-level initiatives on countering violent extremism around the world utilising the international expertise and multilateral nature of these two bodies. Moreover, the same Decision provided that the Commission would participate in the Governing Board of the Global Community Engagement and Resilience Fund.
- (11) This approach was validated and reaffirmed in the Council conclusions on counter-terrorism of 9 February 2015<sup>2</sup>, where the Council welcomed, *inter alia*, "Supporting

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<sup>1</sup> Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace. OJ L 77, 15.3.2014.

<sup>2</sup> Document 6044/15, 3367<sup>th</sup> Council meeting, Foreign Affairs, Brussels, 9 February 2015

international initiatives on countering radicalisation and terrorism such as the first International Centre of Excellence for Countering Violent Extremism ("Hedayah") in Abu Dhabi, and the Global Community Engagement and Resilience Fund (GCERF) in Geneva [...]."

- (12) Furthermore, the Council stated that "[the] EU will enhance further its engagement in the Global Counter-Terrorism Forum (GCTF), including by actively shaping GCTF inspired initiatives such as Hedayah in Abu Dhabi, the Global Community Engagement Resilience Fund (GCERF) and the International Institute for Justice and the Rule of Law in Malta." This was further underlined in the statement of the Heads of State or Government of 12 February 2015 issued by the members of the European Council, which insisted on a sustained and coordinated engagement with the United Nations and the Global Counter-Terrorism Forum as well as with relevant regional initiatives.
- (13) In its Guidelines on "Commission participation in private law bodies" annexed to Decision C(2004) 2958 of 4 August 2004, the Commission laid down the general rule of its non-participation in private law bodies.
- (14) The rule was adopted due to the serious risks involved in such participations, namely the risk to the Commission's image, the financial risk, the possible conflict of interests for the officials concerned, the possible misuse of financial procedures, the risk of nepotism and patronage in the recruitment of staff by these bodies, the risk of captivity and inefficiency and the risk of unfair competition with other service providers.
- (15) The Commission retained, however, the possibility to derogate from that general rule in exceptional situations where evidence showed that participation is of outstanding interest. In case of such a derogation, the Commission should take certain general criteria into account, bearing in mind the nature and objectives of the body in question.
- (16) With regards to bodies devoted to international cooperation, in which the Commission would have as partners Member States and third countries, any participation of the Commission should be justified by outstanding political interests. Given the quasi-intergovernmental nature of these bodies, close participation in their decision-making organs could be considered, when appropriate in line with Article 4 letter a) of the Guidelines (C(2004) 2958).
- (17) In order to confirm the consistent commitment of the European Commission to the Hedayah Center of Excellence for Countering Violent Extremism, the International Institute for Justice and the Rule of Law, and the Global Community Engagement and Resilience Fund in line with the multilateral approach of the European Union on countering terrorism, and following the "Thematic Strategy Paper 2014-2020 and accompanying Multiannual Indicative Programme 2014-2017 of the Instrument contributing to Stability and Peace" whereby the three bodies are a crucial part of the Union's strategy to counter and prevent terrorism around the world, it is essential that the European Union ensures its full participation in the Boards of the above-mentioned organisms. This is also necessary in order to influence the programming as well as, in the case of Global Community Engagement and Resilience Fund, funding decisions of these bodies according to the priorities of the European Union and guarantee coherence and complementarity of the work of these organisations with the Union's own programmes and with its engagement via the United Nations. In addition, the Council Conclusions of 9 February 2015 on Counter Terrorism calls upon the European Union to enhance its engagement with the three above-mentioned organisms

while the EU Counter Terrorism/Foreign Fighters Strategy<sup>3</sup> endorsed by the Council on 20 October 2014 and made public on 16 January 2015 also calls upon the European Union to engage with relevant Global Counter-Terrorism Forum initiatives. Furthermore, the above-mentioned bodies also enable the EU to cooperate with various partners to more effectively counter terrorism. For the Global Community Engagement and Resilience Fund, it is moreover in the financial interests of the Commission to be part of the Governing Board and have full voting rights due to its financial and operational nature and its purpose of administering funding.

- (18) Any Commission Decision on a request for a derogation from the general rule of non-participation (namely in case of full participation or membership with voting rights) in private law bodies should comply with the conditions set out in points 5 and 6 of the Guidelines annexed to Decision C(2004) 2958.
- (19) A specific Joint Decision of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy needs to be taken on the participation of the Union in the newly established International Institute for Justice and the Rule of Law, the Hedayah Center of Excellence for Countering Violent Extremism, and the Global Community Engagement and Resilience Fund.

HAVE DECIDED AS FOLLOWS:

#### *Article 1*

The European Union will participate in the following organisations aimed at preventing and countering terrorism:

- The Hedayah Centre for Excellence for Countering Violent Extremism, Abu Dhabi, United Arab Emirates;
- The International Institute for Justice and the Rule of Law, Valletta, Republic of Malta;
- The Global Community Engagement and Resilience Fund, Geneva, Swiss Confederation.

#### *Article 2*

The European Commission and the High Representative of the Union for Foreign Affairs and Security Policy approve the draft exchange of letters attached (Attachment I) as supporting documents to this Decision and seek to obtain the status of Full Board Member of the European Union in:

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<sup>3</sup> Document 5369/15, 'Outline of the counter-terrorism strategy for Syria and Iraq, with particular focus on foreign fighters', 233494<sup>th</sup> Working Party on Terrorism (International Aspects) meeting, Brussels, 15 January 2015

- The Hedayah Center of Excellence for Countering Violent Extremism, Abu Dhabi, United Arab Emirates;
- The International Institute for Justice and the Rule of Law, Valletta, Republic of Malta;
- The Global Community Engagement and Resilience Fund, Geneva, Swiss Confederation.

The participation of the European Commission in the above-mentioned bodies is in conformity with the guidelines set out in the Commission Decision C(2004)2958.

### *Article 3*

The European Commission and the High Representative of the Union for Foreign Affairs and Security Policy approve the Working Arrangements annexed to this Decision (Annex I).

Done at Brussels,

*For the Commission*

*Neven MIMICA*

*The High Representative of the Union for  
Foreign Affairs and Security Policy  
Federica MOGHERINI*