





**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 10 June 2005**

**9809/1/05  
REV 1 ADD 1**

**LIMITE**

**JAI 208  
ECOFIN 187  
TRANS 114  
RELEX 293  
ECO 71  
PESC 481  
COTER 35  
COSDP 371  
PROCIV 82  
ENER 91  
ATO 60**

**NOTE**

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from : Presidency/Counter-terrorism Coordinator  
to : Council/European Council

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Subject : EU Plan of Action on Combating Terrorism - Update

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Delegations will find enclosed an updated version of the EU Plan of Action on Combating Terrorism.

## Revised EU Plan of Action on Combating Terrorism

| No.  | Measure/Action  | Competent Body                                       | Deadlines | Status/Observations  |
|--|---|--|-----------|--|
| <b>Objective 1: To deepen the international consensus and enhance international efforts to combat terrorism.</b> |   |  |           |  |
| 1.1  | Support the key role of the United Nations in sustaining the international consensus and mobilizing the international community as a whole, in particular the General Assembly and the work of the Security Council, inter alia, through its Counter-Terrorism Committee and the Taliban/Al Qaeda Sanctions Committee, as well as the Terrorism Prevention Branch of the UN Office of Drugs and Crime | Presidency/HR and EU Coordinator/ Commission         | Ongoing   | Ongoing discussion within the Council on possibilities for improving co-ordination mechanisms between the EU and the UN.   |
| 1.1.1  | Establish and develop contacts between the CFSP Working Group on Terrorism and the Counter-Terrorism Committee  | COTER/PSC Presidency, Co-ordinator, Commission, MS   | Ongoing   | Enhanced cooperation with the CTED. The EU participated to CTED assessment missions to Morocco, Kenya and Albania. The Executive Director of CTED addressed COTER in June.   |
| 1.1.2  | Establish and develop contacts between the CFSP Working Group on Terrorism and the 1267 Committee   | COTER/PSC Presidency/ EU Coordinator/ Commission, MS | Ongoing   | The head of the 1267 Committee as well as a delegation of the 1267 monitoring Team visited EU institutions in April and May. Contacts continue in New York   |
| 1.1.3  | Share information on EU priority countries, as appropriate, with the relevant Committees and/or their structures for assisting in the implementation of commitments under UN Security Council Resolutions 1267 and 1373   | EU Coordinator/MS/ Commission                        | End 2005  | Discussed with the Executive Director of CTED in June 2005. Participation to CTED assessment missions contributed to ensure coordination   |
| 1.1.4  | Identify ways to work in a more coordinated way with UNODC including consideration of the signing of a Memorandum of Understanding between the UNODC and the EU   | Council/MS/ Commission                               | Ongoing   | (i). UNODC is providing a matrix on its technical assistance programmes. Further contacts should be pursued.<br>(ii) MS should inform the Commission, the Council and other MS of any support they are providing to UNODC projects   |
| 1.2  | Work to ensure universal adherence to, and full implementation of, existing United Nations Conventions on Terrorism, and to agree on the Comprehensive UN Convention on terrorism   | All  | Ongoing   | The EU has raised the issue of universal adherence to, and full implementation of, the UN Conventions and Protocols on Terrorism in the political dialogue with several countries and international, regional and sub-regional organisations and will continue to do so. The EU will promote early ratification of the UN Convention for the Suppression of Acts of Nuclear Terrorism. |
| 1.2.1  | All Member States to ratify I2 International  | MS   | Ongoing   | Not all Member States yet have a full record on  |

| No.   | Measure/Action   | Competent Body   | Deadlines      | Status/Observations   |
|-------|--|--|----------------|---|
|       | <p>Conventions against Terrorism and continue to lobby for this in third countries both bilaterally and at EU level. All Member States to sign the UN Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible</p>  |  |                | <p>ratification/implementation.<br/>The UN Convention for the Suppression of Acts of Nuclear Terrorism will be open to signature on 14 September 2005.</p>  |
| 1.2.2 | <p>Identify and demarche, on the basis of agreed mandates, Third Countries which are failing to meet their commitments under UNSCR 1373</p>  | <p>Council/HR/<br/>EU Coordinator and<br/>Commission</p>           | <p>Ongoing</p> | <p>COTER to continue identify target countries, in close coordination with the CTED</p>   |
| 1.2.3 | <p>Coordinated EU position on reservations to Conventions should be encouraged</p>   | <p>COUNCIL/MS/<br/>Commission</p>                                  | <p>Ongoing</p> | <p>This issue is regularly discussed in COTER and COJUR.</p>  |
| 1.2.4 |  |  |                |   |
| 1.2.5 | <p>Promote the adoption of Comprehensive UN Convention against Terrorism</p>   | <p>MS at UNGA and the 6<sup>th</sup><br/>Committee of the UNGA</p> | <p>Ongoing</p> | <p>Progress on this draft remains blocked at the UN on the issue of the scope of the Convention. The EU should agree a coordinated strategy aimed at reaching agreement, building on the positive momentum created by the adoption of the Convention for the Suppression of Acts of Nuclear Terrorism.</p>  |
| 1.3   | <p><b>Work with and within regional and international organisations to ensure their effective contribution to combating terrorism in accordance with UN obligations</b></p>  | <p>All</p>   | <p>Ongoing</p> |   |
| 1.3.1 | <p>Support the Council of Europe's work on combating terrorism and in particular support the CoE Committee of Experts on Terrorism (CODEXTER) in their work on formulating an instrument dealing with the prevention of terrorism and covering existing lacunae in international law</p> | <p>MS/EU Coordinator/<br/>Commission</p>                           | <p>Ongoing</p> | <p>CODEXTER has adopted the convention on the prevention of terrorism that provides, inter alia, for a criminalisation of public provocation to commit acts of terrorism and of recruitment and training of terrorists. It is expected that the draft instrument will be signed in May 2005. The Convention on the prevention of terrorism is open to signature since 16/17 May 2005.</p> |
| 1.3.2 | <p>Identify avenues for expert exchanges between the CFSP Working Group and Regional and Sub-Regional Organisations</p>  | <p>COTER/PSC</p>   | <p>Ongoing</p> | <p>The EU has developed its contacts with a number of regional and sub-regional organisations, notably OSCE, ASEAN, AU and OAS. The EU is considering the issue of providing support to CT initiatives of regional organisations (such as the JCLEC and the AU centre for the Study and Research on Terrorism) as possible fora for information exchange and cooperation.</p>             |
| 1.3.3 | <p>Develop further Technical Assistance projects aimed at Counter-Terrorism capacity building for Regional and Sub-Regional Organisations</p>  | <p>Commission/MS/Council</p>                                       | <p>Ongoing</p> | <p>(i) Council, Commission and Member States to develop proposals for assistance to such organisations<br/>(ii) MS to supply expertise and funding to the maximum extent possible<br/>(iii) list of experts to be set up</p>  |

| No.   | Measure/Action  | Competent Body            | Deadlines | Status/Observations   |
|-------|---|---------------------------|-----------|---|
| 1.3.4 | Ratify the UN-Convention against Transnational organised crime and Protocols thereto and lobby for this in third countries both bilaterally and at the EU level   | MS/Council                | Ongoing   | All Member States have signed the Convention, 17 Member States have ratified it. The European Community has signed and approved it. All Member States and the European Community have signed the Protocol on Trafficking in Persons, Especially Women and Children, 14 Member States have ratified it. All Member States and the European Community have signed the Protocol against the Smuggling of Migrants, 12 Member States have ratified it. 18 Member States and the European Community have signed the Protocol on Firearms, 8 Member States have ratified it and 1 MS has acceded to it. |
| 1.4   | <b>Strengthening further cooperation with the US and other parties in countering the threat posed by terrorism, building on the solidarity and cooperation enshrined in the 2001 Plan of Action to combat terrorism</b> | EU Coordinator/Commission | Ongoing   | <b>Outstanding elements of the 2001 Plan of Action to Combat Terrorism are included in this Action Plan</b>   |
| 1.4.1 | Enhance counter terrorism dialogue at political and official level with the US  | All                       | Ongoing   | An informal EU-US ad-hoc Troika meeting on terrorist financing took place in May. COTER Troika held with the US in May. The SG/HR and the EU Coordinator met Secretary Chertoff of Homeland Security in May.<br><br>The third meeting of the High Level Policy Dialogue on Border and Transport Security with the US held in May.<br><br>Regular meetings at expert level are taking place.   |

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| <b>Objective 2: To reduce the access of terrorists to financial and other economic resources</b> |   |   |   |  |
| 2.1  | <p>Ensure the effectiveness of EU asset freezing procedures, including the non-financial economic resources, in accordance with UN obligations and the need to respect due process and the rule of law</p> <p>Mechanisms for designation of terrorists and asset freezing should be kept under constant review with a view to improving their effectiveness</p> | <p>RELEX (in sanction form)/COTER/Commission/EU Coordinator</p> | <p>Ongoing</p>                                  |  |
| 2.1.1  | <p>Ratification and full implementation of the 1999 UN Convention for the Suppression of the Financing of Terrorism and to give increased effect to the provisions of UNSCR 1373 directed to the freezing of assets</p>   | <p>MS</p>   | <p>Ongoing<br/>See below<br/>1 January 2005</p> | <p>Action also under Objective 1.2.1. Encouragement needs to be provided to the two MS who have not yet ratified the 1999 UN Convention for the Suppression of the Financing of Terrorism</p>  |
| 2.2  | <p>Establish operational links and improve cooperation between relevant bodies to facilitate enhanced exchange of information on terrorist financing</p>  |   |   |  |
| 2.2.1  | <p>Establish specific intelligence capacity in relation to terrorist financing within SitCen to inform the work of relevant bodies</p>  | <p>HR/SitCen</p>  | <p>September 2004</p>                           | <p>Achieved</p>  |
| 2.2.2  | <p>Increase cooperation between national competent authorities, Financial Intelligence Units and private financial institutions to facilitate improved exchange of information on terrorist financing</p>   | <p>MS/EU Coordinator/<br/>Private Sector</p>                    | <p>Ongoing</p>                                  | <p>The Council reached a general approach on the Commission proposal for a Council Decision on the exchange of information and cooperation concerning terrorist offences which extends to information exchange on all terrorist offences, convictions and disqualifications, including those connected with the financing of terrorist acts. Among other things it proposes that MS must designate a specialised service within the Police responsible for collection and dissemination of all relevant information.</p> <p>Member States shall ensure the full implementation of the Council Decision of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information</p> |

| No.   | Measure/Action   | Competent Body                        | Deadline   | Status/Observations  |
|-------|--|---------------------------------------|--|--|
| 2.2.3 | Establish an electronic list of persons, groups and entities in relation to which restrictive measures apply   | Commission/Private Sector             | End 2005<br><br>Progress to be reported on by end 2004 | The FIU-NET project, co-financed by the Commission, is designed to establish a fully operational computer network linking all MS Financial Intelligence Units (FIUs) for the processing and exchange of financial information, including intelligence suspected to be associated with terror financing. Currently 21 MS have adhered. According to the strategy against terrorist financing, all MS should be fully functioning members of FIU.NET by end 2005<br><br>In June 2004, the European Commission, in partnership with the four European Credit Sector Federations have established an electronic database containing all relevant data concerning persons, groups and entities, subject to European Union financial sanctions |
| 2.3   | <p><b>Develop and implement an EU strategy on the suppression of terrorist financing, including the regulation of charitable organisations and alternative remittance systems</b></p> <p><b>Tools for improving traceability and transparency of the movement of funds by terrorists, terrorist organisations and those who finance terrorism, especially with respect to transactions through the informal banking sector and via non-profit organisations should be developed</b></p>  |                                       | December 2004 and June 2005                            | Strategy adopted by European Council on 17 December 2004 First report on implementation due by June 2005.  |
| 2.3.1 | <p>Identification of measures to improve effectiveness and efficiency of the mechanism set up to freeze the assets of terrorists and terrorist organisations and to identify the holders and true beneficiaries of bank accounts, irrespective of their place of residence</p> <p>Proposal for a Third Money Laundering Directive, which addresses terrorist financing, requires MS to ensure that credit and financial institutions are able to respond fully and rapidly to enquiries from national Financial Intelligence Units or other authorities about any business relationship such institutions have or have had with a specified person</p> | Council/Commission/<br>EU Coordinator | Ongoing  | <p>Partly achieved during Irish Presidency; discussion on further revision continued by the Netherlands and Luxembourg Presidency. Effectiveness of the mechanism and of implementation at national level is kept under review. The recommendations contained in the best practices paper developed in the Foreign Relations Counsellors Group<sup>1</sup> concerning national rules and procedures for implementing asset freezing measures is kept under review in the Group</p> <p>22 April Commission Communication on Organised Financial Crime addressed transparency issues</p> <p>The Framework Decision on the Execution of Orders Freezing</p>   |

1 Doc. 13851/4/04

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|       |  |                    |                                | <p>Property and Evidence includes terrorist offences within its scope. It facilitates intra-EU freezing measures by establishing the principle of mutual recognition of freezing orders which must be recognised and enforced directly by the competent judicial authorities of the MS.</p> <p>Agreement on a general approach to the draft 3rd Money Laundering Directive reached on 7 December 2004. EP voted on 25 May 2005.</p> <p>The Framework Decision on the Execution of Confiscation Orders includes acts of terrorism within its scope.</p> <p>Political agreement on the draft cash controls regulation reached on 16 November 2004</p>  |
| 2.3.2 | <p>Proposal for a Regulation on controls of cash entering or leaving the Community is currently under discussion in the Council.</p> <p>Review capacity of EU institutions and legal instruments to respond to the problem of aliases/front organisations and apply sanctions against leaders of terrorist organisations</p> | Council            | Ongoing                        | <p>Effective freezing action will require from all Member States efforts to prepare designations that are based on solid intelligence and information from competent authorities which comply with the criteria the EU uses for freezing, drawing on the enhanced information sharing recommended above, while respecting legal safeguards. There should be greater focus on front organisations, non-profit organisations and individuals as well as on problems relating to the re-naming of organisations. The Council, together with the Commission, will examine whether the legal framework can be strengthened with regard to these issues.</p>   |
| 2.3.3 | <p>Considering improvements on regulation and transparency of legal entities, including charities, which may be used by terrorists to acquire funding for their activities</p>   | Council/Commission | <p>Ongoing</p> <p>End 2005</p> | <p>(i) Commission examining scope for measures to prevent terrorist groups infiltrating legitimate activities and the question of the need for a legal instrument to set up a system for registering bank accounts. [See Commission Communication on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information. COM (2004) 221]]</p> <p>(ii) With a view to the full implementation of Special Recommendation VIII of the FATF, and as a follow up to the conclusions of the combined ECOFIN/JHA Council of October 2001, the Commission is invited to assess the need for measures at the EU level, in addition to those taken at national level, in</p> |

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|       |  |                               |               | <p>particular with regard to the transparency of legal entities in the non-profit sector with a view to reducing the vulnerabilities of this sector to abuse for terrorist financing. A report should be made to the Council by the end of 2005</p> <p>(ii) Review of MS non-profit sectors currently underway in Financial Action Task Force Working Group. The Union is closely following this work.</p>  |
| 2.4   | <p><b>Cooperate closely with the Financial Action Task Force (FATF) on all issues regarding the financing of terrorism and ensure that the EU framework is adapted to the nine special recommendations on terrorist financing.</b></p> <p>All Member States to implement the FATF 9 special recommendations on terrorist financing</p> | All                           |               |   |
| 2.4.1 |  | MS                            | July 2005     | <p>FATF Special Recommendation I: Ratify and implement UN instruments - all MS committed to ratify, and 23 MS have so far ratified the UN Convention for the Suppression of the Financing of Terrorism, which came into force in April 2002. At EU level, all Security Council Resolutions concerning the freezing of assets of identified persons and entities have been implemented</p>   |
| 2.4.2 | <p>Review EU and terrorist financing legislation and structures in particular on their compatibility with FATF standards.</p>  | COUNCIL/MS/<br>EU Coordinator | December 2005 | <p>(f) FATF Special Recommendation VI requires States to ensure that alternative remittance systems are licensed or registered and that they are subject to the same FATF recommendations as apply to banks. The FATF Working Group on Terrorist Financing is leading a project to establish an early warning system to promote information exchange and joint action to disrupt illegal international funds transfers</p> <p>(ii) Commission Communication on a New Legal Framework for Payments in the Internal Market, favours integrating Special Recommendations VI on alternative remittance and VII on wire transfers into Community law. This would help ensure a level EU playing field in the approach to these Recommendations which both deal with payments issues.</p> <p>(iii) Special Recommendation IV: Reporting suspicious transactions related to terrorism – The Third Money Laundering Directive will oblige banks and other persons subject to the Directive, to report transactions suspected to be linked to terrorist financing. Agreement on a general approach to the draft directive reached by the Council on 7 December 2004.</p> |

| No.   | Measure/Action  | Competent Body                                | Deadline                   | Status/Observations   |
|-------|---|---|----------------------------|---|
|       |   |   |                            | <p>(iv) Special Recommendation V: International cooperation in the fight against terrorist financing - at EU level this is ensured through a series of instruments and Financial Directives including those on mutual recognition and the Council Decision on the exchange of information among Financial Intelligence Units</p> <p>(v) Special recommendation IX: cash couriers. The implementation of SR IX at EU level is already partly assured by the existing Customs Code and will be completed once the proposal for a regulation on controls of cash entering or leaving the Community Customs territory is adopted by the Council and the Parliament (political agreement reached by the Council in November 2004)</p> <p>The Council will consider, in consultation with the Commission, the possibility of commissioning an independent scrutiny of the EU's efforts in the fight against terrorist financing and how the current strategy will enhance those efforts, in relation to the 9 FATF special recommendations on terrorist financing</p> |
| 2.4.3 | Initiate outreach programmes to EU financial private sector to coordinate procedures to combat terrorist financing                    | Council/Commission                            | Commence by September 2004 | <p>Relex/Sanction Formation</p> <p>Agreed on best practices document for implementation of sanctions regarding terrorist financing</p> <p>The Commission Communication of 29 March calls for the need to bring in measures to improve transparency of bodies corporate in order to counter the infiltration of the legitimate sector by terrorist organisations.</p>  |
| 2.5   | <b>Pursue political and technical dialogue with Third Countries, in order to step up the fight against the financing of terrorism</b> | <b>Presidency/ Commission/ EU Coordinator</b> | <b>Ongoing</b>             | <b>Measures to combat terrorism, including the financing of terrorism, already play a priority role in EU relations with Third Countries and EU technical assistance programmes. See also Objective 7</b>   |
| 2.5.1 | Pursue ad hoc expert level dialogue with third countries on financing in line with EU priorities                                      | COTER/Commission/ EU Coordinator              | Ongoing                    | <p>An informal EU-US ad-hoc Troika meeting on terrorist financing took place in May. The second EU-US practitioners' workshop (prosecutors/designators) took place in April.</p> <p>The second workshop on terrorist financing between EU and GCC countries was held on 5 and 6 March.</p>  |

|  | Measures/Action  | Competent Body          | Deadlines     | Status/Observations   |
|--|--|-------------------------|---------------|---|
| <p><b>Objective 3: To maximise capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent terrorist attacks</b></p> |  |                         |               |   |
| 3.1  | Developing and implementing the legislative framework for combating terrorism  |                         |               |   |
| 3.1.1  | Framework Decision on the European Arrest Warrant Implementation   | MS                      | June 2004     | All Member States have reported completion of implementation measures   |
| 3.1.2  | Framework Decision on Joint Investigation Teams Implementation   | MS                      | June 2004     | Commission EAW Report is discussed in Council.<br>21 Member States have reported completion of implementation measures  |
| 3.1.3  | Framework Decision on Combating Terrorism Implementation   | MS                      | June 2004     | Commission JIT Report has been submitted to Council.<br>19 Member States have reported completion of implementation measures  |
| 3.1.4  | Framework Decision on money laundering, the identification, tracing, freezing and confiscation of instrumentalities and the proceeds of crime Implementation | MS<br>SCLWG (to report) | June 2004     | The Council has adopted the Presidencies report on the implementation (11687/2/04) which is based on the report from the Commission. The Commission is invited to submit a follow-up report to the Council by 30 June 2005.<br>20 Member States have reported completion of implementation measures |
| 3.1.5  | Framework Decision on the execution of orders freezing property or evidence Implementation   | MS                      | December 2004 | The Council has adopted the Presidency report (10369/2/04) which is based on the report from the Commission. The Commission is invited to submit a follow-up report to the Council by 30 June 2005.<br>4 Member States have reported completion of implementation measures                          |
| 3.1.6  | Convention on Mutual Assistance in Criminal Matters and its Protocol Implementation  | MS                      | December 2004 | Commission report on implementation due in 8/06<br>11 Member States have notified completion of ratification measures; 4 additional Member States have reported completion of ratification but no official ratification has been received so far.   |

|        | Measures/Action  | Competent Body   | Deadlines                          | Status/Observations   |
|--------|--|--|------------------------------------|---|
|        | Ratification   |  |                                    | 9 Member States have notified completion of ratification measures relating to the Protocol; 4 additional Member States have reported completion of ratification but no official ratification has been received so far.  |
| 3.1.7  | Framework Decision on the Confiscation of crime related proceeds, instrumentalities and property Adoption (and implementation.)  | JHA Council  | June 2004                          | Adopted by Council on 24/02/2005  |
| 3.1.8  | Framework Decision on Attacks against Information Systems  | JHA Council  | June 2006 (Implementation)         | Adopted by Council on 24/02/2005  |
| 3.1.9  | Draft Framework Decision on the application of the principle of mutual recognition to Confiscation Orders<br>Completion of negotiations of text.   | JHA Council/ CATS/ Cooperation in Criminal Law Matters Working Party | June 2004                          | Political agreement on substantive text on 29/04/04 and on certificate on 08/06/04. Parliamentary scrutiny reserve remains on the part of 1 Member State (IT)   |
| 3.1.10 | Draft Framework Decision on the retention of telecommunications traffic data.  | JHA Council/ CATS/ Cooperation in Criminal Law Matters Working Party | Ongoing                            | The proposal presented by France, Ireland, Sweden and United Kingdom (8958/04) is examined within the Council<br>New draft proposal for a Directive expected by the Commission  |
| 3.1.11 | Conclusion of negotiations and adoption.<br>Draft Council Decision on the exchange of information and cooperation concerning terrorist offences.   | JHA Council/ CATS  | June 2005 (adoption)               | The Council agreed on a general approach on 2/12/04 (15871/04)<br>European Parliament opinion to be examined.   |
| 3.1.12 | Conclusion of negotiations and adoption.<br>Draft Framework Decision on a European Evidence Warrant  | JHA Council/CATS / Cooperation in Criminal Law Matters Working Party | December 2005                      | Commission presented proposal on 14 Nov. 2003. This proposal is currently being discussed in the Working group and in Council on 02/06/2005. Negotiations will continue during LU and UK Presidencies.  |
| 3.1.13 | Conclusion of negotiations.<br>Cross border hot pursuit  | Commission   | Second half of 2004 (Presentation) | Commission to present proposal in 2005  |
| 3.1.14 | Preparation of proposals for consideration by Council<br>A) Measures to improve the exchange of information on convictions<br>B) Proposal on mutual recognition of conviction<br>C) European register on convictions and | JHA Council<br>JHA Council/ Commission                               | June of 2005<br>[Early 2005]       | The Council agreed on a general approach on the text of the draft Decision on the exchange of information extracted from the criminal record<br>A linked proposal from Belgium on exchange of information on disqualification has been tabled and will be discussed in the working group next months. |

|        | Measures/Action  | Competent Body    | Deadlines                            | Status/Observations  |
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|        | disqualifications<br>Preparation of proposals for consideration by Council   |                   |                                      | See also Commission Communication on measures to be taken to combat terrorism and other forms of serious crime, in particular to improve exchanges of information [COM (2004) 221] Discussion by Council on 02/06/2005   |
| 3.1.15 | European Protection Programme for the protection of witnesses in terrorist cases   | Commission        | [As soon as possible] (Presentation) | Commission to present proposal in due course   |
| 3.1.16 | Preparation of proposals for consideration by Council<br>Draft Framework Decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States, in particular as regards serious offences including terrorist acts.<br>Preparation of proposals for consideration by Council | Sweden/Commission | December 2005                        | The proposal presented by Sweden (10215/04) on 4 June 2004 is discussed by MDG and by CATS/COMIX<br>The European Council endorsed the principle of availability in the Hague Programme on 04/11/04<br>Europol has proposed to draw up an integral concept for Justice and Home Affairs matters, including defined roles and responsibilities for the concerned EU authorities at the CATS Meeting on 18 January 2005. This model should allow for a structured flow of information and intelligence between the relevant cooperation partners at EU level. If this suggestion is taken forward, the objectives of this Framework Decision would have to be integrated into this model. |
| 3.1.17 | Framework Decision to replace Joint Action 1998/733/JHA on Criminal Organisations.   | Commission        | December 2004 (presentation)         | Commission has presented proposal. Discussed in MDG  |
| 3.1.18 | Preparation of proposals for consideration by Council.<br>Reinforcing judicial cooperation<br>- ensure the execution of any request for mutual legal assistance related to terrorist offences<br>- provide each other with the fullest cooperation<br>- study of concrete measures to propose  | MS                |                                      | Eurojust held various coordination meetings at strategic and operational level where specialized Prosecutors were present. Cooperation between Prosecutors and law enforcement is ongoing on a daily basis. Eurojust has set up a specialized team on terrorism. Meeting with USA ongoing.(see doc. 9157/05)   |
| 3.2    | Ensure optimum and effective use of existing EU bodies such as Europol, Eurojust and the Police Chiefs Task Force  |                   |                                      |  |
| 3.2.1  | Europol/Eurojust Agreement   | JHA Council       | May 2004                             | Approved by JHA Council on 29 April 2004   |

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|-----------------|--------------------------|---------------|--|
| Adoption        |                          |               | <p>Signing by Europol on 9 June 2004<br/>           Signing by Eurojust on 9 June 2004<br/>           Reports to be submitted to Council on practical cooperation</p> <p>Agreement effective from 10 June 2004</p> <p>Europol and Eurojust have developed good working relations. Work is ongoing in order to define how Eurojust can be integrated into the business areas of Europol and vice versa.</p> <p>Commission has reported on JIT. Experience is limited because of delayed implementation of the Framework Decision of 13 June 2002 by 4 Member States. Europol cannot fully participate to JIT before the 2002 Protocol is ratified by all MS.</p> <p>A joint project between Europol and Eurojust has been initiated to obtain an overview about Joint Investigation Teams (JITs) legislation in the MS. Based on this, guidelines on how to best make use of JITs can be developed. Eurojust has no experience in JIT so far.</p> |
| 3.2.2           | MS/Commission            | Ongoing       |  |
| 3.2.2 bis       | JHA Council/<br>EUROJUST | December 2004 | <p>Council conclusions were adopted on 2/12/04 (15285/04). Information to Eurojust is addressed in the Decision on improving information to Europol and Eurojust in terrorist cases.</p> <p>On the Council's request, Eurojust has examined and defined the scope of measures to improve its capacity to contribute to the fight against terrorism (see Eurojust's reports 10008/04 and 9157/05). Despite the agreement recently concluded, the exchange of information with Europol is limited by its legal framework.</p> <p>Thus :</p> <ul style="list-style-type: none"> <li>- Need for more and complete, updated information</li> <li>- Need for own Eurojust analyst(s) (there is no direct access by Eurojust to Europol's analysis files).</li> <li>- A specialised team has been set up.</li> </ul>  |
| 3.2.3           | MS                       | December 2004 |  |
| 3.2.4           | MS/Europol               |               | <p>22 Member States have reported completion of ratification<br/>           19 Member States have reported completion of ratification<br/>           16 Member States have reported completion of ratification</p> <p>The setting up of the Counter-Terrorism Task Force (CTTF) has</p>  |

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| reactivating the Counter-Terrorism Task Force  |                   |   | been completed. 12 strategic projects have been set up whose developments are closely monitored by the Member States. All Member States have been invited to second experts to the CTTF. The assignment of experts will facilitate the flow of information to Europol on terrorism.   |
| 3.2.5 Ensuring that Europol is provided by Member States law enforcement authorities with all relevant criminal intelligence related to terrorism as soon as it is available | MS/EU Coordinator | Presentation of the report at the JHA meeting-- December 2004 | A process of mutual evaluation, within the framework of the Multidisciplinary Group on Organised Crime, is currently under way in relation to the exchange of information and intelligence between Europol and the Member States and also among Member States. An interim report in relation to the evaluation reports in respect of five Member States was taken note of by Council on 2/12/04 (9501/4/04). A new report is forthcoming.   |
| 3.2.6 Improve the flow of intelligence to Europol in relation to all aspects of terrorism  | MS                |   | The EU Counter-Terrorism Coordinator has also presented provisional findings arising from this evaluation process (9876/04)   |
| 3.2.7 Take forward the further development of the relationship between Europol and intelligence services   | MS/Europol        |   | Operational analysis at Europol - where significant resources are invested - is progressing well and delivers added value for the MS. Europol counter-Terrorism Task Force is revitalised. Link between Europol and SitCen is established.  |
| 3.2.8 Implementation of the Europol Information System   | Europol/MS        | December 2004   | Working relations between SitCen and Europol are established. A strategic cooperation agreement is about to be finalised. In its report to the Council (doc. 9156/05), Europol indicates that there is no sufficient supply of operational intelligence yet from the (security) intelligence services to the relevant Analysis Work Files at Europol under the framework of the CTTF.   |
| 3.2.9 Decision establishing Eurojust Implementation  | MS                | June 2004   | The Europol Management Board has decided at its meeting on 14/15 December 2004 about the format of the Information System (IS). The project on the implementation of the IS in the Member States to ensure automatic transfer of the data to the IS has been launched.<br>So far 22 MS have reported completion of implementation measures.<br>COM reported on implementation of the Eurojust Decision in July 2004 (11280/04)<br>5 MS had not by this date adopted the required legislation and 1 had partly adopted the required legislation.<br>The Council adopted conclusions on 2/12/04 (15285/04). The COM is invited to submit a follow-up report to the Council by mid 2005. |
| 3.2.10 Designation of Eurojust national correspondents for   | MS                | [June 2004]   | All MS have designated their Eurojust national correspondent for  |

|        | Measures/Action   | Competent Body   | Deadlines     | Status/Observations  |
|--------|---|------------------|---------------|--|
|        | terrorist matters.  |                  |               | terrorist matters (10644/4/04).<br>Regular contacts between national members and national correspondent for terrorism are encouraged. Eurojust organises regular meetings.   |
| 3.2.11 | Strengthening cooperation between anti-terrorist magistrates  | Eurojust         | Without delay | Strategic and ad-hoc meetings between anti-terrorist magistrates organised by Eurojust (the first one took place in June 04; the intention is to ensure a follow-up at a six months interval)<br>Establishment of a network between key players in CT. A questionnaire has been sent to all Eurojust national correspondents.  |
| 3.2.12 | Speeding up the linking of the EJN to the VPN secure electronic network   | Eurojust/EJN     | Without delay | EJN contact points have been consulted on the precise requirements and a decision on what to implement has been taken in December.<br>In parallel, Eurojust is defining its communication needs so that the technical solution can be combined where possible. Subject to the current discussions on the 2005 Eurojust budget, implementation has started in the second half of 2005.  |
| 3.2.13 | Police Chiefs Task Force (PCTF)<br><br>Review how greater operational capacity can be reinforced, focussing on proactive intelligence                                       | PCTF/JHA Council | November 2004 | Recommendations from the Council on 19/11/04 on the role and positioning of the PCTF (14938/04) are taken forward. A support function for the PCTF at Eurojust has been established in February 2005. A proposal on the portfolio of the support function for the PCTF at Eurojust will be submitted to the PCTF on 12 May 2005.   |
| 3.2.14 | Preparation of a report on the Terrorist attacks in Madrid from a law enforcement perspective   | PCTF             | May 2004      | Operational meeting held on 10 February 2005 on COSPOL, one target of which is action in the fight against terrorism.<br>Report completed by PCTF  |
| 3.3    | <b>Improve mechanisms for cooperation for the sharing of expertise on protective, investigative and preventative security policies between police and security services</b> |                  |               | The Commission presented first ideas on improving intelligence-led law enforcement (doc. 10745/04). Eurojust has made the proposal to CATS on 18 January 2005 to draw up a information/intelligence model (as part of an EU wide security strategy) to define the roles and responsibilities of the concerned EU authorities and to establish an IT interface at EU level that ensures the implementation of this future model with adequate IT systems (aim: to create common data standards and joint measures as regards solutions with the IT industry etc.) |
| 3.3.1  | Decision on the implementation of specific measures for police and judicial cooperation to combat terrorism   | MS               | June 2004     | All Member States have reported completion of Decision of 19 December 2002 measures.<br>COM monitoring the designation of Eurojust correspondents (Council Decision 2003/48/JHA)   |

|       | Measures/Action  | Competent Body                           | Deadlines | Status/Observations   |
|-------|--|--|-----------|---|
|       | Implementation   |  |           |   |
| 3.3.2 | Ensuring that law enforcement agencies (police, customs etc.) and Member States' security services cooperate with each other and exchange all information relevant to combating terrorism as extensively as possible | MS                                       | Ongoing   | This objective is covered by the Hague Programme  |
| 3.3.3 | Interim report on the outcome of the process of peer evaluation of national arrangements in the fight against terrorism in the 15 Member States  | JHA Council / CATS/ TWP / EU Coordinator | Sept 2004 | Interim report taken note of by the Council (JHA) on 2/12/04 (14306/3/04).<br>The EU Counter-Terrorism Coordinator has also presented provisional findings arising from this evaluation process (9876/04).<br>Evaluation of the new Member States completed. Implementation of interim report is being monitored. |
| 3.3.4 | Final report on the outcome of the process of peer evaluation of national arrangements in the fight against terrorism covering the new Member States   | JHA Council / CATS/ TWP / EU Coordinator | Sept 2005 | To be presented in September 2005.  |
| 3.3.5 | Preparation and adoption<br>Identification of suspected terrorists in Europe and of the organisations which support them, in order to draw up a common list of terrorist organisations                               | GAERC/JHA Council                        |           | Lists containing the most significant terrorists and terrorist organisations are regularly and appropriately updated.   |
| 3.3.6 | Study the role of Customs in the Member States in relation to security/anti-terrorism at EU Borders  | JHA Council/CCWG                         | June 2004 | Report approved by CCWG (10238/04)<br>Follow-up actions under way (13793/04), such as a Joint Customs Operation planned in the course of 2005.  |
| 3.4   | <b>Promote effective, systematic collaboration in intelligence exchange between Member States and maximize the effectiveness of information systems</b>  |  |           |   |
| 3.4.1 | (i) Draft Council Regulation on the introduction of new functions for the Schengen Information System (SIS) and  | Council                                  | June 2004 | Regulation adopted at JHA Council on 29/4/04.   |
|       | (ii) Draft Decision on the introduction of new functions for the Schengen Information System (SIS)   |  | June 2004 | Decision adopted at JHA Council on 24/2/05<br>Implementation is under way   |
| 3.4.2 | Decision on the location, management and financing of SIS II   |  |           |   |

|       | Measures/Action  | Competent Body   | Deadlines   | Status/Observations  |
|-------|--|--|---|--|
|       | <ul style="list-style-type: none"> <li>- for development phase</li> <li>- for long term</li> </ul>   | <ul style="list-style-type: none"> <li>- JHA Council</li> <li>- JHA Council</li> </ul> | <ul style="list-style-type: none"> <li>- May 2004</li> <li>- June 2005</li> </ul> | <ul style="list-style-type: none"> <li>- Council Conclusions adopted on 29/4/04</li> <li>- Discussions at CATS</li> </ul> <p>Awaiting Commission proposals setting out the legal basis for SIS II</p>  |
| 3.4.3 | <p>The Visa Information System ( VIS)</p> <ul style="list-style-type: none"> <li>- Draft Council Decision establishing the VIS</li> </ul> <p>Proposal for a second legal instrument which will define the VIS in all its elements (including the categories and use of data, access right, data protection rules) and its operation.</p> | <p>JHA Council/SCIFA/Visa Working Party/Commission</p> <p>Council/Parliament</p>       | <p>January 2005<br/>(presentation of proposal)</p>                                | <p>Council Decision establishing the Visa Information System (VIS) adopted on 8 June 2004 (2004/512/EC) JO L 213 (15/06/2004)</p> <p>The VIS is a system for the exchange of visa information and is primarily meant to support common visa policy.</p> <p>The Commission has submitted its 2nd proposal ( that shall define in particular the system and its operation, including the categories of data to be entered into the system, the purposes for which it is to be entered and the criteria for its entry, the rules concerning the content of VIS records, the rights of access for authorities to enter, update and consult the data and its control) in January 2005. As the legal basis requires co-decision with EP, final adoption should not be expected till end 2005 (and more likely mid-2006).</p> |
| 3.4.4 | <p>Enhancing the interoperability between European Databases and of synergies between the existing and future information systems (SIS II, VIS and EURODAC)</p> <p>Preparation of proposals for consideration by Council</p>   | <p>Commission</p>  | <p>Early 2005<br/>(presentation of proposal)</p>                                  | <p>Commission proposes to present a "Communication on enhanced synergies of existing and future information systems in the field of visa, travel, border and migration management" which would cover these issues, as well as the question of interoperability.</p> <p>The March declaration of the European Council highlighted under n°5 that "the Commission should also include provisions to enable national law enforcement agencies to have access to the EU systems". On 24/02/05 Council conclusions were adopted on a legal instrument for the access of law enforcement authorities to the Visa Information System (VIS)</p>  |
| 3.4.5 | <p>Exchange of personal information (DNA, fingerprints and visa data) for the purpose of terrorism</p> <p>Preparation of proposals for consideration by Council</p>  | <p>Commission</p>  | <p>June 2004 (presentation of proposal)</p>                                       | <p>The Commission presented on 18 June 2004 a communication "Towards enhancing access to information by law enforcement agencies" (10745/04). See action 3.3</p>   |

| Measures/Action | Competent Body                        | Deadlines  | Status/Observations  |
|-----------------|---------------------------------------|--|--|
| 3.4.6           | MS                                    |  | On 14/4/05 Council conclusions were approved on the earlier exchange of certain categories of data (doc. 7641/2/05 CATS 20 ENFOPOL 31 ENFOCUSTOM 17 CRIMORG 30)<br>Meeting Counter-Terrorism Coordinator/TFPC/SitCen during NL Presidency.   |
| 3.4.7           | JHA Council/ CATS/TWP                 |  | Presentation of the Chairman of the CTG at the Police Chiefs strategic meeting on 12 May 2005<br>Recently the list of contact points was updated.  |
| 3.4.8           | JHA Council/ CATS/TWP                 | December 2004  | All 25 Member States are connected to the BDL.   |
| 3.5             |                                       |  | Europol has established work relations with SitCen to ensure a harmonised way of action (see action 3.2.7)<br>On 11/04/05, Germany presented proposals for a reorganisation of the periodical documents elaborated by the Working Party on Terrorism   |
| 3.5.1           | SG/HR Solana / EU Coordinator         | June 2004  | Report by EU Counter-Terrorism Coordinator to Council on 19/11/04  |
| 3.6             |                                       |  | Preparation of proposals for consideration by Council  |
| 3.6.1           | Council/ CATS/ TWP / Commission       | June 2005<br>October 2004<br>December 2004<br>March 2005 | TWP to consider scope for measures in the first instance (15920/04)<br>COM is currently preparing a Communication on measures to ensure greater security in explosives, detonators, bomb-making equipment and firearms.<br>COM has drafted a questionnaire to assess the capabilities of MS relevant services to deal with terrorist bomb attacks (Bomb Disposal Squads) |
| 3.6.2           | Commission/<br>Council/<br>Parliament | Ongoing  | Forthcoming work: Examination of terrorist and criminal threat when examining each new legislative proposal (cf. Commission Communication 8809/02 ADD 3)   |

| Measures/Action | Competent Body  | Deadlines  | Status/Observations   |
|-----------------|---|--|---|
| 3.6.3           | JHA Council/<br>CATS/CCWP/HR-PR WMD                             | End December 2004  | Work ongoing  |
| 3.6.4           | Council, Personal<br>Representative of HR, MS and<br>Commission | [PM]   | The Council adopted a Statement of support of the Proliferation Security Initiative (PSI) on 17 May 2004.<br><br>Follow on work on the EU statement, including a reference the necessity to provide criminal sanctions by Member States in the area of trafficking of WMD and related materials, as appropriate, is underway. |
| 3.7             | Commission  | Ongoing  | Adoption of the Regulation 302/2005 on the application of Euratom Safeguards approved by the Council on 30.04.04. and adopted by Commission on 8 February 2005. However, Guidelines foreseen in Article 37 for its implementation are not yet adopted.  |
| 3.7.1           | Council/PSC<br>Other as indicated in each point                 | According to deadlines<br>related to each specific<br>action point                         | The conceptual framework was approved by the Council on 22 November 2004 and endorsed by the December European Council. On 23 May the Council endorsed the first implementation report.<br><br>See also objective 5.4.2.2 and 5.4.2.3   |
| 3.7.2           | PSC   | Ongoing/First deadline June<br>2005 with the finalisation of<br>the Requirements Catalogue | The terrorist threat was included in all relevant scenarios taking into account possible preventive and protective measures, including maritime and airspace control-type operations. All these aspects will be further elaborated in the future iterations of the EU capability development process.                         |
| 3.7.3           | PSC, SG/HR, SITCEN  | Ongoing  | The implementation of the Civilian Headline Goal 2008 envisages the possibility of deploying civilian ESDP assets and capability in an environment characterised by a terrorist threat.   |

| Measures/Action  | Competent Body | Deadlines  | Status/Observations  |
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| <p>the Joint SITCEN as it implements the SG/HR's report to June European Council on the establishment of an intelligence capacity to cover the range of terrorist threats affecting EU interests both within and outside of the Union;</p> <p>3.7.4 Improve protection of all personnel, material and assets deployed for crisis management operations under Title V of the TEU, including, as appropriate, the ability to protect possible key civilian targets, including critical infrastructure, in the area of operations within available means and capabilities and on a case by case basis based on the threat analysis;</p> <p>Support to third countries in combating terrorism;</p> | PSC            | 2005   | PSC will continue to foster ongoing work on an NBC Centre of Competence, including civilian expertise on the basis of an agreed mission need document on the requirements to be covered by such a centre.  |
| 3.7.5  | PSC            | Ongoing  | <p>Specific measures could entail the development of appropriate co-operation programmes to promote trust and transparency, the support in planning activities related to the fight against terrorism including consequence management or support in training and exercises.</p> <p>The need to develop the cooperation with certain key partners, notably the US, has been highlighted.</p> |
| 3.7.6  | PSC<br>COCON   | Ongoing<br>(for military Evacuation Operations 2005) |  |
| 3.7.7  | PSC            | Ongoing  | Such capacity to be voluntarily contributed by Member States and is to be developed taking into account ongoing work on the follow-up to the Tsunami in the Indian Ocean.  |
| 3.7.8  | PSC, ISS       | March 2005   | Participation in the seminar would be open to representatives and high level experts (national crisis co-ordinators, academics, etc) of key partners, such as the US, the UN and NATO.   |
| 3.7.9  | PSC            | Ongoing  | Staff work ongoing.  |

|            | Measures/Action  | Competent Body      | Deadlines                                      | Status/Observations  |
|------------|--|---------------------|--|--|
|            | <ul style="list-style-type: none"> <li>- against CBRN risks; framework agreement on the facilitation of cross border transport;</li> <li>- identification of the relevant national points of contact, with a view to creating a common database of points of contact;</li> <li>- cross-participation, on a case-by case basis, in each other's consequence management exercises, as observers</li> </ul> |                     |  |  |
| <b>3.8</b> | <b>Other Related Measures</b>  |                     |  |  |
| 3.8.1      | Examining measures in relation to a database on forensic material  | Council/Commission  | Second half 2005<br>(Presentation of proposal) | Commission to present proposals.   |
| 3.8.2      | Consideration of need for new committee structures in order to ensure greater operational cooperation on security and terrorism.   | Council/<br>COREPER |  | It is decided that Coreper has coordinating role within Council working structures |
| 3.8.3      | Adoption of the Strategy for Customs Cooperation and related work plan   | JHA Council         | May 2004                                       | Adopted by the JHA Council on 30 March 2004  |

| No.   | Measure/Action   | Competent Body                                    | Deadline   | Status/Observations  |
|---|--|---|--|--|
| <b>Objective 4: To protect the security of international transport and ensure effective systems of border control</b> |  |   |  |  |
| 4.1   | Ensure the integration of counter-terrorism considerations into the work of relevant EU bodies (transport, border controls, identity documents etc)  |   |  |  |
| 4.1.1   | Regulation establishing a European Borders Agency  | Council / Commission                              |  | Regulation adopted by Council on 26 October 2004. (OJ, L 349, 25/11/04, p. 1)  |
| 4.1.2   | Agency operational<br>(i) Draft Council Regulation amending Regulation (EC) No 1683/95 laying down a uniform format for visas.<br>Finalisation of the technical specification to be adopted by COM<br>Adoption of Regulation | JHA Council<br><br>Commission/Article 6 Committee | May 2005<br>June 2005 (Possible presentation of Proposal)<br><br>February 2005<br><br><br>End 2004 | Seat: Warsaw (Council Decision adopted on 26 April 2005)<br>In November 2003 the JHA Council agreed on a general approach. "Article 6 Committee" concluded after a debate on the technical feasibility of the decision that the integration of the chip in every visa and residence permit is impossible. The conclusions of the "Article 6 Committee" were agreed by Coreper on 24th November 2004 and have been submitted as informative points to the JHA Council on 2 December 2004<br><br>Regulation adopted by Council on 13 December 2004. The competent Council bodies are examining the possibility of amending the Regulation in order to grant exemptions to children, the elderly and handicapped persons. |
| 4.1.3   | Adoption of Regulation<br>Creation of an integrated system for the exchange of information on stolen and lost passports having recourse to the SIS and Interpol database   | Council/Commission                                | December 2004<br>(Adoption of proposal)<br><br>End of 2005<br>(Implementation of proposal)         | Common Position adopted by the Council on 24/1/05 on the exchange of certain data with Interpol  |
| 4.2   | Work to develop further EU transport security standards, in coordination with relevant international organisations and third countries   |   |  | On 11 March 2004 the Council agreed to submit to ICAO a Working Paper on PNR on behalf of the European Community and its MS, thereby initiating multilateral work on this subject.   |

| No.   | Measure/Action  | Competent Body                            | Deadline  | Status/Observations   |
|-------|---|---|---|---|
|       |   |   |   | On 22 September 2004 the Presidency submitted (on behalf of the EC and its MS) a working paper on establishing an international framework for the transfer of PNR data to the ICAO 35th Assembly (28/09-8/10/04). The paper was well received and work within ICAO will now begin.  |
| 4.2.1 | Strengthening of the security of all forms of transport systems, including through the enhancement of the legal framework and the improvement of prevention mechanisms<br><br>Draft Communication/Directive on the security of intermodal transport | Council/MS                                | To be submitted in 2005.<br>Adopted 31 March 2004, in force as of 1 July 2004   |   |
| 4.2.2 | Enhancing the security measures in harbours and ships<br><br>Enhancing the security of ports  | Commission<br>Council/European Parliament |   | a) Regulation (EC) No 725/2004 of the European Parliament and of the Council 2004 on <b>enhancing ship and port facility security</b> .<br>The regulation incorporates the maritime security measures adopted in December 2002 by IMO into Community legislation in order to prevent acts of terrorism against ships.<br><br>b) Regulation (EC) No 724/2004 of the European Parliament and of the Council of 31 March 2004 amending Regulation (EC) No 1406/2002 establishing a <b>European Maritime Safety Agency</b> . The regulation provides the European Maritime Safety Agency <i>inter alia</i> with clearly defined tasks in the filed of Maritime security.<br><br>c) Proposal for a Directive of the European Parliament and of the Council on <b>enhancing port security</b> . It aims at complementing (EC) No 725/2004 on enhancing ship and port facility security. The purpose of the Directive is to enhance security in areas of ports not covered by the Regulation and to ensure that security measures implemented in application of the Regulation benefit from enhanced security in the port. The Directive does not create new obligations in areas covered by the regulation. |
| 4.2.3 | Regulation 2320/2002 on civil aviation security and Regulation 1486/2003 on procedures on Commission inspections in the field of civil aviation security<br><br>Implementation  | Commission                                | TTE Council of June 2004 agreed on a general approach on the proposed Directive. After informal contacts with EP and adoption in first reading in May 2005, formal adoption is expected during the Summer.<br><br>Ongoing | Ongoing legislative work to develop detailed implementing legislation (by comitology) to complement Regulation 2320/2002. Two implementing Regulations were adopted in 2004:<br>- Commission Regulation (EC) N°68/2004 of 15 January 2004 amending Commission Regulation (EC) N°622/2003 laying down measures for the implementation of the common basic standards  |