



EUROPEAN COMMISSION

*Brussels, 25.1.2018
C(2018) 244 final*

Dear President,

The Commission would like to thank the Camera dei Deputati for its Opinion on the Communication ‘Delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union’ {COM(2016) 230 final}.

One year after the adoption of the European Agenda on Security, the overall political objective of this Communication was twofold. First, it aimed to assess the state of implementation of the Agenda in relation to specific operational issues, and to identify implementation gaps in the fight against terrorism. Second, it aimed to identify what action was still needed to deal with these gaps and, building on existing tools, to develop new standing cooperation structures between operational services responsible for combating terrorism. It equally set out the roadmap towards an operational and effective Security Union increasing our collective capacity to tackle the terrorist threat.

The Commission welcomes the favourable opinion and support expressed by the Camera dei Deputati. The Commission also takes note of the remarks in the Opinion on a number of key elements in the fight against terrorism. In response to the more technical comments in the Opinion the Commission would like to refer to the attached annex.

The Commission would like to thank the Camera dei Deputati for its careful contribution and looks forward to continuing the political dialogue.

Yours faithfully,

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First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*

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Annex

The Commission has carefully considered each of the issues raised by the Camera dei Deputati in its Opinion and is pleased to offer the following clarifications.

A) The Commission agrees on the importance of putting all the political and legislative initiatives set forth or declared in the action timetable annexed to the Communication into prompt and precise effect in order to make the most of the benefits that will accrue from terrorism prevention, monitoring and control activities and information sharing as well as from the progressive harmonising of the pertinent national laws. The Commission further agrees that a combination of measures is the only effective path of combatting terrorism.

B) Directive 91/477/EEC on control of the acquisition and possession of weapons has been revised by Directive (EU) 2017/853 of 17 May 2017¹ which entered into force on 13 June 2017 and is currently in the process of being transposed by Member States.

On 5 July 2016, the Commission adopted a Proposal amending the 4th Anti-money Laundering Directive {COM 2016 450 final} in the following areas:

- Tackling risks linked to anonymous pre-paid instruments (e.g. pre-paid cards) – by lowering the thresholds for identification and widening customer verification requirements. Due account will be taken of proportionality and financial inclusion (i.e. use by financially vulnerable citizens);*
- Tackling terrorist financing risks linked to virtual currencies by including virtual currency exchange platforms in the scope of the 4th Anti-money Laundering Directive, so that these platforms have to apply customer due diligence controls when exchanging virtual for real currencies;*
- Enhancing the powers of European Union Financial Intelligence Units and facilitating their cooperation: the scope of information accessible by Financial Intelligence Units will be widened, in line with the international standards;*
- Centralised national bank and payment account registers in all Member States. Financial Intelligence Units shall have easier and faster access to information on the holders of bank and payment accounts;*
- Ensuring a high level of safeguards for financial flows from high risk third countries – by including a list of all compulsory checks (due diligence measures) that financial institutions should carry out on financial flows from countries having strategic deficiencies in their anti-money laundering/combating the financing of terrorism regimes;*

¹ OJ L 137, 24.5.2017, p. 22-39

- *Increasing transparency on beneficial ownership information by facilitating accessibility to information, enlarging the scope for registration of beneficial ownership information for trusts, and ensuring interconnection of beneficial ownership registers.*

Discussions with the co-legislators are now underway and the Commission hopes for an agreement by the end of this year.

C) The Commission is organising workshops to facilitate the swift and correct transposition of Directive 2017/541/EU on combating terrorism². The Directive should be transposed no later than September 2018. A first workshop took place on 26 June 2017, a second on 26 October 2017 and a third is planned for January 2018.

D) The Commission welcomes the importance given to the implementation of the Passenger Name Record Directive as a key instrument to fight terrorism and serious crime. In this respect the Commission recalls the support given to the Member States through the definition of an implementation plan published in November 2016, containing the key milestones for achieving full transposition of the Directive by the deadline of May 2018 and the allocation of additional EUR 70 million on the national programmes within the framework of the Internal Security Fund.

E) The Commission appreciates the support expressed for new Union wide security instruments and agrees that they should be made operational as soon as possible. For the Entry/Exit System, the European Parliament and the Council have already reached a political agreement. It is hoped that co-legislators will reach a political agreement on the European Travel Information and Authorisation System by the end of the year. The revised version of the Schengen Borders Code already came in force in April 2017.

F) The attacks carried out by returning foreign terrorist fighters who were Union citizens or residents have demonstrated the need to reinforce checks at external borders and adopt a new approach to the management of data where all centralised European Union information systems for security, border and migration management are interoperable in full respect of fundamental rights.

The revision of the Schengen Borders Code - in force since April 2017 - introduces mandatory systematic checks on all European Union citizens against relevant databases at external land, sea and air borders. The common risk indicators developed by the Commission with Member States, European Union Agencies and Interpol have been operationalised and updated by the European Border and Coast Guards Agency to support border guards. These indicators may still apply to support Member States authorities in carrying out targeted risk-based checks under the derogation introduced by Article 8 paragraph 2a of Regulation (EU) 2016/399³.

² OJ L 88, 31.3.2017, p. 6-21

³ OJ L 77, 23.3.2016, p. 1-52

Most recently, the Commission adopted a legislative proposal to revise the legal mandate of the European Union Agency in charge of large-scale Information Technology systems in the area of justice and home affairs. Once the relevant legislative instruments have been adopted the Agency will develop the interoperability of centralised European Union information systems for security, border and migration management. The Passenger Name Record Directive as well as the proposed Entry-Exit System and the European Travel Information and Authorisation System will also contribute to the early detection of terrorist travel. With the objective of maximising the benefits of existing information systems the Commission presented in 2016 legislative proposals to strengthen the Schengen Information System, with concrete measures for improving the use of the Schengen Information System for counter-terrorism purposes. Proposed measures include mandatory creation of an alert where the person or object is involved in terrorism-related activity; clear indication in the alert itself if the person is involved in terrorism-related activity; and a new 'inquiry check' action allowing more in-depth questioning of an alert subject. The proposals are currently under discussion in the European Parliament and Council. In addition to that, the work towards the interoperability of information systems is being taken forward as a matter of priority, following the Justice and Home Affairs Council conclusions on interoperability of June 2017 (9448/17)⁴ and the European Council conclusions of June 2017⁵. The Commission published an Inception Impact Assessment in July 2017⁶. A broader public consultation is ongoing until mid-October 2017. On that basis, the Commission presented a package of legislative proposals on 12 December 2017.

In addition, the Commission continues to encourage Member States to proactively share information with Europol and feed its counterterrorism databases. The Commission notes the substantial increase reported by Europol in that regard.⁷

G) The Commission has consistently encouraged Member States to share information with Europol, feed its databases and proactively engage with its European Counter Terrorism Centre.

The Commission notes with satisfaction the significant progress in information sharing and the increasing volume of contributions reported by Europol⁸, as well as the commitment made by European Police Chiefs to enhance cooperation and coordination at European level and through the European Counter Terrorism Centre. The Commission expects that the establishment of the Programme Board, proposed in September 2016, will reinforce the operational steering of the Centre and looks forward to cooperating with this governance body.⁹

⁴ <http://data.consilium.europa.eu/doc/document/ST-9448-2017-INIT/en/pdf>

⁵ http://www.consilium.europa.eu/en/meetings/european-council/2017/06/22-23-euco-conclusions_pdf/

⁶ https://ec.europa.eu/info/law/better-regulation/initiative/40622/attachment/090166e5b405bc34_en

⁷ <https://www.europol.europa.eu/newsroom/news/information-sharing-counter-terrorism-in-eu-has-reached-all-time-high>

⁸ <https://www.europol.europa.eu/newsroom/news/information-sharing-counter-terrorism-in-eu-has-reached-all-time-high>

⁹ <https://www.europol.europa.eu/newsroom/news/fighting-terrorism-in-europe>

As mentioned in its Communication "Enhancing security in a world of mobility"¹⁰, the Commission has taken the necessary steps to reinforce the European Counter Terrorism Centre, notably through an improved access of Europol to databases (for instance, the proposal extending Europol access to the Schengen Information System) and additional financial and human resources of 49 additional posts proposed since 2016, notably to ensure 24/7 support. The Commission has consistently advocated a close cooperation between Europol and Eurojust.

As regards the cooperation between security/intelligence services cooperating outside the European Union framework and law enforcement authorities, the Commission shares the Camera dei Deputati's Opinion that closer cooperation is necessary. Taking into account the current legal framework and in particular Article 4 of the Treaty on the Functioning of the European Union, the Commission invited Member States in September 2016 to explore avenues for a closer interaction between the Counter Terrorism Group and the law enforcement authorities. Fact finding missions have been organised to explore potential avenues for cooperation.

H) In light of how terrorists use the internet to radicalise, recruit, facilitate and direct terrorist activity, the Commission established the European Union Internet Forum in 2015. The aim of the Forum is to bring Member States and the internet industry together in order to work together in understanding and responding to this challenge.

The Forum has two key objectives: the first is to reduce accessibility to terrorist content online, and the second is to empower civil society partners to increase the volume of effective alternative narratives online. Under that first objective, the European Union Internet Referral Unit at Europol was set up in 2015 to scan the internet for terrorist content and then refer it to the companies, where Europol assesses it to be in breach of the company's terms and conditions. To date, the Internet Referral Unit decided to refer over 40,000 pieces of content and in 80-90% of cases, the material has swiftly been removed by the host platform. The Internet Referral Unit has also provided operational support and analysis to Member States in responding to terrorist attacks within the Union. As announced at the European Union Internet Forum in December 2016, Facebook, Google, Twitter and Microsoft have developed a tool called the Database of Hashes, which should help ensure that known terrorist material removed from one platform cannot simply be re-uploaded onto another. The tool is now operational. At the 2017 Forum, the consortium reported on the database running and containing over 40,000 hashes of images and videos. The consortium of companies has grown from 4 to 12 companies. The Commission encourages the industry to use it to its full potential, and brings other platforms on board so as to curb the dissemination of terrorist material. Companies are best placed to develop technical solutions to this problem. There is a clear commitment from companies to the automated detection of terrorist propaganda, with increasing success rates in the identification of terrorist content. Some have removed 99% of identified terrorist content by using their own tools. Under the second

¹⁰ COM(2016) 602 final, 14.9.2016

objective of the European Union Internet Forum, the Commission has launched a Civil Society Empowerment Programme to support civil society organisations across the Union in developing effective, alternative narratives online, including a call for proposals to support such campaigns with a total budget of EUR 6 million.

Building on the progress made under the European Union Internet Forum's Action Plan to Combat Terrorist Content online, and further to the conclusions of the 2017 Forum, there is a need for more detailed, transparent reporting. Such reporting mechanism is being put into place and Member States will be consulted shortly.

Education is of paramount importance to prevent marginalisation and violent extremism. In this context, the Commission is supporting Member States in their efforts to promote social inclusion and common values, prevent radicalisation through education – including in prisons - and tackle extremist propaganda online by sharing good practices and building an evidence base. The Commission has also mobilised funding under the Erasmus+ programme: in 2016 over EUR 200 million were devoted to projects in the field and EUR 13 million were set aside for disseminating good practices. Similar funding is available in 2017.

Recognising the need for enhancing skills in the education sector, the Commission supports Member States in equipping teachers to address diversity in the classroom, pass on common values to pupils and identify and adequately respond to behaviours that might be conducive to radicalisation.

Exchanges among teachers are facilitated at European level through a number of initiatives, including for instance the dedicated Radicalisation Awareness Network working group for education. As underlined in the Opinion, the role of youth is crucial. Recognising this crucial role, the Commission launched the Radicalisation Awareness Network's Young platform in November 2016 with the objective of raising awareness among young people (aged 18-25) and engaging them more in the prevent work. For example, "RAN Young Ambassadors" are involved in Radicalisation Awareness Network working groups and participants of the Radicalisation Awareness Network Young network will provide their views and recommendations on policy responses and practitioners' work to prevent radicalisation.

The Commission attaches great importance to tackling radicalisation in the prisons and the probation sector. The main challenge for the Commission is to speed up implementation of the Justice and Home Affairs Council Conclusions on enhancing the criminal justice response to radicalisation of 20 November 2015 (14382/15)¹¹ by the Member States and to encourage them to fully benefit from the financial support offered by the Justice programme to develop de-radicalisation and rehabilitation programmes in and outside prisons, risk assessment tools and training schemes for all actors on the ground. To this effect the Commission earmarked EUR 6.5 million in 2015 and 2016 for projects in the field of radicalisation in prisons. The Commission organises a stakeholder conference on the

¹¹ <http://data.consilium.europa.eu/doc/document/ST-14382-2015-INIT/en/pdf>, p. 8ff

criminal justice response to radicalisation in the beginning of 2018 to present the ongoing projects for the 2015 and 2016 calls.

Organisations which receive operating grants from the Commission, such the European Confederation for Probation and EuroPris are also closely involved in the issue of radicalisation in prisons. EuroPris works together with Radicalisation Awareness Network and the European Penitentiary Training Academies to set up an online collection of good prison training practices.

The Radicalisation Awareness Network Working Group on Prison and Probation develops and provides support to practitioners and authorities, through the exchange of best practices, the formulation of recommendations, practical guidance and training. The Commission hopes that these recommendations and guidance prove useful for practitioners also in Italy.

On a broader policy level, the Commission established a High-level Commission Expert Group on Radicalisation (HLCEG-R) in July 2017 with a view to enhance efforts to prevent and counter radicalisation leading to violent extremism and terrorism, to improve coordination and cooperation between all relevant stakeholders and to explore options for future more sustainable cooperation mechanisms and structures. In December 2017, the Group presented a first interim report to Ministers, laying the basis of further action to match the scale and pace of the radicalisation phenomenon.

Recommendations stress the need for more systematic exchanges between Member States, practitioners and researchers and call for more robust structures at EU level, as well as for closer Member States involvement.

The Commission is already laying grounds for the implementation of the recommendations. The RAN Centre of Excellence is and will remain instrumental in this regard, but other actors, including Member States will need to come in as well.

Recent terrorist attacks have recurrently targeted public spaces. These so-called "soft targets" are attractive to terrorists due to their open nature and public character. Even though Member States are primarily responsible for the protection of its citizens, public spaces, and infrastructures, the European Union can do a lot to support and facilitate these efforts.

This is why in the last counter-terrorism package, issued by the Commission on 18 October, the Commission presented three concrete sets of actions:

- an Action Plan on the Protection of Public Spaces, providing financial support and facilitating the sharing of best practices among local authorities, law enforcement and private sector (e.g. operators of transport hubs, sport centres or commercial malls);*
- an Action Plan on Chemical, biological, radiological and nuclear security (CBRN) to stay ahead of the threat and increase our preparedness, noting worrying developments such as regards chemical weapons in Syria.*

- *a Recommendation on the application of the Regulation on explosive precursors, to further prevent terrorists' from acquiring the chemical substances needed to produce home-made explosives, such as Triacetone Triperoxide (TATP).*

In parallel, the Commission is revising the EU Regulation 98/2013 on Explosives Precursors with a view to tightening the restrictions and controls on the sale, possession, introduction and use of explosives precursors.

The Commission welcomes the engagement of Italy in all these areas.

I) The programmed amount of the Internal Security Fund for 2014-2020 equals EUR 3.9 billion. On 27 September 2017, the Commission adopted the Annual Work Programme for 2017 for support to Union actions under the Internal Security Fund – Police cooperation and crime prevention, with a total amount of funding of EUR 90 000 000.

In addition, the European Union contributes to the enhancement of security through the programmes implemented by the agencies of the Union dealing with security in various areas, such as Europol, Eurojust, the European Union Agency for Law Enforcement Training, the European Border and Coast Guard Agency, the European Agency for the operational management of Large-Scale Information Technology Systems in the area of freedom, security and justice (eu-LISA), and the European Monitoring Centre for Drugs and Drug Addiction. The total programmed budget for the period 2014-2020 for these agencies is equal to EUR 3.5 billion.

The European Union support also other major initiatives in the area of security, such as EURODAC (identification of applicants), Schengen Information System and Visa Information System, whose cumulative programmed budget for 2014-2020 is equal to EUR 148.7 million.

In preparation for the funding instruments for 2021-2027, the Commission is now analysing the trends and needs in collaboration with Member States. This will lead to the design of a proposal for new funding instruments to support security between 2021-2027, which will be subject to discussion with and adoption by the European Parliament and the Council.