

Joint Action Plan on Counter-Terrorism for the Western Balkans

In line with the Stabilisation and Association Agreements, the Council Conclusions of 19 June 2017¹ and 26 June 2018², and the Sofia Declaration of the EU-Western Balkans Summit of 17 May 2018³, and building upon the European Commission's Western Balkans Strategy of 6 February 2018⁴, joint work on Counter-Terrorism and Preventing and Countering Violent Extremism should be stepped up.

To this effect, this Joint Action Plan outlines a concrete level of ambition and focus common to all Western Balkans partners, as well as related EU support in the area of Counter-Terrorism, including Preventing and Countering of Violent Extremism. The five Counter-Terrorism objectives in this plan should provide a common focus and lead to concrete deliverables in order to tackle the existing security challenges. This should include a systematic strengthening of regional cooperation. All Western Balkans partners and the EU intend to reach these five objectives by December 2020 through the actions foreseen in this plan.

The actions set out in this plan should be non-exhaustive, adjustable according to evolving needs and developments and subject, where appropriate, to review⁵ reflecting the evolution of EU policy and legislation in the Counter-Terrorism area. Moreover, this plan does not, nor is it intended to, create any binding, legal or financial obligations on either side under domestic or international law.

It is therefore without prejudice to, inter alia, the Stabilisation and Association Agreements concluded by Western Balkans partners with the EU as well as financing on behalf of the EU which remains subject to decision-making in accordance with EU law. This plan should be aligned with policy measures taken in the framework of the Stabilisation and Association Agreements and, where relevant, the accession negotiations.

¹ Council Conclusions on the EU External Action on Counterterrorism (10384/17).

² Council Conclusions on Enlargement and Stabilisation and Association Process (10555/18).

³ Available under: http://www.consilium.europa.eu/media/34776/sofia-declaration_en.pdf

⁴ Commission Communication COM(2018) 65 final.

⁵ Timing of possible review should take into account new developments, such as in the framework of the enlargement process and policy dialogue in the context of the Stabilisation and Association Agreement as well as in the framework of the Western Balkans Counter Terrorism Initiative.

Achieving and Mapping Progress

There should be appropriate follow-up processes, including tailor-made follow-up on priority actions with each Western Balkans partner, in order to achieve and map timely progress towards the five objectives of this plan.

It is envisaged to make use in particular of the following processes:

- follow-up through regular exchanges, dialogues or visits;
- peer-review missions by Counter-Terrorism practitioners, including those involved in Prevent, which should be conducted with each Western Balkans partner;
- the Regional Network of Coordinators for Preventing and Countering Violent Extremism, supported by the EU regional Counter-Terrorism/Security expert;
- the framework of the Western Balkans Counter-Terrorism initiative (WBCTi) as part of the Integrative Internal Security Governance (IISG), as appropriate.

The EU and Western Balkans partners should seek consistency amongst relevant activities, including that of other initiatives, in order avoid duplication and overlap and with a view to maximising coherence and complementarities. They should therefore coordinate the activities outlined in this plan with the activities of the international community, in particular through the Western Balkans Counter-Terrorism initiative as part of the Integrative Internal Security Governance.

Joint Objectives for Counter-Terrorism and Preventing and Countering Violent Extremism

Primary responsibility for the actions set out in the following five objectives should rest with Western Balkans partners. The EU should endeavour to support them, as appropriate⁶, in their efforts and participate in assessing their needs.

Objective 1: A Robust Framework for Countering Terrorism and Preventing/Countering Violent Extremism: Institutional Set-up and Legal Alignment, Implementation and Enforcement Capacity

Each Western Balkans partner should seek to:

- align its legal Counter-Terrorism framework with the relevant legal instruments of the EU (in particular the Directive on Combating Terrorism⁷ and the Anti-Money Laundering Directives⁸) and international bodies (United Nations Security Council Resolutions⁹, the Council of Europe Convention on the Prevention of Terrorism and Additional Protocol¹⁰ and the Financial Action Task Force (FATF) standards¹¹);
- effectively implement its legal Counter-Terrorism framework, including through investigation, prosecution and adequate sentencing of terrorist offences, in particular for acts committed by (returning) Foreign Terrorist Fighters;

⁶ Efforts to enhance regional and international cooperation, including with Europol and Eurojust, will be carried out in full respect of the EU Agencies' respective regulatory framework and without prejudice to Member States' position on status.

⁷ Directive (EU) 2017/541 on combating terrorism.

⁸ Notably Directive (EU) 2018/843 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.

⁹ United Nations Security Council resolutions 2178 (2014), 2368 (2017) and 2396 (2017).

¹⁰ Council of Europe Treaty Series (CETS) Number 196 and Number 217.

¹¹ 2012 Financial Action Task Force (FATF) International Standards on Combatting Money Laundering and Financing of Terrorism & Proliferation.

- use a whole of government approach on Prevent; have strategies on Counter-Terrorism and Preventing and Countering Violent Extremism in place that are aligned with key EU and United Nations strategies¹², as well as ensure a mechanism for their implementation (Action Plan), a monitoring mechanism for implementation and regular review;
- provide its coordinator for Preventing and Countering Violent Extremism with sufficient financial and human resources and expertise, as well as effective inter-institutional coordination capacity.

Western Balkans partners should jointly seek to:

- pursue effective cooperation, coordination and sharing of best practice and lessons learned, in particular through the Regional Network of Coordinators for Preventing and Countering Violent Extremism supported by the EU regional Counter-Terrorism/Security expert;
- pro-actively participate in multilateral coordination, including within the Western Balkans Counter-Terrorism initiative as part of the Integrative Internal Security Governance.

The EU should seek to:

- provide appropriate support and expertise (notably for the implementation of Action Plans) and promote coordination through the Western Balkans Counter-Terrorism initiative as part of the Integrative Internal Security Governance, as appropriate.
- conduct peer reviews by Counter-Terrorism practitioners, including those involved in Prevent, with each Western Balkans partner by the end of 2019;
- support the organisation of regular meetings of the Regional Network of Coordinators for Preventing and Countering Violent Extremism;
- encourage participation of Western Balkans law enforcement officials in activities of the European Union Agency for Law Enforcement Training (CEPOL).

¹² The EU Counter Terrorism Strategy of 2005, the Commission Communication on supporting the prevention of radicalisation leading to violent extremism (COM(2016) 379), the Commission Communication on Preventing Radicalisation to Terrorism and Violent Extremism (COM (2013) 941 final), and the United Nations Global Counter-Terrorism Strategy and Plan of Action.

Objective 2: Effective Prevention and Countering of Violent Extremism

Each Western Balkans partner should seek to:

- proactively take measures to prevent and address violent extremism and enhance local communities' resilience to violent extremist influence, through a 'whole of society' approach including community policing, education, economic opportunities as well as efforts to promote tolerance, social cohesion and inclusive and resilient societies to address the root causes of religious, political and ethno-nationalist radicalisation;
- prevent and address youth radicalisation, including through social and education measures;
- ensure effective multi-agency cooperation to manage at risk individuals on a case by case basis;
- ensure local practitioners are able to identify and address the early warning signs of violent extremist tendencies;
- where appropriate, to empower Civil Society Organisations or Faith Based Organisations, to help prevent the spread of violent extremism;
- ensure comprehensive approaches as regards returning Foreign Terrorist Fighters and their families, including on prisons, disengagement, rehabilitation and reintegration;
- implement effective measures to address prison radicalisation, including in the areas of prevention, disengagement, rehabilitation, reintegration as well as the management and follow-up support to terrorist convicts released from prison and other released convicts who may have been radicalised in prison. In addition, training of relevant actors (such as law enforcement officers, prison staff, probation officers) should be provided;
- address terrorist content online, including by encouraging efforts to refer terrorist content to internet companies, and empowering civil society partners to develop effective alternative narratives online;
- develop effective Strategic Communication campaigns to counter violent extremism.

Western Balkans partners should jointly seek to:

- promote the exchange of experience and expertise across the region;
- develop exchanges between practitioners at regional level, including, as appropriate,¹³ through the establishment of a Western Balkans network of practitioners for Preventing and Countering Violent Extremism, similar to the EU Radicalisation Awareness Network.

The EU should seek:

- through the Radicalisation Awareness Network (RAN) to provide expertise, specific counselling, organize thematic workshops and invite Western Balkans partners to selected RAN events, based on an assessment of Western Balkans partners' needs;
- through the European Strategic Communications Network (ESCN) to support Western Balkans partners in developing their strategic communication capacities to fight violent extremism;
- to support, as appropriate, projects on disengagement for violent extremists in prison as well as on the prevention of radicalisation within prisons;
- to support Western Balkans partners' capacity to address terrorist content online, such as through Europol assistance, training and expertise, including the EU Internet Referral Unit of Europol's European Counter-Terrorism Centre (ECTC);
- that the First Line Project (on practitioners dealing with radicalisation issues) translates the manual of the Radicalisation Awareness Network on returnees to make it available in languages of the Western Balkans partners;
- depending on progress and needs of practitioners, to support, as appropriate, the establishment of a new Western Balkans network of practitioners for Preventing and Countering Violent Extremism;
- where appropriate, to empower Civil Society Organisations or Faith Based Organisations, to help prevent the spread of violent extremism.

¹³ Taking into account progress and needs of practitioners.

Objective 3: Effective Information Exchange and Operational Cooperation¹⁴

Each Western Balkans partner should seek to:

- improve its capacity to effectively share operational information (including criminal evidence), internally, in a timely and where applicable secure manner, among its relevant institutions;
- make sure that the data protection standards necessary for the conclusion of a cooperation agreement with Eurojust are in place;
- effectively liaise with Europol, including via the Europol liaison officers and Western Balkans Counter-Terrorism liaison officers in The Hague;
- implement the earliest possible roll-out of Europol’s SIENA/CT SIENA and its upgrade to CT SIENA Confidential to their competent Counter-Terrorism authorities;
- boost spontaneous Counter-Terrorism related information exchange on bilateral and multilateral level within the Western Balkans region, with Europol’s European Counter-Terrorism Centre, EU Member States and Europol’s operational partners using secure channels such as SIENA/CT SIENA, where possible and available;
- make efforts to contribute more substantial qualitative data describing their terrorism situation to the annual EU Terrorism Situation and Trends report¹⁵;
- make more efficient and effective use of Europol’s products and services specifically related to Counter-Terrorism investigations (and the link with organised crime);
- exchange information with Interpol Counter-Terrorism relevant databases (notably on Foreign Terrorist Fighters and on Stolen and Lost Travel Documents and relevant Interpol notices and diffusions), where applicable, to tackle the travel of the known/listed Foreign Terrorist Fighters on the way to or from conflict zones;

¹⁴ As regards cooperation with Interpol, Europol and Eurojust, this objective applies only to the extent that the necessary legal bases are in place for the cooperation between the respective Western Balkans partner, on the one hand, and Interpol, Europol and Eurojust, on the other hand.

¹⁵ Based on the Europol’s relevant methodology and questionnaires.

- ensure an effective engagement in judicial cooperation and information exchange for multilateral Counter-Terrorism cases coordinated by Eurojust, as well as on Counter-Terrorism related Eurojust activities in general (including experiences and lessons learned from Counter-Terrorism investigations and prosecutions);
- make full use of its Contact Point(s) with Eurojust and, where present, of its Liaison Prosecutor at Eurojust to strengthen judicial cooperation in cross-border Counter-Terrorism cases;
- consider the appointment of a specific Contact Point for Eurojust on Counter-Terrorism.

Western Balkans partners should jointly seek:

- to strengthen strategic and operational cooperation as well as information exchange among each other, in a timely and secure manner, and make full use of Interpol, Europol and Eurojust expertise and tools (in particular Counter-Terrorism relevant databases where possible).

On the side of the EU,

Europol should, subject to its legal framework and mandate, seek:

- to provide its know-how and expertise and organise targeted awareness-raising events to Western Balkans partners on products, services and capabilities of Europol/its European Counter-Terrorism Centre;
- based on Counter-Terrorism data exchange and upon request, to provide operational support, including analytical support, to Western Balkans partners on Counter-Terrorism related investigations (and links with organised crime);
- to facilitate and incorporate contributions on the terrorism situation in the Western Balkans partners that are provided for the EU Terrorism Situation and Trend report (EU TE-SAT) on an annual basis by these partners¹⁶;
- through its Liaison officers deployed in the Western Balkans, to assist, as appropriate, in identifying and addressing obstacles to cooperation with Europol;

Eurojust should, subject to its legal framework and mandate, seek:

¹⁶ As a part of the development outside of the EU.

- upon request, to facilitate judicial cooperation and coordination between competent authorities, and to provide its know-how and expertise to Western Balkans partners;
- to strengthen its network of Contact Points, including in the Western Balkans partners, as well as cooperation with relevant Liaison Prosecutors at Eurojust, and exchange with them, as needed, in operational and strategic Counter-Terrorism matters;
- to facilitate the involvement of Western Balkans partners' authorities in coordination meetings on Counter-Terrorism investigations and prosecutions assisted by Eurojust, including (as appropriate) coordination centres set up at Eurojust for joint actions on specific cases, to strengthen judicial cooperation, share information and enhance coordination;
- to continue to advise and support the setting up of joint investigation teams (JITs) with the participation, when appropriate, of Western Balkans partners' authorities, including by assisting with the drafting of the relevant joint investigation team agreement and advising, as necessary, on matters related to the functioning of the joint investigation team.

Objective 4: Build Capacity to Combat Money Laundering and Terrorism Financing

Each Western Balkans partner should seek early alignment with the relevant EU acquis¹⁷ and in line with the Financial Action Task Force (FATF) standards¹⁸:

- to adopt and implement an effective legal framework for the prevention of money laundering and combatting terrorist financing, covering in particular customer due diligence requirements, reporting of suspicious transactions, and transparency of beneficial ownership;
- to adopt and implement an effective legal framework for criminalising money laundering and terrorist financing and for asset freezing measures as required under United Nations Security Council Resolutions;
- that its Financial Intelligence Unit has adequate tools and access to information as well as an appropriate understanding of terrorism financing and money laundering risks, provides terrorism financing risk indicators and feedback to obliged entities;
- to re-inforce financial investigations in Counter-Terrorism efforts.

Western Balkans partners should jointly seek to:

- participate in and support regional and international efforts to counter the financing of terrorism.

The EU should seek to:

- provide, as appropriate, capacity building for Western Balkans partners' actions in this area, including via CEPOL activities;
- provide, as appropriate, support for the training of financial experts in financial investigations;
- encourage Western Balkans partners to participate in the 2019 Operational Action Plan related to the EU crime priority 'Criminal finances and money laundering and facilitate asset recovery';

¹⁷ In particular, Directive (EU) 2018/843 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing and Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.

¹⁸ 2012 Financial Action Task Force (FATF) International Standards on Combatting Money Laundering and Financing of Terrorism & Proliferation.

- consider including an operational action in the 2019 Operational Action Plan, dedicated to enhancing cooperation between EU Member States' anti-money laundering authorities and their counterparts from Western Balkans partners;
- reinforce analysis and information sharing on the relationship between organised crime (in particular drugs trafficking, smuggling of migrants and money laundering) and financing of terrorism.

Objective 5: Strengthen the Protection of Citizens and Infrastructure

Each Western Balkans partner should seek to:

- improve the protection of its public spaces in line with the European Action Plan to support the protection of public spaces¹⁹ as well as of its critical infrastructure;
- enhance the protection of its cyber space in line with the EU Cyber Security Strategy and the NIS Directive²⁰;
- engage in developing preparedness and capacity to deal with Chemical Biological Radiological and Nuclear (CBRN) risks, in line with the European Action Plan to enhance preparedness against chemical, biological, radiological and nuclear security risks²¹;
- take measures to effectively address the misuse of explosives precursors in order to prevent these substances from being accessed and used by terrorists to build home-made explosives;
- address the issue of illicit trafficking of firearms through effective implementation of the Action Plan on illicit trafficking in firearms between the EU and the South East Europe region (2015-2019)²², through involvement in the European Multidisciplinary Platform against Criminal Threats (EMPACT) and the South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC). In particular, each Western Balkans partner should set up a firearms focal point, increase border controls, criminal investigations and step up sharing of information, including by ensuring that anti-terrorism agencies participate in firearms-related investigations and in intelligence sharing.

Western Balkans partners should jointly seek to:

- engage in sharing best practices among policy makers, law enforcement practitioners and private operators to enhance the protection of public spaces at all levels, including at the local level.

¹⁹ Commission Communication COM(2017) 612 final.

²⁰ Directive (EU) 2016/1148 concerning measures for a high common level of security of network and information systems across the Union.

²¹ Commission Communication COM(2017) 610 final.

²² Council document 15516/14.

The EU should seek:

- as part of the external dimension of European Programme for Critical Infrastructure Protection (EPCIP), to continue to invite Western Balkans partners to identify concrete projects and topics for cooperation, such as specialised trainings and promote sharing of good practices in dedicated workshops on critical infrastructure protection, including hybrid threats and cyber security aspects;
- to share guidance and best practices for the protection of public spaces.