

# BULLETIN

No. 46 (263) • May 11, 2011 • © PISM

Editors: Marcin Zaborowski (Editor-in-Chief), Agnieszka Kopeć (Executive Editor),  
Łukasz Adamski, Beata Górka-Winter, Artur Gradziuk, Leszek Jesień,  
Beata Wojna, Ernest Wyciszkievicz

---

## European Counterterrorism: Current State of Affairs and Prospects

Kacper Rękawek

*Member states of the European Union play the most prominent role in combating terrorism in Europe. The states are supported by a high number of EU agencies that lack operational capacity and capability. However, these agencies constitute a valuable platform for information sharing and the forging of links between relevant officials from member states. In the near future, the roles of these agencies should not change, and proposals to merge them into an integrated structure akin to a European security service are premature and unlikely to receive much support in the EU.*

Three potential counterterrorism scenarios beckon an EU response in the aftermath of the ratification of the Treaty of Lisbon. The first envisages a return to practices from the 1970s and 1980s when pre-EU counterterrorism cooperation was limited to a series of semi-formal bilateral, inter-governmental meetings and contacts. In the second scenario, the EU would continue to strengthen its existing counterterrorism capacities and capabilities through a reliance on already functioning EU agencies. Finally, a third scenario calls for the creation of federal security services in the EU that would also focus on combating terrorism. Choosing one of these options will have profound consequences on the effectiveness of future EU anti- and counterterrorism efforts.

**The First Scenario: Combating Terrorism as One of the Drivers of European Integration.** Terrorism remains one of the gravest threats to European security at least since the late 1960s. Its international character enforces transnational cooperation between member states of the EU. From the mid-1970s onwards, the escalation of terrorist campaigns by left-wing and separatist militants forced Western European states to intensify contacts and links between each other, leading to the creation of a permanent counterterrorism mechanism. The first structure formalizing previously bilateral counterterrorism contacts was the so-called TREVI, which was formed in 1975. After 1993, TREVI's mission was continued within the framework of the EU's 3<sup>rd</sup> pillar—police and judicial cooperation—which institutionalized European counterterrorism efforts and brought it into the 21<sup>st</sup> century when the threat from global jihadism surpassed the formerly prominent activities of left-wing or separatist terrorists.

**The Second Scenario: European Counterterrorism.** Combating terrorism is a reactive process. The most important decisions often are made in the aftermath of spectacular attacks that expose the shortcomings of counterterrorism systems. Similar arrangements that exist in the EU aim to assist European counterterrorism processes without undermining the primacy of the member states involved in these efforts. However, it is important to note that EU counterterrorism tends to receive meaningful boosts in the aftermath of outrage about terrorist attacks, such as those in Madrid (11 March 2004) and London (7 July 2005). The EU first established the post of the EU Counter-Terrorism Coordinator in the days following the Madrid attacks (25 March 2004) and consequently adopted the *The European Union Counterterrorism Strategy* (15-16 December 2005) after the London bombings.

The *Strategy* calls for the concentration of EU counterterrorism efforts around four pillars: prevent, protect, pursue and respond. Intra-EU cooperation and forging counterterrorism links with third countries effectively constitutes a fifth pillar. The *Strategy*, however, does not seek to substitute national counterterrorism capacities and capabilities with a centralized EU counterterrorism effort. The Union wishes to act as a value-added tool in this process, constituting an information-sharing

platform and a forum to mobilize member states to utilize specialized EU agencies in counterterrorism processes.

The following agencies participate in the EU counterterrorism efforts: Europol (European Police Office, which lacks an operational mandate, acts as an intelligence assessment body and an information-sharing point for EU police forces), Eurojust (coordinates judicial efforts in combating international crime), CEPOL (European Police College, strengthens inter-police cooperation in the EU), Frontex (protects external EU borders), the Situation Centre of the European External Action Service (assesses intelligence for European diplomats), two working groups on terrorism and the Standing Committee on Internal Security (COSI) working under the auspices of the Council of the European Union. Their activities are coordinated by the EU Counter-Terrorism Coordinator, who lacks an operational mandate that is compensated for by being an employee of the Council of the European Union through which the coordinator enjoys wide-ranging access to its members.

**The Third Scenario: Counterterrorist Federalism.** The current organisational arrangements in relation to counterterrorism within the EU are far from ideal. All of the aforementioned EU agencies are dependent on their national equivalents to supply them with all relevant data. Lacking operational mandates, they only support national counterterrorism efforts and fail to constitute federal counterterrorism structures functioning in places such as the United States. These arrangements are the result of national scepticism towards information sharing and cross-border counter-criminal cooperation. The terrorist threat to the member states is not of a common nature and intra-EU cooperation is hampered by national divergences as to what terrorism is and the measures that could be the most successful in the process of combating it. Theoretically long-gone are the bilateral and semi-formal governmental meetings or specialised clubs that grouped relevant counterterrorism officials such as directors of intelligence agencies or commanders of SWAT teams.

The chance for serious and far-reaching change in European counterterrorism would be federalisation and the abandonment of the current coordination efforts that often might seem futile. Such proposals, informally voiced by some, including members of the EU Commission, would amount to the creation of a "European Internal Action Service," which would group all the agencies participating in the EU counterterrorism effort. However, member states more than likely would oppose it as they still play far more prominent roles than EU agencies in EU counterterrorism efforts. Moreover, had it not been for member states' national capabilities, then we surely would have witnessed mass casualty terrorist attacks in the EU in the aftermath of the London bombings of 7 July 2005. Even if federal arrangements were to prove effective in the long term, the member states most certainly would regard them as an attempt to curb their sovereignty and strengthen a Brussels-led counterterrorism apparatus.

**Conclusions.** Member states are not ready to centralise or to fully federalise their counterterrorism policies, and given their lack of agreement they will not accept further institutionalisation of EU counterterrorism efforts. This does not mean, however, that the EU should revert to the pre-1993 counterterrorism arrangements that lacked a multilateral aspect. In the current situation, the EU should continue to strengthen its existing counterterrorism structure, which is far from ideal but constitutes the most possible and plausible scenario.

During its EU presidency, Poland should insist on the full implementation of existing EU laws, norms and regulations regulating European counterterrorism efforts—especially in relation to the European Counterterrorist Strategy. Such processes may enhance the counterterrorism capabilities of the numerous EU agencies whose roles include assisting member states in counterterrorism efforts. This is especially true for the EU Counterterrorism Coordinator who is likely to become a pivotal figure in any future EU counterterrorism arrangements.