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NOTE

from : Presidency

to : Delegations

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Subject : Draft EU solidarity programme on the consequences of terrorist threats and
attacks (revised/widened CBRN Programme)

Delegations will find attached, a draft revised widened/updated CBRN programme, established by the Presidency in the light of the proceedings of the Civil Protection Working Party on 15 October 2004, and of the Civil Protection Counsellors on 8 November 2004, with:

- Annex I: an implementation table.
- Annex II: achievements under the 2002 CBRN programme.
- Annex III: instruments adopted or being examined by the Council under Objective 2 of the 2002 CBRN-programme.

DRAFT

***EU SOLIDARITY [] PROGRAMME ON THE CONSEQUENCES OF TERRORIST
THREATS AND ATTACKS (REVISED/WIDENED CBRN-PROGRAMME)***

(WORKING TITLE)

(presented by the Presidency) ¹

Chapter 1: INTRODUCTION

- 1. The consequences of terrorist attacks, especially CBRN-attacks, can affect more than one country. In the event of such terrorist attacks, mutual assistance and collective action are both a political imperative and a practical necessity. Terrorist attacks may require the involvement of many different response teams, ranging from traditional civil protection capabilities to more sophisticated technical and scientific resources. Collective action, based on solidarity, can contribute to a timely and adequate response to all terrorist scenarios. As such, a comprehensive approach to responding to terrorist attacks should include cooperation at EU level.**

The EU-institutions and the Member States of the European Union have repeatedly stated their intention of solidarity in their combat against terrorism. This EU solidarity and cooperation programme on preventing and limiting the consequences of terrorist threats and attacks builds upon this intent.

2. This EU-solidarity programme of the Council and Commission widens and revises the joint Council and Commission programme of 20 December 2002 to improve cooperation in the European Union for preventing and limiting the consequences of chemical, biological, radiological or nuclear terrorist threats ("2002-CBRN-programme") ² by adding new elements introduced by the European Councils of 25 March and 17-18 June 2004 (see paragraphs 5-9). The widened and revised programme concentrates inter alia on:

¹ Changes to doc. 13941/04 are in bold or in empty brackets.

² 14627/02.

- a) enhancing the quality of risk assessment and analysis by making a better use of available threat assessments and by improving the methodological quality and the information on cross border risks;
- b) improving the protection of critical infrastructure in the fight against terrorism;
- c) improving and interlinking the mechanisms for the detection and identification of terrorist threats and for alerting the professionals and the public;
- d) strengthening the [] preparedness and capability for consequence management by improved mutual assistance capabilities, increased learning, and better coordination;
- e) encouraging R&D activities relevant for civil protection;
- f) improving international cooperation.

Chapter 2: BACKGROUND AND MANDATE

3. Following the terrorist attacks on the United States of 11 September 2001, the European Councils of Ghent ³, of 9 October, and of Laeken, of 13-14 December 2001 ⁴, asked the Council and the Commission to prepare a programme to improve cooperation in the area of chemical and biological terrorism.
4. Council and Commission responded by the adoption, on 20 December 2002, of the abovementioned 2002 CBRN-programme . Annex II gives an overview of the achievements under this programme.
5. Following the terrorist attacks on Madrid, on 11 March 2004, the European Council of 25 March 2004 adopted a Declaration on Combating Terrorism ⁵. Annexed to this was a *Declaration on Solidarity against terrorism* that confirmed the firm intention of the Member States [] to "*mobilise all the instruments at their disposal, **including military resources**, to assist a Member State or an acceding State in its territory at the request of its political authorities in the event of a terrorist attack*".

³ SN 4296/2/01 REV 2.

⁴ SN 300/01, p. 5.

⁵ 7906/04.

6. With a view to converting that solidarity into concrete action, the European Council stated, in its Declaration on terrorism:

- (a) *Further action is needed to strengthen capacity within Member States to alleviate the consequences of attacks on the civilian population, including in the area of health security and civil protection, building on the existing EU Health Security⁶ and CBRN Programmes;*
- (b) *To enhance the capability of the European Union and of the Member States to deal with the consequences of a terrorist attack:*
- *identify areas for closer cooperation in consequence management with other international organisations;*
 - *to ensure full implementation of the EU Health Security and CBRN Programmes;*
 - *develop strategies to improve the capacity of Member States to communicate with citizens in the event of major terrorist attack” (see Objective 5 of the EU Strategic Objectives to combat Terrorism, annexed to the Declaration on terrorism)⁷.*

7. Moreover, on 17-18 June 2004 the European Council stated in its conclusions on the Fight against Terrorism⁸:

"The Council and the Commission are invited to assess the capabilities of Member States both in preventing and coping with the consequences of any type of terrorist attack, to identify best practices and to propose the necessary measures.

⁶ The programme for preparedness and response capacities in the event of attacks involving biological and chemical agents (health security) was adopted on 17.12.2001 by the Commission's Health Security Committee and integrated into the CBRN programme. The objectives of the informal health security programme have been incorporated in the public health programme.

⁷ The revised Plan of Action updated the Plan of Action adopted by the extraordinary European Council of 21 September 2001 following the terrorist attacks of 11 September 2001 (see SN 140/01).

⁸ 10679/2/04 REV 2.

Existing cooperation on civil protection should be enhanced, reflecting the will of Member States to act in solidarity in the case of terrorist attack in any Member State or in the case of attack against EU citizens living abroad....”

- 7a. The European Council identified, at the same session, a number of priority issues which should be addressed before the end of 2004: prevention and consequential management of terrorist attacks, protection of critical infrastructures and finance of terrorism.
- 7b. The Commission responded to these requests by the adoption of four communications on 20 October 2004⁹ contributing to the preparation of the European Council in December 2004.
8. In the corresponding Objective 5 of the EU Plan of Action on Combating Terrorism ("road-map")¹⁰, the Council showed its intention to implement the mandates of the European Council through an update of the 2002 CBRN Programme, widening its scope to deal with all terrorist threats and incorporating a strengthened cross-pillar implementation monitoring system.
9. Outlining such a widened and revised programme is the purpose of the present document. This revised programme builds upon the achievements reached under the 2002 CBRN Programme while adding new elements from:
- the European Councils of 25 March and 17-18 June 2004;
 - the Commission Communications of 20 October 2004 on Prevention, preparedness and response to terrorist attacks, on Preparedness and consequence management in the fight against terrorism, and on Critical Infrastructure Protection in the fight against terrorism;
 - the multi-annual programme: "The Hague Programme; strengthening freedom, security and justice in the European Union"¹¹.

⁹ Docs 13978/04, 13979/04, 13980/04 and 13982/04.

¹⁰ 10586/04.

¹¹ Doc. 13993/04. The Hague Programme was approved by the Council (JHA) on 25/26 October 2004 and will be forwarded to the European Council for adoption at its meeting on 5 November 2004.

10. This programme fits within Strategic Objective 5 of the Declaration on Combating Terrorism mentioned above, as elaborated in Objective 5 of the EU Plan of Action on Combating Terrorism. As far as this programme regards aspects within other strategic objectives of the Action Plan, this is explicitly mentioned.

[11. deleted]

Chapter 3: OVERALL AIM, STRATEGIC GOALS AND PRINCIPLES

Overall Aim

12. The overall aim of this widened and revised programme remains to increase the efficiency of the measures taken at national and EU level with regard to preventing and limiting the consequences of terrorist threats and attacks. Critical infrastructures and ‘soft targets’, such as public gatherings and concerts, deserve special attention, together with **i.a.** health, the food chain, the environment, vulnerable industries and transports.

Strategic Goals

13. In order to fulfil this aim, this widened and revised programme is divided into six strategic Goals.¹² These strategic goals, which are described in more detail in Chapter 4, are:
1. risk assessment and analysis: strengthening the assessment and analysis of risks related to the potential terrorist targets;
 2. preventive measures: reducing the vulnerability of the potential targets against terrorist threats;

¹² The 2002 CBRN-programme uses the term “strategic objectives”. In order to prevent confusion with the “objectives” in the Declaration on Combating Terrorism of European Council on 25 March 2004, as elaborated in the EU Plan of Action on Combating Terrorism, these elements are forthwith addressed as “strategic goals”.
The strategic objectives/goals used by the 2002 CBRN Programme are used again in the present widened and revised Programme, while being rephrased in the light of the conclusions of the European Council.

3. detection, identification and alert: strengthening adequate mechanisms for the detection and identification of actual threats and for alerting professionals and public in appropriate ways;
 4. preparedness and consequence management: to enhance the capabilities, including those available by mutual assistance, and instruments, needed to mitigate the consequences of an attack and to facilitate the return to normal conditions, including public information;
 5. research and development: strengthening the scientific basis of the programme through research and development activities aimed at countering the effects of terrorism;
 6. international cooperation: cooperating with third countries and international organisations.
14. These goals will be attained by:
- improved co-operation and co-ordination between the Member States, the Council and the Commission;
 - facilitating the provision of practical assistance to the Member States at their request, especially in situations where the disaster is beyond the capacity of individual member states;
 - an optimal, co-ordinated and inter-disciplinary use of the EU instruments that will be reviewed within the programme with a view to identifying and eliminating gaps and inconsistencies between them; and
 - creating new instruments, if necessary.

Principles

15. This programme is based on the following principles:
- a) The responsibility for protecting people, property and the environment against the consequences of terrorist incidents lies primarily with the Member States [];
 - b) This programme concerns the territory of the Member States of the European Union and the protection of EU citizens living abroad;

- c) It constitutes a political, and not a legal instrument. Therefore, immediate legal and budgetary consequences for the EU can only derive from any future legal instruments implementing the programme and not from the programme as such ;
- d) The programme will, on sensitive matters, operate under conditions of strict confidentiality.

Chapter 4: STRATEGIC GOALS AND ACTIVITIES

Strategic goal 1. Risk assessment and analysis

- 16. In order to adequately direct the necessary resources needed for consequence management, it is necessary to strengthen the assessment and analysis of, on the one hand, terrorist threats and, on the other, of risks on possible targets.
- 17. The assessment and analysis of terrorist threats focus on identifying the presence, capacity and modus operandi of terrorist groups. [] Such analysis is part of Strategic Objective 3 of the Declaration on Combating Terrorism, as correspondingly elaborated in the EU Plan of Action Combating Terrorism and **therefore** falls outside the scope of this program. Nevertheless, the results of such threat analysis and assessment could be used for fine-tuning the assessment of the risks, the prevention, the preparedness and the consequence management.
- 18. Risk assessment and analysis are related to the vulnerability of potential terrorist targets and to their potential effects on the society, economy and environment. It provides emergency response services with information and knowledge that is useful in order to prevent and respond to potential terrorist threats and attacks and to prepare the scenarios needed for such response.
- 19. Risk assessment and analysis are primarily a national responsibility. The Council invites the Council Secretariat [], the Commission and the Member States to contribute to:

- a) improve, by the more structured use of the threat assessment and analysis performed under Strategic Objective 3 **by competent EU bodies, such as EUROPOL and SitCen**, the risk assessment, prevention and consequence management undertaken by national authorities and relevant emergency services and sectors, while maintaining a high degree of confidentiality (see Implementation Table, action 1.1);
- b) stimulate, where necessary and through the appropriate channels, improved cooperation between intelligence services, national authorities and relevant emergency services such as civil protection, health and police (action 1.2);
- c) improve the exchange of knowledge and experience on the methods of risk assessment and analysis used within the different Member States, in order to increase its overall quality within the EU (action 1.3);
- d) improve the bilateral exchange of information on cross-border risks (e.g. the risks related to the hinterland of important harbours) (action 1.4).

Strategic goal 2. Preventive measures

20. Terrorist attacks can be prevented by taking different kinds of preventive measures. Measures which consist primarily of strengthening and enhancing intelligence and judicial capacities, in order to track down and arrest suspects of terrorism are part of Strategic Objectives 1-4 of the EU Action Plan on Combating Terrorism. As a consequence, they fall outside the scope of Strategic Objective 5, and therefore outside the scope of the present programme. This strategic goal rather focuses on preventive measure which can be taken upfront in order to decrease the vulnerability of potential targets or increase its protection.
21. The Council invites the Commission to promote preventive measures and, **where appropriate**, contingency plans for dealing with the protection of potential targets, taking into account existing legislation on safety and environment (see Implementation Table, action 2.1) ¹³.

¹³ Such as measures on the safety of feed, food, dangerous activities, drinking water, transport, nuclear facilities, energy and telecommunications.

22. It is also recalled that the Council is stimulating, under objective 3.6 of the EU Action Plan on Combating Terrorism, the protection and control of the use, production, sale, packaging and movement and proliferation of CBRN and other agents, materials and technologies that can be misused for terrorist activities. This is done by a coherent strategy **against the proliferation of WMD and related materials, aiming at preventing State and non-State actors, such as terrorist, to illegally** acquire such agents and their means of delivery;

Protection of critical infrastructure

23. **The protection of critical infrastructure is primarily a national responsibility. By applying the subsidiarity principle, the Commission will concentrate its efforts on the protection of infrastructures having a transboundary effect and let the others under the sole responsibility of the Member States but under a common framework. It will analyse for each sector the developments of Community work in the field of risk evaluation, development of protection techniques, or ongoing/envisaged legal actions in order to collect their advice. The Commission will report progress to the other institutions each calendar year in a Communication.** The Commission will further propose **in this Communication**, if necessary, updates and horizontal organisational measures for which there is a need for harmonisation, coordination or cooperation. **This Communication integrating** all the sectoral analyses and measures shall constitute the base **of** a European Programme for Critical Infrastructure Protection (EPCIP).

Such a programme will seek to assist industry and Member States Governments at all levels in the EU, while respecting individual mandates and accountabilities (action 2.2).

- 23a. A network assembling EU Member States CIP specialists could assist the Commission in drawing up the programme – this Critical Infrastructure Warning Information Network (CIWIN) should be set up as soon as possible.

The setting up of the network should assist mainly in stimulating an exchange of information on shared threats and vulnerabilities and appropriate measures and strategies to mitigate risk in support of critical infrastructure protection (action 2.3).

Strategic goal 3. Detection, identification and alert

24. It is essential to ensure that adequate mechanisms are in place for a quick detection and identification of an actual threat, for alerting professionals and the public in appropriate ways. The Council and the Commission will base further developments on the existing rapid alert systems.¹⁴
25. The Commission will create a secure general rapid alert system (ARGUS) to link all specialised systems for emergencies that require action at European level.¹⁵

[26 : deleted]

Strategic goal 4. Preparedness and consequence management

27. Preparedness and consequence management consist in preparing, enhancing and using all capabilities that are needed for mitigating and remedying the impacts of terrorist treats and attacks and for facilitating the return to normal conditions. The Council and the Commission will base further developments on the existing Community Civil Protection Mechanism, which makes those capabilities available for mutual assistance.

¹⁴ Such as:

- the MIC (Civil Protection Monitoring and Information Centre, a rapid alert system to facilitate and support mutual assistance between the participating countries in the event of major emergencies),
- the ECURIE system (exchange of information in the event of a radiological emergency),
- BICHAT (rapid alert system for biological and chemical attacks and threats),
- RAPEX (consumer health and safety - non-food aspects),
- RASFF (consumer health in relation to food and feed),
- EWRS (communicable diseases),
- EUROPHYT (phytosanitary network: interception of organisms harmful to plants),
- SHIFT (health controls on imports of veterinary concern) and ADNS (animal health).

¹⁵ Reservation by DE; see also par. 36.

Capabilities for mutual assistance

- 27a. The Commission shows its commitment to strengthen the overall civil protection capacity in the European Union by :
- preparation of an EU restricted report assessing the capabilities available at European level for assistance to countries affected by a major terrorist attack on the basis of scenarios of response to terrorist attacks (see Implementation Table, action 4.1),
 - the upgrading of the existing databases of civil protection means and experts, **established by the Commission** (action 4.2).
 - **obtaining and sharing, on a restricted basis, information on relevant vaccines, sera and other medical resources, that can be made available in the event of a major terrorist attack (action 4.3).**
28. The Council and the Commission call upon the Member States to support and participate [] in the Commission [] actions in order to assess the capabilities of Member States both in preventing and coping with the consequences of any type of terrorist attack which can be made available to other Member States, as well as to deliver on their solidarity commitment (action 4.4).
- 28b. **The Council has invited the Member States to expand and deepen the content of the database of military assets and capabilities relevant to the protection of civilian populations against the consequences of terrorist attacks, on the basis of their voluntary contributions.**¹⁶

[29, 30 : deleted]

¹⁶ See doc. 11549/04. The military database is established by the EU Military Committee.

31. The Council invites the Commission to develop [together with the Council] **appropriate initiatives** for awareness raising and decision support for policy advisors to the political authorities of the EU and the Member States, so as to enable them to deal with the civil protection aspects of consequence management in response to major terrorist threats and attacks, taking into account already existing programmes in this field (action 4.5).
32. The Commission is committed to further improve the system of mutual assistance along the lines presented in the Communication on Reinforcing the Civil Protection Capacity of the EU ¹⁷ in particular in the area of the inter-operability of technical equipment, including civilian-military interoperability.

The Council **notes** this commitment and **has invited** the Commission to examine the issue of interoperability of, i.a., equipment in the context of training and exercises, building also on experience gained by Member States in this area to date, to undertake further research on interoperability, and to make proposals to enhance it if necessary. (action 4.6). ¹⁸

Learning, training and exercises

- 32a. The Commission intends to organise specific training courses relevant to terrorist attacks, such as psychological or psycho-social aftercare for victims and responders, operating in a contaminated environment; [] (action 4.7).
33. The Council invites the Commission to consider, **where relevant together with the Council**, the possibility of:
- a) developing **a list of** relevant exercises on civil protection and consequence management held by Member States, the EU and relevant international organisations;
 - b) developing a procedure to allow, where appropriate, cross-participation and observation of these exercises by:

¹⁷ Doc. 7890/04, COM 2004 (200 final).

¹⁸ See doc. 11549/04.

- representatives from other Member States,
 - representatives from relevant international organisations.
- c) fine-tuning of the exercises of the EU in the field of civil protection and consequence management with those of relevant international organisations, also with reference to objective 5.1 of the EU Plan of Action (action 4.8).

34. The Council invites the Commission to consider the possibility of establishing a mechanism for mobilising professional multidisciplinary advisory teams, composed of national experts, to advise Member States on their request and on basis of strict confidentiality, on their national preparedness (action 4.9).

[35. : deleted]

Procedures and organisation

35a. The European Council of 5 November 2004 has, in adopting the Hague Programme on strengthening freedom, security and justice in the European Union, called for the Council and the Commission to set up, within the existing structures, **while fully respecting national competences**, integrated EU crisis management arrangements for crises **with cross-border effects** within the EU addressing **effectively the public order and security aspects of such crises and the coordination between the areas** of civil protection **and** vital infrastructures, [...] to be implemented at the latest by 1 July 2006. [] (action 4.10).

36. The Commission will create: ¹⁹

- a secure general rapid alert system (ARGUS) to link all specialised **rapid alert systems for emergencies** that require action at European level ²⁰. A new central entry point will be created and built upon the existing structures available within the Commission. The new system will respect the specific characteristics, competence and expertise of the individual and specialised systems which will continue to carry out their current functions.

¹⁹ Reservation by DE on this paragraph.

²⁰ Doc. 7890/04, COM 2004 (200 final).

Since it is often unclear in the initial phase of an incident (e.g. an explosion) whether it is an accident or terrorist incident, the scope of this system will not be limited strictly to terrorist attacks, but should include all crisis centres and rapid reaction mechanisms aimed at ensuring safety and security (action 4.11);

- A central Crisis Centre which would bring together representatives of all relevant Commission services during an emergency. This crisis centre would coordinate efforts so as to evaluate the best practicable options for action and to **propose** the appropriate response measures. A comprehensive emergency system in place at EU level requires that associated with each degree of risk there be a uniform approach to risk analysis (assessments, security levels, response actions etc) (action 4.12).

37. **Once ARGUS and the Crisis Centre have been established, the necessary links with Council Services and other European bodies will be considered** (action 4.13).²¹

Public information

37a. Adequately informing the public in the case of a terrorist threat or attack, is an essential part of consequence management and a primary responsibility of the Member States.

37b. The Council invites the Commission to develop **appropriate initiatives** for an optimal coordination of the public information by the Member States during cross border crises. (action 4.14)

Strategic goal 5. Research and development

38. Research is key to providing the appropriate scientific basis in order to address efficiently the objectives 1-4 of the Programme, **taking into account the assessments and analysis of terrorist threats and risks on possible targets by competent authorities**. Special attention is needed for research, development and production of commercially less attractive pharmaceuticals that are relevant for combating the effects to health resulting from deliberate release of harmful chemical and biological agents.

²¹ Italian reservation to this paragraph.

39. Following the different requests from the Parliament and the Council, the Commission has started a Preparatory Action entitled "Enhancement of the European industrial potential in the field of Security research 2004-2006", with a view to contributing to the improvement of the European citizens' security and to reinforce European technological and industrial potential in this area. This Preparatory Action covers the period 2004-2006 and addresses five broad priority areas, including the protection against terrorism and technological support to crisis management.

The Commission will continue with the work of the Preparatory Action. More specifically, the Commission will:

- consult and co-operate with stakeholders, especially via the "European Security Research Advisory Board" to be established in 2004;
- develop an ESRP, to become, from 2007, a specific programme within the 7th Framework Programme of Community Research;
- [ensure an effective institutional setting, taking into account Common Foreign and Security Policy and European Security and Defence Policy and [] relevant Community policies (e.g. fight against terrorism including bio-terrorism, cross border control, transport, environment,...), and developing cooperation and synergies with the European Defence Agency,];
- establish a governance structure responding to the needs of security research work in terms of contract, participation and funding.

40. The Council intends to **give** further emphasis on the areas relating to prevention and limitation of the consequences of terrorist threats and attacks during **the establishment of** the Seventh R&D Framework Programme (2007-2013), including an EU Security Research Programme. (see Implementation Table, action 5.1).

41. The Council invites the Commission, including the Joint Research Centre, and Member States:

- to further improve the cooperation between their research activities on knowledge areas in order to prevent and limit the consequences of terrorist threats and attacks, using in particular the opportunities offered by the Sixth R&D Framework Programme (2002-2006), and the Preparatory Action in the field of Security Research (action 5.2);
- to encourage the development and production of pharmaceuticals relevant for combating the effects to health resulting from deliberate release of harmful CBRN agents, of which some are yet commercially less attractive, through cooperation between the industry, research centres and the Commission (action 5.3).

Strategic goal 6. International cooperation

42. International cooperation may contribute to the provision, exchange and coordination of vital information and to supplementing prevention policies and national consequence management capacities in the affected country.

43. The Council will consider support for further appropriate technical cooperation between the Commission and third countries and relevant international organisations, also with reference to objective 5.1 of the EU Plan of Action, in order to examine liaison and exchange of information, with the aim of promoting synergies and avoiding unnecessary duplications within the framework of the implementation of the Civil Protection Mechanism (see Implementation Table, action 6.1).

44. The Council will, within its competence and together with the Commission, facilitate the cooperation on developing further the capabilities to deal with the consequences of a terrorist attack, undertaken with the USA within the framework of the New Transatlantic Agenda and of the EU-US Declaration on combating Terrorism adopted at Dromoland Castle on 26 June 2004 (action 6.2) ²².

²² 10809/04.

[45. : deleted.]²³

46. In order to reflect the will of Member States to act in solidarity in case of an attack against EU-citizens living abroad, the Council invites the Member States and the Presidency to ensure that the civil protection services of the Member States will as far as possible, when one or more of them are called upon to intervene in a third country following a terrorist attack :
- render assistance to all EU-citizens,
 - assist the consular authorities of the Member States upon a request from the relevant authorities,
 - cooperate with each other (action 6.3).

Chapter 5: COORDINATION AND IMPLEMENTATION OF THE ACTIONS UNDER THIS PROGRAMME

47. In order to ensure a timely fulfilment of the tasks mentioned in this programme, it is necessary that the implementation of the programme be coordinated and that progress be closely monitored.
- 47a For Community activities, the Commission will coordinate, [] implement **and monitor** all relevant activities referred to by this programme. It will inform, where appropriate, the Council and Member **States** of the progress made.
48. For the Council activities, coordination and implementation will be ensured as follows:
- In order to ensure coordinated and coherent monitoring **of the** implementation of EU action in the fight against terrorism, with which the Counter Terrorism Coordinator has been entrusted by the European Council, the entries in the table of Annex I, which specify by whom and under what deadlines the different actions in this programme will be implemented, will be integrated in Objective 5 of the EU Plan of Action on Combating Terrorism.²⁴

²³ IT requested maintaining following text :
"Council will implement, within its competence and together with the Commission, the Joint EU/Russia Road Map for the Common Space on External Security, in particular in the field of practical steps of cooperation in the field of civil protection."

- In accordance with common practice, those entries in the Plan of Action will, on the basis of contributions from the relevant sectors of the Council Secretariat and with the assistance of the Counter Terrorism Coordinator, be updated by the Presidency.

49. The updated Plan of Action will be accompanied with a cover note indicating the major achievements. The updated Plan of Action will be submitted to Coreper, endorsed by the Council and be submitted to the European Council for review of its implementation.²⁵

[]

²⁴ 10586/04.

²⁵ Draft statement for the summary record of Coreper: "The Permanent Representatives Committee agrees that the Civil Protection Working Party will, on the basis of the updates of the entries into the EU Plan of Action, and in close cooperation with the Counter-Terrorism Coordinator, monitor the implementation of this programme, i.e. maintain an overall technical overview, identify linkages and gaps, consider adaptations and revisions of this programme, and report on them to [] Coreper." (Text similar to the one adopted by the 1986th Coreper on 20 - 22 November 2002 when approving the 2002 CBRN-programme - see doc. 14505/02CRS/CRP 48).

IMPLEMENTATION TABLE

(TO BE FILLED IN)

The table underneath contains the activities mentioned in the goals 1-5 of Chapter 3. The table provides a format for the progress overview.

Strategic goals	Action number	Measures/Action (summarized; text in main body is leading)	Paragraph reference	Competent body	Deadline	Status/ Observations
Strategic goal 1. Risk assessment and analysis						
1	1.1	More structured use of threat assessment and analysis undertaken under 3.5 of the Terrorism Plan of Action performed by competent EU bodies, such as Europol and Sitcen , for the risk assessment, prevention and consequence management undertaken by EU bodies, national authorities and relevant emergency services and sectors.	19 sub a	Council (Terrorism WG) Council Secretariat (Sitcen), Commission, Europol Member States	on-going	
	1.2	Stimulate, where necessary and through the appropriate channels , improved cooperation between intelligence services, national authorities and relevant emergency services such as civil protection, health and police .	19 sub b	Council Secretariat (Sitcen), Commission, Europol Member States	on-going	
	1.3	Improve the exchange of knowledge and experience on the methods of risk assessment and analysis used within the different Member States, in order to increase its overall quality within the EU .	19 sub c	Council Secretariat (Sitcen), Commission, Member States	on-going	
	1.4	Improve the bilateral exchange of information on cross-border risks	19 sub d	Council Secretariat (Sitcen), Commission, Europol Member States	on-going	

Strategic goal 2. Preventive measures						
2	2.1	Promote preventive measures and contingency plans, where appropriate , for dealing with the protection of potential targets, taking into account existing legislation on safety and environment	21	Commission Member States	on-going	
	2.2	Establishing a European Programme for Critical Infrastructure Protection (EPCIP) .	23	Commission and Member States	end of 2005	
	2.3	A Critical Infrastructure Warning Information Network (CIWIN) as a network of specialists to assist in the drawing up of the EPCIP and to stimulate an exchange of information on threats, vulnerabilities, measures and strategies.	23a	Commission and Member States	June 2005	
Strategic goal 3. Detection, identification and alert						
3	Actions integrated with actions of goal 4 (4.11).					
Strategic goal 4. Preparedness and consequence management						
4	4.1	Preparation a EU restricted report assessing the capabilities available for assistance to countries affected by a major terrorist attack	27a 1 st dot	Commission	end 2004	
	4.2	Upgrading the existing databases of civil protection means and experts []	27b 2 nd dot	Commission [] Member States		
	4.3	Obtaining and sharing, on a restricted basis , information on relevant vaccines, sera and other medical resources, that can be made available in the event of a major terrorist attack.	27 3 rd dot	Council (WP Health) Commission Member States		

4.4	<ul style="list-style-type: none"> - Support and participate in the Commission [] actions in order to assess the capabilities of Member States both in preventing and coping with the consequences of any type of terrorist attack which can be made available to other Member States, - Deliver on the solidarity commitment 	28	Member States	end 2004	
4.4b	Expanding and deepening the contents of the military database established by the EU Military Committee	28b	Council EUMS Member States		
4.5	Develop appropriate initiatives for awareness raising and decision support for policy advisors to the political authorities of the EU and the Member States, so as to enable them to deal with the civil protection aspects of consequence management.	31	Council and Commission	June 2005	
4.6	Further improve system of mutual assistance, in particular in the area of inter-operability of technical equipment, including civilian-military interoperability, i.a. by <ul style="list-style-type: none"> - training and exercises, - further research in this matter and - proposals to enhance interoperability if necessary. 	32	Commission Council (for military resources)	on-going	
4.7	Organise specific training courses relevant to terrorist attacks	32a	Commission	on-going	
4.8	Consider <ul style="list-style-type: none"> - developing a list of relevant exercises - developing a procedure to allow cross-participation - fine-tuning in the field of exercises 	33	Member States Commission Council (for military resources)		

4.9	Consider establishing a mechanism for mobilising professional multidisciplinary advisory teams	34	Commission Member States		
4.10	Set up, within the existing structures, while fully respecting national competences , integrated EU crisis management arrangements for crises with cross-border effects within the EU addressing effectively the public order and security aspects of such crises and the coordination between the areas of civil protection and vital infrastructures.	35a	Council Member States Commission	1 July 2006	
4.11	Create a secure general rapid alert system (ARGUS) to link all specialised rapid alert systems for emergencies that require action at European level.	36 1 st dot	Commission		
4.12	Create a central Crisis Centre which would bring together representatives of all relevant Commission services during an emergency and coordinate efforts and to propose the appropriate response measures.	36 2 nd dot	Commission		
4.13	Once Argus and Central Crisis Centre have been established, consider the necessary links with Council Services and other European bodies.	37	Council Commission		
4.14	Develop appropriate initiatives for an optimal coordination of the public information by the Member States during cross border crises.	37b	Commission Member States		

Strategic goal 5. Research and development					
5	5.0	<ul style="list-style-type: none"> • Consult and co-operate with stakeholders, especially via the “European Security Research Advisory Board” to be established in 2004. • Develop an ESRP, to become, from 2007, a specific programme within the 7th Framework Programme of Community Research. • Ensure an effective institutional setting, taking into account Common Foreign and Security Policy and European Security and Defence Policy and [] relevant Community policies (e.g. fight against terrorism including bio-terrorism, cross border control, transport, environment,...), and developing cooperation and synergies with the European Defence Agency. • Establish a governance structure responding to the needs of security research work in terms of contract, participation and funding. 	39	Commission	
	5.1	Give further emphasis to prevention and limitation of the consequences of terrorist threats during the establishment of the Seventh R&D Framework Programme (2007-2013), including an EU Security Research Programme.	40	Council	
	5.2	Further improve the cooperation between research activities on knowledge areas regarding the consequences of terrorist threats and attacks , using in particular the opportunities offered by <ul style="list-style-type: none"> - the Sixth R&D Framework Programme (2002-2006), and - the Preparatory Action in the field of Security Research. 	41 1 st dot	Commission	2005-2006
	5.3	Encourage the development and production of pharmaceuticals relevant for combating the effects to health resulting from deliberate release of harmful CBRN agents, of which some are yet commercially less attractive	41 2 nd dot	Council and Commission	

Strategic goal 6. International cooperation						
6	6.1	Support further appropriate technical cooperation between the Commission and third countries and relevant international organisations within the framework of the implementation of the Civil Protection Mechanism	43	Council ²⁶ and Commission		
	6.2	Facilitate the cooperation with the USA within the framework of the New Transatlantic Agenda and of the EU-US Declaration on combating Terrorism	44	Council and Commission		
	6.3	Ensure that the civil protection services of the Member States will, when operating in a third country - render assistance to all EU-citizens, - assist the consular authorities of the Member, States upon a request from the relevant authorities and cooperate with each other.	45	Member States and Presidency	on-going	
Coordination						
7	7.1	Coordination Commission activities	47a.	Commission		
	7.2	Coordination Council activities, using Plan of Action on combating terrorism	48.	CTC Working Parties Presidency ProCiv		
	7.3	Update Plan of Action on combating terrorism, including cover note	49	Presidency Coreper Council	Every half year	

²⁶ PSC for NATO.

ACHIEVEMENTS UNDER THE 2002 CBRN PROGRAMME

The CBRN Programme is a multi-disciplinary and multi-pillar Council and Commission programme that was drawn up under the facilitation by the Civil Protection Working Party. It was accompanied by an inventory of the instruments relevant for that programme, collated by the Presidency in cooperation with the Commission Services and the Council Secretariat ²⁷. The same established, in December 2003, the first annual Presidency report (2003) on the implementation of the CBRN-programme ²⁸.

The CBRN Programme has contributed to increase the efficiency of the measures taken at national and EU level in order to improve the protection of the population, the environment, the food chain and property against CBRN threats and attacks, on each of its seven Strategic Objectives of risk assessment, vulnerability reduction, detection, mitigation, research, international cooperation and overall coordination.

The achievements of the last year are described in the sequence of strategic objectives following the arrangement of these objectives within the 2002 CBRN programme.

a) Strategic Objective 1 on risk analysis and risk assessment

The competent Council bodies (Terrorism Working Group, Committee on Terrorism-COTER, Extreme Fundamentalism and Terrorism Group, the Police Chief Task Force) and other relevant entities (Europol, the Joint Situation Centre -Sitcen), have continuously undertaken assessments of the terrorist threat in the EU and third countries, including CBRN threats, and of the proliferation of weapons of mass destruction ²⁹. Exchange of information on terrorist activities and terrorism-related incidents has continued. Situation reports and strategic and operational analyses have been drawn up. The lists of the most significant terrorists and terrorist organisations have been regularly updated.

²⁷ 15873/02.

²⁸ 16285/03.

²⁹ See non-confidential report of Europol in 15877/2/03 REV 2.

b) Strategic Objective 2 on reducing vulnerability and preventive measures

By adapting to terrorism the preventive measures and contingency plans already existing for safety reasons or for environmental protection, the Council has attempted to reduce the vulnerability of sectors that are may be subject to CBRN attacks such as the food chain, animals, plants, water, environment), of sectors that may be used as a carrier of CBRN-weapons (nuclear substances, electricity, gas, micro-organisms, dangerous industries, transport) and of sectors that are essential for mitigating the consequences of an attack (telecommunications) (see list in Annex II).

Similarly, the Commission has developed cross-border and cross-sectoral experience-sharing in all relevant sectors, has encouraged them to include, in their risk analyses, any relevant information that they may receive on the basis of the assessment of terrorist threats in the EU and has pressed them to use the well-developed body of rules for alerts and contingency plans of action, existing in particular in the food chain, animal and plant protection, in order to face up to an epidemic of criminal origin in the food chain.

Finally, the Council established a coherent strategy on non-proliferation, disarmament and arms control that aims at preventing third countries and terrorists to acquire CBRN-materials and their means of delivery. This strategy includes non-proliferation agreements, export control policies, and enhancing the security of proliferation-sensitive materials, equipment and expertise.

c) Strategic Objective 3 on detection of CBRN-attacks

Regarding the detection of chemical and biological terrorism, the Commission has created a *Rapid Alert System for biological and chemical attacks and threats (RAS-BICHAT)* that allows prompt transmission of alerts and exchange of information between the Member States and the Commission.

The Commission has linked RAS-BICHAT to the *network on the surveillance and control of communicable diseases*, established by Decision 2119/98/EC of 24 September 1998, that has placed under specific surveillance in the EU certain pathogens that might be used in bioterrorist attacks. By mid-2005, the *European Centre for Disease Prevention and Control* established under EP and Council Regulation (EC) No. 851/2004 of 21 April 2004³⁰ will centralise the task of identifying, assessing and communicating current and emerging threats to human health from communicable diseases.

Regarding the detection of nuclear terrorism, the technical capability of the *ECURIE* (European Community Urgent Radiological Information Exchange), radiological early notification system is being enhanced by regular exercises and in particular by making radiological measurement data automatically available in case of a radiological accident. Euratom **is still considering to adhere** to the Convention on early notification of nuclear accidents.

Concerning water, multi-barrier systems, the use of appropriate markers at key points and the adherence to the *HACCP (Hazard Analysis Critical Contact Point)* will help water suppliers early to detect infective agents and toxicants in water.

Regarding the monitoring of the environment generally, the Council started, in 2004, examination of the proposal for a Directive on an *Infrastructure for Spatial Information in Europe (Inspire)* that aims at acquiring environmental data through spatial monitoring, which could support of the prevention, response and recovery of CBRN threats.

The Commission has linked all these systems to the *Civil Protection Monitoring and Information Center*, which acts as the central body for the management of the mitigation of consequences of a terrorist CBRN attack.

³⁰ OJ L 142, 30.4.2004, p. 1.

d) **Strategic Objective 4 on mitigating the consequences of an attack**

On coordination, the Commission has, also in the light of two Council conclusions³¹ adapted the functioning of the *Civil Protection Mechanism* so that it may better pre-empt, or react to CBRN-attacks : It is revising and updating, in the light of response scenarios of 7 types of terrorist attacks, the databases of teams and experts that Member States may make available. It has established a list of national contact points for networks of CBRN experts in the Member States, in EEA and candidate countries. More generally, it is continuing work on setting up the Common Emergency Communication and Information system (CECIS) and has given more resources to the Monitoring and Information Centre (MIC).

In addition, the *MIC was linked to the Commission's Health Security Committee that acts, by agreement between the Health Ministers and the Commission of 28 October 2001, as an informal co-operation and co-ordination body for mutual health assistance, and to the monitoring networks in c) above. [...]*

Regarding the specific resources:

- the Commission has implemented a comprehensive programme of training and exercises for CBRN-*civil protection* leaders and is setting up rapid response teams with common insignia and appropriate equipment;
- the Council has created, within the EUMS, a database of *military assets and capabilities* relevant to the protection of civilian populations against the effects of terrorist attacks, including CBRN, the content of which has been made available to the Community Civil Protection Mechanism, in accordance with certain modalities, procedures and criteria;
In case of emergency, the MIC will forward requests for assistance of military resources to the designated civil protection contact points. The EU Military Staff will be informed by the MIC, via the Sitcen.

³¹ OJ C 317, 30.12.2003, 11549/04.

- the Commission has set up, under the Health Security Programme, a database containing general information on *medical resources for disaster medicine* purposes, exchanged information on Member States' public health emergency plans and started developing a generic model of outbreaks;
- Information was shared, on a restricted basis, on *stocks of bio agent vaccines and antibiotics* in Member States, but the option of the establishment of a Community-level stockpile of vaccines was not supported;
- the European Medicine Evaluation Agency (EMA) has been active on the *use of medicinal products* against biological agents and chemical threats;
- Council and the EP are in the final stages of negotiating a review of Community legislation on *pharmaceuticals* relevant for CBRN-relief;
- Euratom **considers adhering** to the Convention on assistance in the case of a nuclear accident or radiological emergency.

Regarding communications with the public, the Commission adopted a Recommendation on the processing of *caller location* information in electronic communication networks, is trying to identify what *technical systems* could best be used to communicate with the population, and is developing close contacts with Europol in order to support the creation of an *EU rapid alert 112 system* on CBRN terrorist attacks.

e) **Strategic Objective 5 on strengthening the scientific basis of the programme**

An impressive amount of studies has been undertaken in the framework of *the Sixth Community (EC and EURATOM) RTD framework programme for 2002-2006 (FP6)*³² and its specific programmes, by the *Joint Research Centre*, under the *Information Society Technologies (IST)* work programme 2002-2004 and in the preparatory action on Enhancement of the European Industrial Potential in the field of *Security Research* (2004-2006). The recently established *European Defence Agency*³³ will also have a role in research.

The studies concern, i.a., protection against risks arising from terrorist attacks, detection, vulnerabilities, surveillance, diagnostics and medical response. An inventory has been drawn up by a Commission Research & Development Expert Group on Countering the Effects of Biological and Chemical Terrorism, who also examined the best use of those studies and identified gaps and needs.

The Council adopted, on 22 December 2003, *a resolution on strengthening Community cooperation in the field of civil protection research*, which advocated civil protection participation in existing and future Community research programmes and fostering links between researchers and all those involved in civil protection (14782/03).

f) **Strategic Objective 6 on international cooperation**

Regular exchanges of information on CBRN matters take place between the EU and NATO, UN-OCHA. The EU is participating in CBRN-related projects of WHO, the Global Health Security Initiative (GHSI), the Ottawa Initiative, G 8, the International Program on Chemical Safety (IPCS), the Inter-Agency Committee on Response to Nuclear Accidents (IACRNA), AEIA and ICAO. The Commission also signed an administrative arrangement with EMERCOM of Russia [and UN-OCHA].

³² OJ L 232, 29.8.2002.

³³ Doc. 10450/1/04 REV 1.

g) Strategic Objective 7 on coordination and implementation

The coordination ensured by the Commission and the Council, within their respective areas of competence, has been efficient. In this context, it should be noted that:

- The Commission has brought under one heading the relevant services and networks, through an inter-service group dealing with exchange and coordination in the area of CBRN terrorism; Since 2002, an inter service group on civil protection has been established in order to facilitate exchange and coordination in the area of CBRN terrorism;
- The Civil Protection Working Party of the Council has been given by Coreper a general monitoring role on the activities carried out within the relevant Council Committees and Working Parties related to the protection of the European citizens against the consequences of CBRN Terrorist attacks or threats.

***INSTRUMENTS ADOPTED OR BEING EXAMINED BY THE COUNCIL
UNDER OBJECTIVE 2***

VULNERABILITY REDUCTION AND PREVENTION OF THE 2002 CBRN-PROGRAMME

Proposal on official feed and food controls.

Directive of 22 December 2003 on high activity sealed radioactive sources (10487/03).

Council Decision of April 2004 enabling the Commission to adopt a Regulation on the application of Euratom safeguards. (The Commission Regulation is not yet adopted).

[]

[Proposal for a Council Directive on the management of spent nuclear fuel and radioactive waste (COM/2003/32 final)].

EP and Council Directive 2003/54 amending Directive 96/92/EC on common rules for the internal market in electricity.

EP and Council directive 2003/55 amending Directive 98/30/EC on common rules for the internal market in gas.

EP and Council Regulation on transboundary movements of genetically modified organisms of 15 July 2003.

Council Directive amending Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances ("Seveso II Directive").

Council and EP Regulation (EC) No 2320/2002 of 16 December 2002, establishing common rules in the field of aviation security, OJ L 355, 30.12.2002, p. 1 and implementing Commission Regulations (EC) No 622/2003, 1217/2003 and 1486/2003.

Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (PNR).

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 European Maritime Safety Agency (OJ L 129, 29.04.2004 p. 1.)

Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.04.2004 p. 6.)

Proposal for a Directive on enhancing port security.

Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Network OJ L 167, 30/04/2004 p. 39.

Council Resolution on a European approach towards a culture of network and information security (OJ C of 28.2.2003).

EP and Council Regulation (EC) No 460/2004 of 15 March 2004 establishing the European Network and Information Security Agency (ENISA).

Council and Parliament Decision of 17 November 2003 on a multiannual programme (2003-2005) for the monitoring of the eEurope 2005 Action plan, dissemination of good practices and the improvement of network and information security (MODINIS) (PE-CONS 3678/03).