



New EU Counter-Terrorism Agenda

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In December 2020, the European Commission adopted the Counter-Terrorism Agenda. It enhances coordination of counter-terrorism activities at the EU level and assumes a strengthening of the competences of Union bodies, such as Europol. Although the document properly identifies threats, controversy has arisen over the rules under which states should remove hate speech and terrorist content from the internet. An additional challenge is how to increase the effectiveness of preventing social radicalisation.

In July 2020, the Commission adopted the Security Union Strategy for 2020-2025. It aims to support Member States in the fight against evolving threats and in building long-term resilience by tackling classic and hybrid threats in the physical and digital environments. Its assumptions are grouped around four pillars aimed at enhancing the security environment, improving the activities of law enforcement, protection against terrorism and organised crime, as well as strengthening the European security system. The implementation of the strategy is consistent with the new Counter-Terrorism Agenda, adopted in December 2020, which organises and complements the previous actions at the EU and Member State levels.

Threats Overview. Pandemic restrictions have reduced the movement of people and gatherings, which has [hampered the activities of terrorist networks in the EU](#). They are forced to change the character of their actions (with individuals becoming the organisers) and the effect of the restrictions has contributed to a decrease in the number of victims. Nevertheless, the threat level in many countries remains high, and the attacks that took place at the end of 2020 in Austria, Germany, and [France](#) strengthened the belief that it is necessary to further improve the operational capabilities of EU bodies and security services of the Member States.

The main challenges are terrorist networks shifting their activities to the internet in order to radicalise, recruit, and organise attacks, as well as the use of new technologies such as drones and 3D printing (the latter allowed the production of components of a firearm used by the

synagogue attacker in Halle, Germany, in October 2019). The radicalisation among some societies, exacerbated by, for example, the pandemic and effects of climate change, is also a major threat. The activity of both right- and left-wing extremists and jihadists will be related to, among others, increased migration to the EU as a result of the deteriorating economic situation and the growing political instability of neighbouring countries.

Assumptions of the Agenda. Coherence in actions and information exchange between services are essential to the fight against terrorism in the EU. To this end, it was proposed to develop a police cooperation code and review the Prüm Decisions (concerning dactyloscopic, DNA, and vehicle registration data), which will adapt them to modern operational standards. New solutions for monitoring money flows that could finance terrorist activities were also presented, specifically the creation of a network of counter-terrorism financial investigators and interconnected bank account registers. Such a common system would also cover information on refusals to possess firearms.

The physical protection of public spaces and places of worship—the main targets of attacks in recent years—is given an important role. The agenda highlights the need to regulate the minimum obligations of local authorities and the EU's advisory role, including in the design of urban spaces and protection against drones. Securing critical infrastructure facilities is to be supported by a special EU pool of advisors, delegated at the request of the Member States. The agenda also envisages extending risk analysis to maritime transport (beside aviation and railways) and

increasing preparedness for chemical and biological threats.

An increasing challenge is to counteract the dissemination of terrorist content online. The agenda calls for the swift adoption of a regulation obliging online platforms to remove illegal content within an hour of receiving an order from designated national authorities. The necessity of comprehensive regulation of the digital sphere as part of the Digital Services Act (DSA) was also emphasised. Currently, however, different states' positions on the nature of the content (including illegal and harmful) that should be covered by the act are emerging. Differences of opinion may also be caused by the extension of the hate crime catalogue included in the new agenda, which is to supplement the EU Code of Conduct on the internet.

The cross-border nature of terrorist activity increases the importance of international cooperation. The agenda, therefore, provides for the preparation of an EU cooperation agreement with Interpol, as well as bilateral agreements with neighbouring countries. Police and judicial cooperation with the countries of the Western Balkans, Ukraine, and Moldova, which is to be complemented by the fight against trafficking and smuggling of firearms, is of great importance. It will also be significant to deepen cooperation with the countries of the southern Mediterranean region, including in the field of data exchange of persons associated with terrorism. The agenda does not directly refer to cooperation with the United Kingdom, although this has continued since Brexit, but it will have an impact on its shape.

The Role of EU Bodies. With the new agenda, the Commission has launched an initiative to strengthen Europol's mandate, recognising its key role in fighting terrorism in the EU. The proposal envisages the possibility of initiating proceedings by individual Member States at the request of the agency, obtaining information from private entities, and entering alerts into the Schengen Information System (SIS), including on foreign fighters. Europol will also support states with processing and analyses using "big data". The agency's cooperation with other EU bodies will be enhanced, including the European Public Prosecutor's Office, the European Anti-Fraud Office, and Eurojust (e.g., under the Counter-Terrorism Register).

In addition, the agenda envisages the growing importance of Frontex and eu-LISA (managing large-scale IT systems) in the field of [external border control and database interoperability](#). The Entry/Exit System (EES) is to be launched to track the flow of travellers from third countries and the Travel Information and Authorisation System

(ETIAS), under which a special warning list will enable the detection of persons suspected of terrorist activity or related to it. Currently, the database with information on convictions of third-country nationals and stateless persons (ECRIS-TCN) is also centralised.

The improvement in management and increased supervision of counter-terrorism at the EU level is planned to result in the appointment of the Counter-Terrorism Coordinator within the Commission. It will cooperate with its counterpart in the Council, the EU agencies responsible for security and the European Parliament.

Conclusions. In response to the existing terrorist threat, the agenda offers new solutions to increase the effectiveness of cooperation between EU bodies and Member States' services. However, the challenge will be to reach consensus around the DSA, which would regulate, among other things, the level of responsibility of platforms to remove and combat terrorist and extremist content online.

The agenda clearly lacks proposals for the use of modern technologies, including facial recognition and big-data analysis algorithms, which allow better predictions and elimination of threats at an early stage. While much attention has been paid to the need to counter radicalisation and foster social cohesion, no specific proposals were made. These issues are developed in other documents, such as the Action plan on Integration and Inclusion and the Anti-racism Action Plan.

It will be beneficial for the EU to develop cooperation with existing partners such as the U.S. as part of the Terrorist Finance Tracking Program (TFTP) review process and negotiation of access to electronic evidence (a common EU system is planned), although personal data-protection issues may raise disputes. Cooperation with neighbouring countries will require the conclusion of appropriate agreements and obtaining operational data, which may cause difficulties due to the local conditions of the services' work.

Although the terrorist threat in Poland is low, the link between terrorism and the activities of criminal groups (arms and human trafficking), active due to the country's geographical location, increases the interest in cooperation at the EU level. Further tightening in this sphere will positively affect the interoperability of services and national procedures for responding to an attack, for example, within the framework of the EU Intelligence Analysis Centre (INTCEN) and the ATLAS network of cross-border counter-terrorism operations.