

# Procedure file

Basic information		
CNS - Consultation procedure Decision	<a href="#">2005/0034(CNS)</a>	Procedure completed
General programme "Security and Safeguarding Liberties": specific Programme "Prevention, preparedness and consequence management of terrorism", 2007-2013		
Repealed by <a href="#">2013/0281(APP)</a>		
Subject 7.30.20 Action to combat terrorism		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs		14/09/2005
		UEN <a href="#">LA RUSSA Romano Maria</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>AFET</b> Foreign Affairs	The committee decided not to give an opinion.	
	<b>BUDG</b> Budgets		09/06/2005
		PPE-DE <a href="#">ITÄLÄ Ville</a>	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">2779</a>	12/02/2007
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2732</a>	01/06/2006
European Commission	Commission DG <a href="#">Justice and Consumers</a>	Commissioner FRATTINI Franco	

Key events			
06/04/2005	Legislative proposal published	<a href="#">COM(2005)0124</a>	Summary
06/09/2005	Committee referral announced in Parliament		
01/06/2006	Debate in Council	<a href="#">2732</a>	Summary
06/11/2006	Vote in committee		
10/11/2006	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0390/2006</a>	
14/12/2006	Results of vote in Parliament		
	Decision by Parliament		Summary

14/12/2006		<a href="#">T6-0584/2006</a>	
12/02/2007	Act adopted by Council after consultation of Parliament		
12/02/2007	End of procedure in Parliament		
24/02/2007	Final act published in Official Journal		

### Technical information

Procedure reference	2005/0034(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
	Repealed by <a href="#">2013/0281(APP)</a>
Legal basis	EC Treaty (after Amsterdam) EC 308; Euratom Treaty A 203
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/27677

### Documentation gateway

Legislative proposal		<a href="#">COM(2005)0124</a>	06/04/2005	EC	Summary
Document attached to the procedure		<a href="#">SEC(2005)0436</a>	06/04/2005	EC	
Committee of the Regions: opinion		<a href="#">CDR0122/2005</a>	16/11/2005	CofR	
Economic and Social Committee: opinion, report		<a href="#">CES1496/2005</a> <a href="#">OJ C 065 17.03.2006, p. 0063-0070</a>	15/12/2005	ESC	
Committee draft report		<a href="#">PE369.900</a>	07/02/2006	EP	
Amendments tabled in committee		<a href="#">PE371.758</a>	16/03/2006	EP	
Committee opinion	<b>BUDG</b>	<a href="#">PE367.679</a>	26/04/2006	EP	
Amendments tabled in committee		<a href="#">PE374.168</a>	16/05/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0390/2006</a>	10/11/2006	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0584/2006</a>	14/12/2006	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2007)0303</a>	24/01/2007	EC	
Follow-up document		<a href="#">COM(2011)0318</a>	16/06/2011	EC	Summary
Follow-up document		<a href="#">COM(2018)0455</a>	12/06/2018	EC	Summary
Follow-up document		SWD(2018)0331	12/06/2018	EC	

### Additional information

European Commission	<a href="#">EUR-Lex</a>
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### Final act

## General programme "Security and Safeguarding Liberties": specific Programme "Prevention, preparedness and consequence management of terrorism", 2007-2013

**PURPOSE:** in the context of the framework programme on "Security and Safeguarding Liberties", the adoption of a specific programme "Prevention, Preparedness and Consequence Management of Terrorism" for the period 2007-2013.

**PROPOSED LEGISLATIVE ACT:** Council Decision.

**CONTEXT:** in setting out its strategic orientations for the definition of the Financial Perspectives 2007-2013 (INI/2004/2209), the Commission highlights the objective of supporting the development of the Area of Freedom, Security and Justice (AFSJ) with appropriate financial resources.

In parallel, the Hague Programme - a new five year multi-annual programme in the fields of freedom, security and justice - was adopted by Heads of state and government at the November 2004 European Council.

A distinct Framework programme is to be proposed for each of these fields, providing for the necessary coherence between relevant interventions in each policy area, and clearly linking political objectives and the resources available to support them. This structure represents a major simplification and rationalisation of existing financial support, thus allowing for greater flexibility in the allocation of priorities and increasing overall transparency.

The main objectives of the Security and Safeguarding Liberties framework programme are:

- to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related EU bodies.

- ? to place more emphasis on promoting and developing public-private partnerships and strategies on crime prevention, statistics and criminology, and on protection of crime victims and witnesses.

- ? create conditions for a coordinated approach across Member States towards prevention, preparedness, crisis and consequence management with regard to potential and actual terrorist threats.

These objectives, however, have different legal bases in the Treaties. On the one hand, law enforcement, police cooperation and crime prevention in general are subject to Title VI of the Treaty on European Union (Arts. 29-42). On the other hand, preparedness and consequence management with regard to terrorist attacks are to be considered a specific strand, which is complementary to general civil protection measures, which is a matter to be dealt with under the Treaty establishing the European Community (Art. 3(1)(u)). Given these fundamentally different legal regimes, the framework programme will have to be composed of two different legal instruments, based on Arts. 30 and 34(2)(c) of the Treaty on European Union.

The first legal instrument will cover the prevention of and the fight against crime, and will be based on Articles 30 and 34(2)(c) of the Treaty on European Union. This programme will focus on three thematic areas: law enforcement, crime prevention and criminology, and protection of witnesses and victims. The second legal instrument will deal with prevention, preparedness and consequence management of terrorist attacks, and will be based on Article 308 of the Treaty establishing the European Community ? refer to summary of procedure 2005/0035(CNS).

Together with the Fundamental Rights and Justice, and Solidarity and the Management of Migration Flows Framework Programmes, the Security and Safeguarding Liberties programme will be an appropriate basis for maintaining and developing the Union's ASFJ.

The overall amount foreseen for the Framework programme Security and Safeguarding of Liberties is 745 million euro for the period 2007-2013.

**CONTENT:** the specific programme "Prevention, Preparedness and Consequence Management of Terrorism" seeks to contribute to protect citizens, their liberties and society against terrorist attacks and related incidents, and to safeguard the EU as an area of Freedom, Security and Justice, by stimulating, promoting and developing measures on preparedness and consequence management.

On prevention and preparedness to terrorist attacks, the specific programme will aim at:

- stimulating, promoting, and supporting risk and threat assessments on critical infrastructure, including evaluations on site, to identify possible targets of terrorist attacks and possible needs for upgrading their security,

- promoting and supporting the development of common security standards, and an exchange of know-how and experience on protection of critical infrastructure,

- promoting and supporting EU wide co-ordination and cooperation on critical infrastructure protection.

On consequence management regarding terrorist attacks, the specific programme will aim at:

- stimulating, promoting and supporting exchange of know-how, experience and technology on the potential consequences of terrorist attacks,

- stimulating, promoting and supporting the development of relevant methodology and contingency plans, and

- ensuring real-time input of specific expertise on terrorism matters within overall crisis management, rapid alert and civil protection mechanisms.

Eligible actions:

- projects with a European dimension initiated and managed by the Commission, inter alia coordination mechanisms and networks and analytical activities;

- ? transnational projects initiated and managed by at least two Member States (or one Member State and an applicant country) under the conditions set out in the annual work programmes;

- ? national projects within Member States under the conditions of the programme and in the annual work programmes.

It is foreseen that national projects will only be eligible as starter measures or complementary measures (preparing or complementing transnational or

European projects), if they have a potential for transferability of results to EU level or if they otherwise contribute considerably to developing a Union policy.

Implementation: The ?terrorism? and ?crime? specific programmes will have common implementation structures: they will be managed by the Commission, assisted by an ad hoc committee; the types of interventions and actions will be harmonised (Commission, transnational and national projects), as well as the eligibility criteria.

Community financial support will take one of two legal forms: grants and public procurement contracts.

Complementarity with other instruments: in addition to strengthened complementarity with the specific crime programme ? refer to 2005/0035(CNS) ? the specific terrorism programme will be complementary to the criminal justice and other Justice and Home Affairs programmes in the process of adoption (?fundamental rights?, ?solidarity and management of migratory flows?). It will also support activities and competent authorities in the AFSJ field, such as CEPOL (European Police College) and EUROPOL and will complement other Community programmes, in particular the 7<sup>th</sup> RDT Framework Programme, the Structural Funds, the Solidarity Fund ? 2005/0033(COD) ? or the Rapid Response and Preparedness Instrument for major emergencies - 2005/0052(CNS).

Further specific provisions are laid down for the follow-up and monitoring of planned actions.

Anti-fraud measures are also provided for, as well as regular evaluations of the programme (an interim report to be prepared by the Commission by 31/03/2010, a report on the continuation of the programme by 31/12/2010 and a final report by 31/03/2015).

FINANCIAL IMPACT: The overall budget for the framework programme on ?Security and Safeguarding Liberties? is EUR 745 million for the 2007-2013 period, including EUR 10 million administrative and technical assistance expenses to be divided between the two specific programmes ?organised crime? and ?terrorism?.

BUDGET BY ACTIVITY and BUDGET LINE: 1805 ? Law enforcement cooperation and fight of and against general and organised crime ? heading 3 of the 2007-2013 financial perspectives.

For the specific ?terrorism? programme, a new budget structure will be required.

FINANCIAL RESOURCES: from 2007-2013: EUR 745 million of operational expenditures and administrative expenditures + 40.848 million EUR of expenditures not included in the reference amount (human resources and related costs): EUR 785.848 million.

DETAILS OF RESOURCES:

1) Specific programme ?Prevention of and Fight against Crime?: EUR 597.6 million + EUR 5 million for administrative expenditure and technical assistance:

Sub-action 1 ? To promote and develop coordination, cooperation and mutual understanding ? EUR 231 million broken down as follows:

- Commission actions: grants + procurement: EUR 74,5 million;
- Transnational projects: grants: EUR 33 million;
- National projects: EUR 123,5 million.

Sub-action 2 ? To stimulate, promote and develop strategies, dialogues and partnerships - EUR 191 million broken down as follows:

- Commission actions: grants + procurement: EUR 66 million;
- Transnational projects: grants: EUR 28 million;
- National projects: EUR 97 million.

Sub-action 3 ? To promote and develop best practices for the protection of crime victims and witnesses - EUR 102 million broken down as follows:

- Commission actions: grants + procurement: EUR 42 million;
- Transnational projects: grants: EUR 14 million;
- National projects: EUR 46 million.

Giving EUR 524 million at 2004 prices and 597.6 million at current prices.

2) Specific programme ?Prevention, Preparedness and Consequence Management of Terrorism: EUR 137.4 million + EUR 5 million for administrative expenditures and technical assistance:

Sub-action 4 ? Preparedness ? to promote, support and evaluate exchange of standards, know-how and experience ? EUR 86.5 million broken down as follows:

- Commission actions: grants + procurement: EUR 40 million;
- Transnational projects: grants: EUR 3.5 million;
- National projects: EUR 43 million.

Sub-action 5 ? Consequence management ? to develop, implement and promote EU crisis management arrangements: EUR 34.5 million broken down as follows:

- Commission actions: grants + procurement: EUR 20.5 million;
- National projects EUR 14 million.

giving a total of EUR 121 million at 2004 prices and EUR 137.400 at current prices.

HUMAN RESOURCES: EUR 35.532 million from 2007 to 2013 covering expenditure on 55 staff (fixed, temporary and other specific posts).

## General programme "Security and Safeguarding Liberties": specific Programme "Prevention, preparedness and consequence management of terrorism", 2007-2013

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The Council reached an agreement on a general approach on three draft Decisions establishing the following EU specific programmes for the period 2007-2013:

General programme on Security and Safeguarding Liberties:

- specific programme on the Prevention, Preparedness and Consequence Management of Terrorism and other Security-related risks, and
- specific programme on the Prevention of and Fight Against Crime.

General programme on Fundamental Rights and Justice:

- specific programme on Criminal Justice.

The general approach was adopted without prejudice to the examination in due course of the opinion of the European Parliament, not delivered yet, and of the European Economic and Social Committee.

## General programme "Security and Safeguarding Liberties": specific Programme "Prevention, preparedness and consequence management of terrorism", 2007-2013

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The European Parliament adopted a resolution drafted by Maria La Russa (UEN, Italy) and made some amendments to the proposal:

- the Title of the programme was changed to "Prevention of the Risks relating to Security, in particular to Terrorism, and Management of their Consequences";

- Parliament amended certain definitions, including "prevention", "consequence management", and "critical infrastructure";

- MEPs felt that, while focusing on terrorism, this programme is intended to cover all types of security-related risks. Accordingly, an amendment was made stating that the programme shall contribute to protect citizens, their liberties and society against terrorist attacks and other security risks, irrespective of their cause or origin. The general objectives of the programme contribute to the development of a comprehensive concept of security based, in particular, on other Union and Community policies such as police and judicial cooperation in criminal matters, protection of the environment, energy supply, security of communication and information networks, public health, transport, research and technological development, continuity of public action and economic and social cohesion;

- a new clause states that Member States shall remain responsible for the adoption, implementation and financing of operational security measures identified by this programme as being necessary for the improvement of general security in the European Union;

- access to funding shall be facilitated by the application of the principle of proportionality as regards the documents to be supplied and by the creation of a database for the submission of applications;

- all institutions, associations or networks in receipt of a grant under the programme have the obligation to acknowledge the support granted by the European Union. To this end the Commission shall lay down detailed visibility guidelines;

- priority must be given to prevention of terrorist attacks, in the absence of major disasters;

- the Commission shall, as far as possible, simplify procedures and ensure that calls for proposals provided for in the programme do not entail a bureaucratic burden for promoters of the projects proposed. Calls for proposals may be organised in two stages, the first of which would only require information that was strictly necessary for a proper assessment of the project to be sent;

- the programme may share resources with Commission programmes allowing specific studies relating to critical infrastructure security to be carried out, such as those already in progress in the fields of transport and energy;

- the Commission shall ensure that the actions covered by the Decision are complementary to those covered by the programmes mentioned and that they do not overlap;

- should the programme's resources prove insufficient for the implementation of measures already in progress, the Community shall guarantee access to other compatible funds;

- the Commission shall ensure that the actions covered by the Decision are subject to prior evaluation, monitoring and ex-post evaluation;

- the Commission shall inform the European Parliament and the Council annually, at the same time as it submits the Preliminary Draft Budget, on the implementation of the programme, in particular the use of the resources available;

- the Commission must present a succinct yearly report, including, in particular, information making it possible to measure the programme's success in quantitative terms;

- each year, the Commission, together with the Member States, shall publish a list of the projects financed under the programme with a short description of each project;

- organisations in receipt of an operating grant by virtue of the programme may take part in calls for proposals for other programmes, without however being entitled to preferential treatment vis-à-vis other organisations financed from budgets other than that of the EU;

- Parliament added an Annex which contains the indicative list of critical infrastructure sectors. Split into eleven main headings. These are: energy, information, communication technologies, ICT, water, food, health, financial, public legal order and safety, civil administration, transport, chemical and nuclear industry, and space and research.

# General programme "Security and Safeguarding Liberties": specific Programme "Prevention, preparedness and consequence management of terrorism", 2007-2013

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PURPOSE: in the context of the framework programme on "Security and Safeguarding Liberties", to adopt a specific programme "Prevention, Preparedness and Consequence Management of Terrorism and other security related risks" for the period 2007-2013.

LEGISLATIVE ACT: Council Decision 2007/124/EC, Euratom establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks".

BACKGROUND: the framework programmes in the area of Justice, Freedom and Security, under the [new Financial Perspectives 2007-2013](#) have been established to provide coherent support to an area of freedom, security and justice under the financial perspectives 2007 - 2013. The three key objectives of freedom, security and justice are to be developed in parallel and to the same degree of intensity, thus allowing for a balanced approach, based on the principles of democracy, respect for fundamental rights and freedoms and the rule of law. Each of the three key objectives is supported by a Framework programme underpinning and linking each policy area. This structure represents a major simplification and rationalisation of existing financial support.

The three framework programmes are:

- 1) "Security and safeguarding Liberties" comprising of 2 specific programmes : i) the programme on the prevention of terrorism which is the subject of the present procedure file and ii) the specific programme on the "[Prevention and the fight against crime](#)";
- 2) "Fundamental rights and Justice" which includes 5 specific measures: i) "[Fundamental rights and citizenship](#)"; ii) "[Civil justice](#)". lii) "[Criminal justice](#)"; iv) "[Daphne III](#)"; v) "[Drugs prevention and information](#)";
- 3) Solidarity and Management of Migration Flows includes 4 specific funds: i) [the European Fund for the Integration of Third-country nationals](#); ii) [External Borders Fund](#); iii) [Refugee Fund](#); iv) [Return Fund](#).

Each of these framework programmes have been given an overall financial envelope covering the 2007-2013 period which will be broken between each specific programme, except for the Funds which have individual budgets.

The main objectives of the Security and Safeguarding Liberties framework programme are to promote and develop coordination, cooperation and mutual understanding among law enforcement agencies, other national authorities and related EU bodies; to place more emphasis on promoting and developing public-private partnerships and strategies on crime prevention, statistics and criminology, and on protection of crime victims and witnesses; create conditions for a coordinated approach across Member States towards prevention, preparedness, crisis and consequence management with regard to potential and actual terrorist threats.

These objectives, however, have different legal bases in the Treaties. On the one hand, law enforcement, police cooperation and crime prevention in general are subject to Title VI of the Treaty on European Union. On the other hand, preparedness and consequence management with regard to terrorist attacks are to be considered a specific strand, which is complementary to general civil protection measures, which is a matter to be dealt with under the Treaty establishing the European Community (Art. 3(1)(u)). Given these fundamentally different legal regimes, the framework programme will have to be composed of two different legal instruments based on Arts. 30 and 34(2)(c) of the Treaty on European Union.

The first legal instrument will cover the prevention of and the fight against crime, and will be based on Articles 30 and 34(2)(c) of the Treaty on European Union (see [CNS/2005/0035](#)). The second legal instrument will deal with prevention, preparedness and consequence management of terrorist attacks, and will be based on Article 308 of the Treaty establishing the European Community.

CONTENT: this Decision establishes the Specific Programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks", as part of the General Programme on Security and Safeguarding Liberties. The Programme covers the period from 1 January 2007 to 31 December 2013. The Decision does not apply to matters that are covered by the Civil Protection Financial Instrument.

General objectives: the Programme contributes to support Member States' efforts to prevent, prepare for, and to protect people and critical infrastructure against terrorist attacks and other security related incidents. It is intended to contribute to ensuring protection in the areas such as the crisis management, environment, public health, transport, research and technological development and economic and social cohesion, in the field of terrorism and other security related risks within the area of freedom, security and justice.

Specific objectives: within the general objectives, the Programme will stimulate, promote and develop measures on prevention, preparedness and consequence management based on comprehensive threat and risk assessments, subject to the supervision by the Member States and with due regard to existing Community competence in that matter, and aiming to preventing or reducing risks linked with terrorism and other security related risks.

With regard to prevention and preparedness of risks linked with terrorism and other security related risks the Programme aims at protecting people and critical infrastructure, in particular by supporting:

- risk assessments on critical infrastructure, in order to upgrade security;
- the development of methodologies for the protection of critical infrastructure, in particular risk assessment methodologies;
- shared operational measures to improve security in cross-border supply chains, provided that the rules of competition within the internal market are not distorted;
- the development of security standards, and an exchange of know-how and experience on protection of people and critical infrastructure;
- Community wide coordination and cooperation on protection of critical infrastructure.

With regard to consequence management the Programme aims at promoting:

- exchange of know-how and experience, in order to establish best practices with the view to coordinate the response measures and to achieve cooperation between various actors of crisis management and security actions;
- joint exercises and practical scenarios including security and safety components, in order to enhance coordination and cooperation

between relevant actors at the European level.

Eligible actions: the Programme will provide financial support for certain types of action, including projects managed by the Commission with a:

- European dimension;
- transnational projects, which shall involve partners in at least two Member States, or at least one Member State and one other country which may either be an acceding or a candidate country;
- national projects within Member States. In particular, financial support may be provided for: actions on operational cooperation and coordination (strengthening networking, mutual confidence and understanding, development of contingency plans, exchange and dissemination of information, experience and best practice); analytical, monitoring, evaluation and audit activities; development and transfer of technology and methodology, particularly regarding information sharing and inter-operability; training, exchange of staff and experts; and awareness and dissemination activities.

Types of intervention: Community financial support may take the forms of grants or public procurement contracts. The annual work programme shall specify the minimum rate of the annual expenditure to be awarded to grants, which will be at least 65 %.

Complementarity: this will be sought with other Union and Community instruments, inter alia, with the specific programmes "Prevention of and Fight against Crime" and "Criminal Justice", the Seventh Framework Programme for Research, Technological Development and Demonstration Activities, the European Union Solidarity Fund and the Civil Protection Financial Instrument. The Programme may share resources with other Community and Union instruments, in particular the "Prevention of and Fight against Crime" programme, in order to implement actions meeting the objectives of both the Programme and other Community/Union instruments.

Reports: the Commission shall ensure regular, independent and external evaluation of the Programme, and will submit:

- an annual presentation on the implementation of the Programme;
- an interim evaluation report on the results obtained and the qualitative and quantitative aspects of the implementation of the Programme no later than 31 March 2010;
- a communication on the continuation of the Programme no later than 31 December 2010;
- an ex-post evaluation report no later than 31 March 2015.

ENTRY INTO FORCE: 24/02/2007. It shall apply from 01/01/2007.