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EU counter-terrorism policy: main achievements and future challenges

P7_TA(2011)0577

European Parliament resolution of 14 December 2011 on the EU Counter-Terrorism Policy: main achievements and future challenges (2010/2311(INI))

(2013/C 168 E/06)

The European Parliament,

- having regard to having regard to the Charter of Fundamental Rights, to Articles 2, 3 and 6 of the Treaty on European Union, and to the relevant Articles of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the 2003 European Security Strategy ⁽¹⁾ and its implementation report of 2008 ⁽²⁾,
- having regard to Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism ⁽³⁾ as amended by Framework Decision 2008/919/JHA ⁽⁴⁾, and notably Article 10 thereof on the protection and assistance of victims,
- having regard to the 2005 EU Counter-Terrorism Strategy ⁽⁵⁾,
- having regard to the EU Strategy for Combating Radicalisation and Recruitment to Terrorism ⁽⁶⁾,
- having regard to the Stockholm Programme - An Open and Secure Europe Serving and Protecting Citizens ⁽⁷⁾, and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions of 20 April 2010 on Delivering an area of freedom, security and justice for Europe's citizens: Action Plan Implementing the Stockholm Programme (COM(2010)0171),
- having regard to the Europol EU Terrorism Situation and Trend Report for 2011 (TE-SAT 2011),
- having regard to the Communication from the Commission to the European Parliament and the Council of 20 July 2010 on the EU Counter-Terrorism Policy: main achievements and future challenges (COM(2010)0386),
- having regard to the Opinion of the European Data Protection Supervisor of 24 November 2010 on the Communication on the EU Counter-Terrorism Policy: main achievements and future challenges ⁽⁸⁾,
- having regard to the Opinion of the European Economic and Social Committee on the Communication on the EU Counter-Terrorism Policy: main achievements and future challenges ⁽⁹⁾,

⁽¹⁾ A Secure Europe in a Better World - The European Security Strategy, Approved by the European Council held in Brussels on 12 December 2003 and drafted under the responsibilities of the EU High Representative Javier Solana

⁽²⁾ Report on the Implementation of the European Security Strategy - Providing Security in a Changing World, S 407/08

⁽³⁾ OJ L 164, 22.6.2002, p. 3.

⁽⁴⁾ OJ L 330, 9.12.2008, p. 21.

⁽⁵⁾ Council Document 14469/4/2005.

⁽⁶⁾ Council Document 14781/1/2005. The Strategy was revised in November 2008. Council Document 15175/2008.

⁽⁷⁾ OJ C 115, 4.5.2010, p. 1.

⁽⁸⁾ OJ C 56, 22.2.2011, p. 2.

⁽⁹⁾ SOC 388 - CESE 800/2011.

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- having regard to the Communication from the Commission to the European Parliament and the Council on the EU Internal Security Strategy in Action: Five steps towards a more secure Europe (COM(2010)0673),
 - having regard to the 1983 Council of Europe Convention on the Compensation of Victims of Violent Crimes (CETS No. 116), the 2005 Council of Europe Convention on the Prevention of Terrorism (CETS No. 196), the 2005 Council of Europe Guidelines on the Protection of Victims of Terrorist Acts, the 2006 Council of Europe Recommendation (2006)8 on Assistance to Crime Victims, and the 2011 Commission proposal for a Directive establishing minimum standards on the rights, support and protection of victims of crime (COM(2011)0275),
 - having regard to the mid-term review of the 7th Framework Programme for Research and to the Green Paper entitled 'From challenges to opportunities: towards a common strategic framework for EU research and innovation funding',
 - having regard to its various resolutions related to counter-terrorism,
 - having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and to Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism ⁽²⁾,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs and the Committee on Legal Affairs (A7-0286/2011),
- A. whereas after the atrocious attacks of 11 September 2001 the first decade of the 21st century has been marked by the 'War on Terrorism', especially with regard to the U.S. approach; whereas, although these attacks or other attacks of similar magnitude did not take place on European soil, the planning and preparation of the attacks took place partially in Europe, and many Europeans felt them to be an attack on their values and their way of life;
- B. whereas the European Union has been a greater target for, and victim of, terrorism in the 21st century and faces an ever present threat;
- C. whereas severe terrorist attacks on EU soil since the 9/11 attacks in the United States, including the 2004 terrorist attacks in Madrid and the 2005 attacks in London, have had a significant impact on the sense of common security among EU citizens;
- D. whereas the Europol 2011 EU Terrorism Situation and Trend Report (TE-SAT 2011) indicates that the threat of terrorist attacks in the EU remains serious, and that the links between terrorism and organised crime appear to be growing, and points to the fact that there is a decreasing trend of terrorist attacks claimed or attributed to separatist terrorist organisations as compared with 2006, although they still account for the majority of overall terrorist attacks in the EU;
- E. whereas the Stockholm Programme identifies two threats to internal security – international terrorism and organised crime – which, in many cases, operate in the same areas of activity, such as arms and drugs trafficking for example;

⁽¹⁾ OJ L 344, 28.12.2001, p. 70.

⁽²⁾ OJ L 344, 28.12.2001, p. 93.

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- F. whereas terrorism is not a recent phenomenon; whereas in recent decades terrorism has taken new forms such as cyber-terrorism, and terrorist networks have become more complex in structure, means and financing, thus making the terrorist threat all the more complex; whereas counter-terrorism has always been part of the sphere of competence of the Member States and of regular law enforcement action; whereas the 9/11, Madrid and London attacks led to a fundamental change in perception of the terrorist phenomenon and in the methods and instruments used to fight terrorism; and whereas as a result of those attacks terrorism became a matter affecting the security of the whole European Union and not just the national security of the Member States, with a very different legal framework;
- G. whereas, in spite of the lack of unambiguous international definitions of terrorism, the EU has defined terrorist offences in Framework Decision 2002/475/JHA;
- H. whereas international cooperation is essential to deprive terrorism of its financial, logistical and operational bases;
- I. whereas although experiences of terrorism, as well as threat levels, vary across the EU Member States, a common EU approach is needed since terrorist operations are often pan-European and terrorists make use of European diversity in laws and anti-terrorism capabilities and the abolition of border controls when committing their acts;
- J. whereas EU citizens and other persons also want their safety and security guaranteed within the EU and elsewhere and the EU has an important role to play in this regard;
- K. whereas terrorist acts seriously jeopardise human rights, threaten democracy, aim to destabilise legitimately constituted governments, undermine pluralistic civil societies and challenge everyone's ideal of leading a life free from fear;
- L. whereas the aim of counter-terrorism policies should be to combat the objectives of terrorism and the execution of terrorist acts, which seek to destroy the fabric of free, open and democratic societies; whereas the prime objective of counter-terrorism must be to protect and strengthen that fabric of democratic societies by strengthening civil liberties and democratic scrutiny, by ensuring the security and safety of European citizens, by identifying the parties responsible for perpetrating terrorism and prosecuting them, and by responding to the consequences of a terrorist attack through inclusion policies, cross-border judicial and police cooperation and an effective and coordinated strategy at EU level; whereas the effectiveness of counter-terrorism policies must be measured against these aims; and whereas the counter-terrorism approach most likely to succeed is that of focusing on prevention of violent extremism and escalation;
- M. whereas the European Union's counter-terrorism strategy should therefore address not only the consequences of terrorism but also its causes;
- N. whereas the fight against violent extremism is an essential element in the prevention and suppression of terrorism;
- O. whereas counter-terrorism means countering all forms of terrorism, including cyber-terrorism, narco-terrorism and the interconnectability of terrorist groups with and within multiple criminal operations, as well as the tactics it uses to be operational such as illegal funding, financial extortion, money laundering and disguising terrorist groups operations under assumed legal entities or institutions;

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- P. whereas terrorism is a State problem and it is therefore the task of democratic institutions to draw up and preserve the main lines of counter-terrorism policy in a search for the widest possible political and social consensus; whereas the democratic fight against terrorism, necessarily within the bounds of the constitutional state and the rule of law, is a matter for all the political parties represented in democratic institutions, whether they be in government or opposition; and whereas this makes it advisable to preserve the definition of the counter-terrorism policy, according to which it is in any democratic society a matter for governments, arising from the lawful confrontation between political parties and thus from electoral competition;
- Q. whereas it is reasonable to measure the costs and benefits of counter-terrorism policies, as policy-makers should know if their decisions are having the desired impact and citizens have a right to hold their elected representatives to account;
- R. whereas ten years after the attacks that shook the world it is time to take stock of achievements in fighting terrorism; whereas evaluation allows for more efficient and effective policy-making and in any modern democracy policy decisions must be subject to frequent evaluation and review;
- S. whereas remarkably little has been done to assess to what degree EU counter-terrorism policies have achieved the stated objectives; whereas Parliament has repeatedly called for a thorough evaluation of EU counter-terrorism policies, as evaluation and assessment are preconditions for the transparency and accountability of policy-makers; and whereas the absence of proper evaluation of EU counter-terrorism policies is mainly due to the fact that a large part of it is conducted in the area of intelligence and security policies, where there is a tradition of secrecy;
- T. whereas terrorist attacks have repeatedly aimed at causing mass casualties, challenging available institutional capacities;
- U. whereas terrorists target innocent civilians in order to achieve their objective of destroying democracy; whereas those who have suffered injury, damage or loss of their loved ones in terrorist attacks are entitled to our support and solidarity, and to receive reparation, compensation and assistance;
- V. whereas it is vital that justice be done, that the guilty ones are brought to trial and that terrorist crimes do not go unpunished, whereas the position of victims as witnesses in judicial proceedings needs special attention;
- W. whereas accountability and responsibility are essential factors for the democratic legitimacy of counter-terrorism policies, whereas mistakes, unlawful actions and violations of international law and human rights law must be investigated and judicially prosecuted;
- X. whereas counter-terrorism measures must respect the rights enshrined in the Charter of Fundamental Rights of the European Union, and any measure adopted in this field has a reciprocal impact on civil liberties;
- Y. whereas mass surveillance has become a key feature of counter-terrorism policies and whereas the large-scale collection of personal data, detection and identification technologies, tracking and tracing, data mining and profiling, risk assessment and behavioural analysis are all used for the purpose of preventing terrorism; whereas these instruments entail the risk of shifting the burden of proof to the citizen; whereas the effectiveness and success rates of these instruments for the prevention of terrorism are dubious; and whereas the sharing of information between agencies is inadequate;

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- Z. whereas public authorities are making more and more use of data collected for commercial or private purposes; whereas private companies in various sectors are obliged to retain and provide personal data from their customer databases; whereas the costs connected with the storage and retrieval of data (both infrastructure investments and operational costs) are considerable;
- AA. whereas there is an urgent need for a uniform legal definition of the concept of 'profiling' based on the relevant fundamental rights and data protection standards in order to reduce uncertainty as to which activities are prohibited and which are not;

General considerations

1. Welcomes the Commission Communication and reiterates that it must be linked to the EU's forthcoming internal security strategy; regrets, however, that its scope is rather narrow, is limited to the implementation of agreed policy measures and does not cover national counter-terrorism policies or national measures that transpose policies agreed at European or international level, as well as the fact that there has not been a more thorough investigation of possible legal loopholes or the possible overlapping or duplication of counter-terrorism actions and instruments adopted at EU level; stresses the importance of a consistent approach, at EU and Member State level, to initiatives adopted in the field of internal security, with particular reference to terrorism and organised crime;
2. Also deplores the fact that the Communication does not sufficiently cover and develop in greater detail the measures taken by DGs other than JLS (such as TRAN, ENTER or MARKT) and that it does not give a clear idea how the measures interact and where there are overlaps or gaps; is of the opinion that all the above levels must also be considered, as European, national and international measures are complementary, and assessing individual measures does not provide a complete picture of the impact of counter-terrorism policies in Europe;
3. Regrets that the opportunity was missed to explain how certain EU counter-terrorism instruments such as data retention, PNR and the Swift Agreement fit into the EU counter-terrorism strategy;
4. Believes that the Charter of Fundamental Rights should always be the compass for EU policies in this field and for Member States in the implementation thereof, as well as in cooperation with third parties and third countries;
5. Emphasises the need for the European Union, its Member States and its partner countries to base their strategy for combating international terrorism on the rule of law and respect for fundamental rights; underlines, furthermore, that the Union's external actions to combat international terrorism should in the first place be aimed at prevention, and highlights the need to promote dialogue, tolerance and understanding among different cultures, civilisations and religions;
6. Recalls that counter-terrorism policies should meet the standards set with regard to necessity, effectiveness, proportionality, civil liberties, the rule of law and democratic scrutiny and accountability that the Union has committed itself to uphold and develop, and that assessing whether these standards are met must be an integral part of an evaluation of all EU counter-terrorism efforts; considers that these policies must be developed in accordance with the provisions of EU primary law and, in particular, give priority to respecting the rights enshrined in the Charter of Fundamental Rights of the European Union;
7. Reaffirms that restrictive measures to seize, confiscate or freeze assets and funds linked to natural or legal persons and organisations involved or implicated in terrorist acts, can be useful as a counter-terrorism tool, but that they must comply fully with Article 75 of the TFEU and the Charter of Fundamental Rights;

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8. Considers that prevention, tracking and prosecution of terrorist activities are critical policies at EU level and must be part of a systematic approach based not on emergency norms but on a coherent, necessity-founded strategy, must be purpose- and cost-effective and must avoid duplication of measures and function creep on the part of competent institutions, agencies and bodies;
9. Underlines the fact that the evaluation of ten years of EU counter-terrorism policies should result in clearly defined policy objectives;
10. Takes the view that terrorism is a phenomenon that is constantly evolving and should be met by a counter-terrorism policy that can address this fact;
11. Considers the decision to deepen and develop the four main strands of the counter-terrorism strategy – prevent, protect, pursue and respond – to be a good one;
12. Believes that prevention, investigation and prosecution of terrorist activities should be based on the reinforcement of judicial and police cooperation at EU level, coupled with full parliamentary scrutiny and full and timely completion of the roadmap for a high-level set of uniform procedural guarantees;
13. Considers that training and awareness-raising among judicial and police authorities must be a priority in order to improve readiness across the European Union in the fight against terrorism;
14. Points out in that regard the importance of cooperation by Member States with OLAF and with other EU agencies such as Europol, Eurojust and CEPOL;
15. Invites the Commission to fully assess the set of counter-terrorism policies and measures adopted and focus on future challenges, including the reform of Europol and Eurojust in the light of the new potentialities offered by the Lisbon Treaty, the need for uniform standards for obtaining evidence and conducting investigations, full implementation of joint investigation teams, a stronger EU framework for judicial and police training, and proper inclusion and integration policies;
16. Takes the view that counter-terrorism measures must be commensurate with the threat level and that they must be adjusted in response to both an increase and a decrease in threat level; notes that counter-terrorism measures, in terms of both new government powers and agencies, must be designed in such a way that they can be scaled up as well as down, depending on the situation;
17. Recalls that radicalisation and recruitment pose the most significant and continuous long-term threat, as stressed in the Commission's Communication, and thus constitute the axis on which the EU must focus its counter-terrorism prevention strategies at the very beginning of the chain; stresses that investment in anti-racism and anti-discrimination policies constitutes a crucial instrument with which to tackle and prevent radicalisation and recruitment of potential terrorists;
18. Recalls the important contribution of many NGOs and civil society, often co-financed by the EU and its Member States, towards socio-economic development, peace building, nation building and democratisation, all essential in countering radicalisation and recruitment;

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19. Calls for the creation of a comprehensive strategy on the interconnection between international organised crime, drug trafficking and terrorism; and encourages continuous analysis of new trends and traits in diversification, radicalisation and recruitment, and those related to the role of international non-governmental organisations in terrorism financing;
20. Calls, in that context, on the Commission and the Member States to prevent the rise of extremism;
21. Draws attention to the need to expand and develop existing and new counter-terrorism related strategic partnerships with countries outside Europe, as long as these partnerships respect human rights; emphasises the strategic cooperation between the Union and the US and points out the need for cooperation with other partners, reiterating the importance the Union attaches to the protection of citizens' personal data and their human and civil rights;
22. Underlines that counter-terrorism is an integral part of the Union's relations with third countries; asks for an increase in the funding of counter-terrorism assistance measures in the next Instrument for Stability in order to prevent state failure; agrees, in this respect, with the priority areas being South Asia, in particular Pakistan and Afghanistan, the Sahel region (Mauretania, Mali, Niger), Somalia and Yemen; welcomes the presentation of the European Union Strategy for Security and Development in the Sahel on 21 March 2011 and calls on the Council to adopt the Strategy in consultation with the European Parliament; welcomes the insertion of counter-terrorism clauses in international agreements;
23. Calls on the Commission, the High Representative of the Union for Foreign Affairs and Security Policy and the Council to quickly implement arrangements for the solidarity clause introduced by the Lisbon Treaty;
24. Insists on the importance of defining a uniform set of standards for the specific protection and support of victims of terrorism, including witnesses, including in the framework of the proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (COM(2011)0275);

Evaluation and mapping exercise

25. Stresses that a proper evaluation of ten years of counter-terrorism policies should focus on examining whether the measures taken to prevent and combat terrorism in the EU have been evidence-based (and not based on assumptions), needs-driven, coherent and part of a comprehensive EU counter-terrorism strategy, based on an in-depth and complete appraisal, to be carried out in line with Article 70 of the TFEU, with the Commission reporting back to a Joint Parliamentary Meeting of the European Parliament and national parliamentary committees responsible for overseeing counter-terrorism activities within six months of the study being commissioned, drawing upon reports to be requested from relevant organisations and agencies such as Europol, Eurojust, the Fundamental Rights Agency, the European Data Protection Supervisor, the Council of Europe and the United Nations;
26. Advocates a holistic and comprehensive approach to counter-terrorism policy in the form of alignment of the European Security Strategy and the Internal Security Strategy and a strengthening of existing coordination mechanisms between Justice and Home Affairs Council structures, agencies and the European External Action Service; stresses that good intelligence is crucial to combating terrorism and that the EU is uniquely well placed to facilitate intelligence-sharing among Member States provided there is a proper legal base for such cooperation, and that it is embedded in regular decision making procedures, but

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that this must be subject to the same standards of accountability that apply in the Member States; points out accordingly that human intelligence, over and above all technical means available, remains indispensable in tackling terrorist networks and in the timely prevention of attacks;

27. Calls on the Commission to produce a full and detailed evaluation, on the basis of publicly available information and information provided by the Member States in the context of Article 70 TFEU, including at least the following items:

- (a) A clear analysis of the response to the terrorist threat, based on the definition laid down in Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism, as well as of the framework of counter-terrorism measures to address this threat in terms of effectiveness, gaps in security, prevention, prosecution and increased security in Europe, including the effectiveness of the EU agencies and the proportionality thereof;
- (b) Facts, figures and trends relating to terrorist activity and counter-terrorism activity;
- (c) A full overview of the accumulated impact of counter-terrorism measures on civil liberties and fundamental rights, measures by third countries with a direct impact in the EU and all measures taken in this field in connection with external relations, as well as the case law of the ECHR, the European Court of Justice and national courts;

28. Calls on the Commission to map out which measures have objectives other than counter-terrorism, or where further objectives were added to the initial purpose of counter-terrorism (mission creep and function creep), such as law enforcement, immigration policies, public health or public order;

29. Calls on the Commission to draw up a complete and detailed map of all existing counter-terrorism policies in Europe, with a special focus on EU legislation and how it has been transposed and implemented at EU level; at the same time, calls on the Member States to carry out a comprehensive evaluation on their counter-terrorism policies, with a particular focus on interaction with EU policies, overlap and gaps, in order to cooperate better in the evaluation of EU policies – including by providing correlation tables that identify which provisions of Member States' laws transpose the provisions of EU acts and by providing their input within the given deadlines, as in the case of the Data Retention Directive;

30. Calls on the Commission to produce a full and detailed report, on the basis of publicly available information and information provided by the Member States in the context of Article 70 TFEU, on all resources spent by the European Union, the EU Member States and private companies on measures with counter-terrorism objectives, directly or indirectly, including those measures specifically aimed at counter-terrorism activities, at IT counter-terrorism related staff, systems and databases, at the protection of fundamental rights and data protection, democracy and the rule of law, at funding counter-terrorism related research, and on the development of the relevant EU budget lines since 2001, also specifying the resources allocated to this area by third countries;

31. Calls on the Commission to ascertain whether counter-terrorism measures are being implemented properly and to report regularly to the Parliament and the Council on its findings;

32. Calls on the Commission to carry out a study into the costs of counter-terrorism policies borne by the private sector, as well as an overview of sectors benefiting from counter-terrorism policies;

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Democratic scrutiny and accountability

33. Calls on the Commission to carry out a study to establish if counter-terrorism policies are subject to effective democratic scrutiny, on the basis of publicly available information and information provided by the Member States in the context of Article 70 TFEU, including at least the following issues:

- (a) a detailed assessment establishing if either national parliaments or the European Parliament had full rights and the means of scrutiny, such as access to information, sufficient time for a thorough procedure, and rights to modify the proposals on counter-terrorism measures, including measures agreed in international governmental and non-governmental bodies, non-legislative EU(-funded) activities, such as research programmes and measures adopted by third countries with an extraterritorial effect in the EU;
- (b) the need for the review of counter-terrorism measures to include a thorough proportionality test;
- (c) the provision of an overview of the classification of documents, trends in the use of classification, and data on access granted to counter-terrorism documents;
- (d) an overview of the instruments for democratic scrutiny of cross-border cooperation by intelligence agencies, and more specifically of SitCen, the Watch-Keeping Capability, the Crisis Room, the Council's Clearing House and COSI;

34. Calls in addition, where counter-terrorism measures are concerned, for the proportionality principle to be taken into account and the fundamental rights of citizens to be observed, bearing in mind that all such measures must comply with the law and the rule of law;

35. Calls on the Commission, the Member States and the competent legal authorities to investigate any unlawful action or violation of human rights, international law and the legal order where there is any evidence or suspicion of such action or violation, and calls on the Member States to ensure their rectification;

36. Looks forward to the conclusions of the EP TDIP Committee follow-up report on alleged transportation and illegal detention of prisoners in European countries by the CIA, and calls for the implementation of all relevant EP recommendations;

37. Stresses that the EU must help the U.S. in finding appropriate solutions to the issues of closing Guantánamo and ensuring its inmates receive a fair trial;

38. In this context, urges the Council and the Commission, when revising the blacklisting and asset-freezing measures, to consider particularly the position of NGOs and civil society so as to ensure that NGOs are not listed 'by association' and that they are not unduly hampered in working with their partner organisations;

39. Is aware of the Commission appeal against the General Court judgment in the latest case of *Kadi v. Commission*; calls on all actors to carry out a thorough revision of the sanctions regime and ensure it is fully in line with international human rights standards and the rule of law, in accordance with all relevant case law; takes the view that those targeted by sanctions should be given the information that substantiates their targeting and be entitled to effective judicial remedy;

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40. Calls on the Commission and the Council to investigate the collection of personal data – if such collection has taken place – for law enforcement purposes without an adequate legal base or by applying irregular, or even illegal, procedures;

Monitoring and profiling

41. Urges the Commission to conduct a compulsory proportionality test and a full impact assessment for each proposal involving the large-scale collection of personal data, detection and identification technologies, tracking and tracing, data mining and profiling, risk assessment and behavioural analysis or similar techniques;

42. Underlines the need to improve the use of data: the collection of data should only be allowed after the principle of necessity, and the non-existence of a possible overlap with other existing measures and the non-existence of possible less intrusive measures have been explicitly demonstrated, and only on the basis of strict purpose limitation and data minimisation, and when sharing and processing of data are drastically improved;

43. Calls on the European Data Protection Supervisor and the Fundamental Rights Agency to report on the level of protection of fundamental rights and personal data in the field of EU Counter-Terrorism Policy;

44. Urges the Commission and the Council to clarify fully the division of labour between the Counter-Terrorism Coordinator and the High Representative;

45. Calls on the Counter-Terrorism Coordinator to draw up a report on the use of human intelligence and its cooperation with foreign intelligence services in European counter-terrorism policies;

46. Calls on the Commission to launch proposals for strengthening the protection of civil liberties, transparency and democratic scrutiny in the context of counter-terrorism policies, such as improving access to documents by creating an EU Freedom of Information Act and strengthening the Fundamental Rights Agency, the EDPS and the Article 29 WP;

47. Calls on the Commission to propose amendments to the Council Framework Decision 2002/475/JHA on combating terrorism, amended last in 2008, with a view to raising the standard of protection of human rights and fundamental freedoms, inter alia by updating the definition of terrorist offences, and to link it better to the existing EU-level Human Rights instruments, particularly the Charter of Fundamental Rights;

48. Calls on the Commission to incorporate a uniform legal definition of the concept of 'profiling';

49. Calls on the Commission to put forward a proposal for a legislative framework for data protection, including the Common Foreign Security Policy, on the basis of Article 16 of the TFEU and without prejudice to the specific rules laid down in Article 39 TEU;

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50. Instructs its President to forward this resolution to the Council, the Commission and the national parliaments.
