

EU-U.S. DECLARATION ON COMBATING TERRORISM

DROMOLAND CASTLE, 26 JUNE 2004

Since the attacks of 11 September 2001, the European Union and the United States have been working together closely to combat the threat of terrorism. In the aftermath of the attacks on Madrid on 11 March 2004, the European Council adopted a Declaration on Combating Terrorism, reinforcing its determination to prevent and fight terrorism. Today we have renewed our commitment to further developing our cooperation against terrorism within the framework of the New Transatlantic Agenda, while recognising the contributions of the G-8 Secure and Facilitated International Travel Initiative.

We remain determined to work together to combat terrorism while sharing a commitment to protect and respect human rights, fundamental freedoms and the rule of law on which our societies are founded and which terrorism seeks to destroy.

On that basis, the U.S., the EU and, as appropriate, its Member States, will take forward work on counterterrorism, in keeping with the following objectives, through dialogue and action at all levels:

1. We will work together to deepen the international consensus and enhance international efforts to combat terrorism

1.1 We will support the key role of the United Nations, its General Assembly and the work of the Security Council. We will work closely with the UN Counter-Terrorism Committee (CTC). We will also contribute to the Global Programme of the United Nations on Drugs and Crime.

1.2 We will work to ensure universal adherence to, and full implementation of, the United Nations Conventions on terrorism. Likewise, we will press for full implementation by all UN Member States of all relevant UN Resolutions, including 1373 and 1267 and all subsequent amending Resolutions.

2. We reaffirm our total commitment to prevent access by terrorists to financial and other economic resources

2.1 We will actively support the work of the Financial Action Task Force (FATF) on all issues regarding the financing of terrorism. In particular, we will work to ensure that EU and national legal frameworks are fully adapted to the FATF's eight special recommendations and Interpretive Notes on terrorist financing.

2.2 We will ensure the effectiveness of our asset freezing and transaction blocking laws and regulations, by implementing concrete steps to ensure full and effective implementation of all relevant provisions of UNSCR Resolution 1373.

2.3 We will ensure that internal processes are in place for reviewing proposals for designation, based on thorough and timely consideration of serious and credible evidence, providing a reasonable basis to indicate that such entities or individuals are supporting or financing terrorist activity or a previously designated entity or individual.

2.4 We will strengthen measures to protect against the abuse of formal and informal financial institutions, including through the regulation of alternative remittance systems, wire transfers and cash couriers, as well as of trans-border cash movements. We will review the regulation of the non-profit sector to ensure that it cannot be misused by terrorist organisations or those who seek to finance such organisations. We will keep these questions under active review.

2.5 We will take the necessary steps, in accordance with appropriate procedures and criteria, to ensure that terrorist groups cannot evade the consequences of designation by renaming themselves or hiding behind front organisations.

2.6 We will work to ensure effective implementation of our respective criminal legislation and relevant provisions outlawing the support to designated names.

2.7 We will provide public access to consolidated lists in our respective jurisdictions of all persons and entities subject to asset freezing mechanisms of the EU and the U.S. We will also promote awareness within the financial sector, the non-profit sector and the general public of the threat posed by terrorist financing and of responsibilities under relevant anti-terrorist financing legislation and regulation.

2.8 We will seek ways to identify adequate national coordination mechanisms to respond to queries on asset freezing regimes.

2.9 We will work to promote safe harbour provisions at a national level to protect government or private sector employees from personal liability for reporting, in good faith, suspicious transactions linked to terrorist financing.

2.10 Once we have designated an organisation, we will ensure that appropriate enforcement agencies or bodies analyse transactions of all accounts of the organisation. We will explore mechanisms for sharing the results of our analysis.

2.11 We will have a regular dialogue on Terrorist Financing.

3. We commit to working together to develop measures to maximise our capacities to detect, investigate and prosecute terrorists and prevent terrorist attacks

3.1 We will promote cooperation between our law enforcement agencies and institutions, taking account of our respective legislation, for the purpose of the prevention, detection, investigation and prosecution of terrorist offences. In particular:

3.2 We will work together to develop strategies to prevent cyber attacks that threaten our critical information infrastructures and to combat use of the Internet as a means for communications among terrorists and other criminals.

3.3 We will work together to enhance, in accordance with national legislation, our abilities to share information among intelligence and law enforcement agencies to prevent and disrupt terrorist activities, and to better use sensitive information as allowed by national legislation in aid of prosecutions of terrorists in a manner which protects the information, while ensuring a fair trial.

3.4 We will collaborate on enhancing legal frameworks to prevent terrorism, including by ensuring appropriate legislation is in place to investigate and prosecute offences linked to terrorist activities and facilitate legal cooperation in relation to such offences.

3.5 We will ensure that conduct consisting of knowingly supplying or attempting to supply material or logistic support to terrorists or terrorist groups is made a criminal offence.

3.6 We will work together to promote the use of appropriate investigative techniques, such as electronic surveillance, in combating terrorism and will collaborate in the development of mechanisms to protect witnesses and assist law enforcement.

3.7 We will regularly review developments regarding proposals directed at improving the exchange of personal information for the purpose of combating terrorism.

3.8 We will seek to strengthen the exchange of information and the capacity for cooperation between the U.S. and Europol in accordance with the U.S.-Europol agreements.

3.9 We will explore ways to strengthen cooperation between U.S. prosecutors and Eurojust in accordance with the Council Decision establishing Eurojust.

3.10 We will rapidly complete remaining steps necessary to bring the EU-U.S. Agreements on Extradition and Mutual Legal Assistance into force, so that we can fully use the mechanisms they contain for enhanced cooperation to combat terrorism, including enhanced joint investigative undertakings and enhanced tools to identify bank accounts of terrorists.

3.11 We will explore ways to build better mutual awareness of our respective criminal justice systems, such as the organising of seminars, participation in each other's law enforcement training programmes and further exchanges of law enforcement personnel that can aid us in our efforts.

3.12 We will seek means to improve cooperation on the sharing of law enforcement and other sensitive information between government agencies consistent with national legislation, and the need to protect sources and fair procedures.

4. We will seek to further protect the security of international transport and ensure effective systems of border control

4.1 We will use the recently established EU-U.S. Policy Dialogue on Border and Transport Security to enhance mutual understanding and complementarity of EU-U.S. security policies and improve security in land, air and maritime environments.

4.2 We will work together to further enhance relationships established through programs like the Container Security Initiative. The recent EC-U.S. agreement expanding customs cooperation will improve security standards while continuing to facilitate trade. We will enhance information exchange to increase our ability to target and interdict terrorist threats in the maritime transportation system.

4.3 We reaffirm our commitment to work in close mutual cooperation to increase

maritime, port facility, and vessel security through the International Ship & Port Facility Security Code developed by the United Nations' International Maritime Organization. We will foster other initiatives from this organisation dedicated to further improving maritime security. We further pledge to assist each other in strengthening our respective maritime transportation systems through self audits and assessments as well as through discussions on harmonising maritime transport security requirements and sharing of best practices.

4.4 We will seek complementary approaches to airport, aircraft and air cargo security, optimised screening and enhanced security measures as appropriate. We will formulate principles of aviation, port and vessel security and explore cooperation on rail security.

4.5 We will fully implement the EC-U.S. agreement on transfer of passenger name record (PNR) data and will also cooperate on the development of multilateral standards.

4.6 We will continue to promote document security through the incorporation of interoperable biometric identifiers into travel documentation and work on compatible technology for the future.

4.7 We will work together to enhance information exchange, including through Interpol, in responding to the problem of lost and stolen passports and other border control related issues.

5. We will work together to develop further our capabilities to deal with the consequences of a terrorist attack

5.1 Building on the considerable work which has been done in this area within the EU, NATO and other international organisations, we will identify areas for closer cooperation in crisis management.

5.2 Benefiting from this work, we will open a dialogue between the EU and the U.S. on responding to terrorist attacks, including attacks using CBRN contaminants.

5.3 We will develop strategies to improve communication with the public in the event of a major terrorist attack.

5.4 We will assist stricken nations in their efforts to mitigate the effects of terrorist attacks.

6. We will work in close cooperation to diminish the underlying conditions that terrorists can seize to recruit and exploit to their advantage. By promoting democracy, development, good governance, justice, increased trade and freedom, we can help end dictatorship and extremism that bring millions of people to misery and bring danger to our own people.

6.1 We will cooperate in developing a long-term strategy to address the above areas and in identifying ways to make more efficient use of our relevant external assistance programmes, with special regard to continued support for good governance and the rule of law.

6.2 We will work to support the development of global strategies to promote increased tolerance in the world, including cross-cultural and inter-religious understanding.

7. We will target our external relations actions towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced

7.1 We will mainstream counter-terrorist objectives into the work of external assistance programmes and take account of the coordinating work of the UN Counter Terrorism Committee.

7.2 We will have special regard to the objective of counter-terrorism capacity building in third countries, in line with the current work of the UN CTC, the FATF and the G8 Counter-Terrorist Action Group.

7.3 Within our counter-terrorism efforts we will work to develop comprehensive Counter-terrorist Financing and Anti-Money Laundering regimes.
