

# Contents

<i>Table of cases</i>	ix
<i>Table of legislation and other material</i>	xi
<i>List of abbreviations</i>	xxxiv
<b>1 Introduction</b>	<b>1</b>
<i>Introduction</i>	1
<i>Why constructivism?</i>	5
<i>What is constructivism?</i>	8
Rules	9
Law	10
EC/EU law	12
<i>Development of the EU's policing and counter-terrorism framework</i>	13
Police Working Group on Terrorism	16
TREVI	16
<i>Leading up to the EU Framework Decision on Terrorism</i>	18
<i>Current counter-terrorism provisions</i>	23
<i>Conclusion</i>	28
<b>2 The financing of terrorism</b>	<b>31</b>
<i>Introduction</i>	31
<i>The financing of terrorism and the organised crime link debate</i>	36
<i>Money-laundering</i>	41
<i>Terrorist financing provisions apart from money-laundering</i>	46
Cash couriers	49
Wire transfers	50
Alternative remittance systems	51
Non-profit organisations	52
Basel Committee and Wolfsberg group	54
<i>Other counter-terrorism financing risks</i>	54
<i>The policing of terrorist financing</i>	55



vi	<i>The Evolving EU Counter-Terrorism Legal Framework</i>	
	Europol 59	
	Eurojust 59	
	<i>Conclusion</i> 61	
3	<b>Terrorism as an EU policing concept</b>	65
	<i>Introduction</i> 65	
	<i>Some of the roots of transnational EU policing</i> 68	
	TREVI 70	
	Europol project 71	
	<i>Building up to the EU framework</i> 72	
	<i>Data security/security classifications</i> 74	
	Europol 75	
	Eurojust 79	
	Schengen Information System 80	
	Prüm Decision 80	
	Other law enforcement provisions on data 81	
	<i>Europol analysis work files</i> 83	
	<i>Joint Investigation Teams</i> 85	
	Schengen 86	
	<i>Other active policing provisions</i> 89	
	<i>Treaty of Prüm</i> 91	
	<i>Conclusion</i> 94	
4	<b>Terrorism as an EU judicial concept</b>	98
	<i>Introduction</i> 98	
	<i>Council Framework Decision on Terrorism</i> 102	
	Eurojust 105	
	<i>European Judicial Network in Criminal Matters</i> 112	
	<i>European Arrest Warrant</i> 113	
	<i>European Evidence Warrant and criminal defence rights</i> 116	
	<i>Prospects for the future/conclusion</i> 119	
5	<b>Terrorism as a frontier issue</b>	124
	<i>Introduction</i> 124	
	<i>Goods crossing the frontier</i> 126	
	<i>People crossing the frontier</i> 130	
	UK problems with Frontex 137	
	<i>Future developments and conclusion</i> 141	
6	<b>Terrorism as an EU military concept</b>	143
	<i>Introduction</i> 143	
	<i>The CFSP counter-terrorism framework</i> 146	



The EU counter-terrorism strategy	146
EU counter-terrorism co-ordinator	147
SitCen	148
<i>Control of weapons</i>	150
Small arms, light weapons and explosives	151
Weapons of mass destruction	153
Dual export use controls	155
<i>Civilian protection and crisis management</i>	157
Communication systems	159
Financing of emergency response	160
<i>Conclusion</i>	160
 7	
<b>External relations of the EU with the US in counter-terrorism</b>	<b>164</b>
<i>Introduction</i>	164
<i>Structural issues within the EU for external counter-terrorism relations</i>	168
<i>US presence at Europol</i>	171
<i>EU–US legal arrangements in the area of law enforcement</i>	176
<i>The PNR case</i>	182
<i>Conclusion</i>	186
 8	
<b>Other external relations of the EU in counter-terrorism</b>	<b>189</b>
<i>Introduction</i>	189
<i>International multi-lateral arrangements</i>	192
<i>Canada and Australia</i>	196
<i>EU Customs Union/Free Trade Area partner countries</i>	199
<i>Russia/European Neighbourhood Policy</i>	203
<i>Africa/North Africa</i>	209
North Africa/Euro-Mediterranean	212
<i>Prospects for the future/conclusion</i>	215
 9	
<b>Terrorism and human rights</b>	<b>220</b>
<i>Introduction</i>	220
<i>EU position on human rights</i>	223
The EU and the ECHR	225
EU Charter on Fundamental Rights 2000	230
<i>EU data protection framework</i>	233
Data protection in the pre-Lisbon pillar I	235
Pre-Lisbon pillar III: the ‘standard’ rules	237
Europol	238



viii *The Evolving EU Counter-Terrorism Legal Framework*

Eurojust	241
Schengen Information System	242
Prüm Decision	243
Other provisions on data protection in the pre-Lisbon pillar III	244
Prospects for post-Lisbon PJCCM data protection developments	245
Conclusion	248
10 Prospects for the future/conclusions	251
Introduction	251
Outstanding issues from the Hague Programme	253
Prüm Council Decision	254
Stockholm Programme's counter-terrorism provisions	255
Stockholm Programme's provisions on EU disaster management	256
Stockholm Programme's new areas of development	257
Stockholm Programme's more general provisions	259
The bigger picture	263
Conclusion	265
Bibliography	269
Index	278