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## Towards a Secure Economic Growth: Development of a Common European Union Counter-Terrorism Policy

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**Abstract:**

**Purpose:** The main objective of this paper is to examine the process of forming political and legal tools for counteracting and combating terrorism which has a significant impact on economic growth in the European Union.

**Design/Methodology/Approach:** A mixed research method was used during the research work. To minimize the occurrence of irrelevant results and repetitions, during the systematic review of academic sources the Preferred Reporting Items for Systematic Reviews and Meta-Analysis (PRISMA) method was used. In the case of European Union source documents, the EurLex legal acts database was explored, considering strictly defined criteria. The selected collection of literature and EU source documents was analysed using the Qualitative content analysis method.

**Findings:** EU countries, despite the conflict of interest that often separates them, were able to jointly develop and implement a substantial package of regulations of a political and legal nature, which evolved from ad hoc activities to preventive measures. The areas that currently require special attention include cybersecurity, counteracting the sources of terrorism (radicalization of attitudes), combating social exclusion, proper physical protection of critical infrastructure and public spaces, as well as tightening international cooperation to cut off all sources of financing terrorism.

**Practical Implications:** The study results seem to be particularly important in the context of developing an optimum and effective tool for the long-term European Union policy in the field of counteracting and combating terrorism phenomenon, which is one of the key factors ensuring the maintenance of a sustainable level of economic growth.

**Originality/Value:** The study was conducted after the outbreak of the SARS-Cov-2 pandemic, which significantly remodelled the economy and safety environment in European Union countries. The article contains a critical analysis of undertakings performed at the EU forum to counteract and combat the phenomenon of terrorism. The research considers the latest EU legal regulations - the legal status of May 2021.

**Keywords:** European Union, counterterrorism, policy, security, economic growth.

**JEL codes:** D78, F15, F43, F52, K32.

**Paper Type:** Research article.

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## 1. Introduction

The process of European integration, which, is now a symbol of the "old continent", apart from its unquestionable positive, economic, and social advantages, it also brings with it an escalation of extremely negative phenomena, such as terrorism (Abadie and Gardeazabal, 2008). The abolition of borders within the European Union countries allowed for the unrestricted flow of people, goods and money in these areas and made it easier for terrorists to create new terrorist structures and networks there (Cronin, 2003). The global network of financial flows created by banks and other institutions dealing with money makes it easier for terrorist organizations to legalize money and obtain new sources of financing, which may be legal charities, trade and service enterprises allocating part of their profits to illegal activities and, of course, illegal activities, such as drug production and trafficking, theft, fraud, extortion, and kidnapping (Bakker, 2012). The progressing process of European integration meant that terrorism turned from an internal, individual problem of a few European countries into a global, cross-border threat. It should be noted that terrorist attacks have a negative impact on the level of economic growth and cause governments to pursue a less liberal, conservative economic policy, which may lead to stagnation or even recession (Meierrieks and Schneider, 2021). All this forced the international community to undertake actions adequate to the scale of the new threat, the foundation of which was extensive cooperation.

The attitude of the European Union state to the issue of combating terrorism has undergone a significant evolution over the years - from loose and informal cooperation of the police and expert groups to the creation of legal regulations binding on the member states. In the initial period, the issue of combating terrorism was treated as an issue belonging to the exclusive competence of each country (Wiak, 2009), as evidenced by, for example, the provision of Art. 223 (1b) of the Treaty establishing the European Economic Community (EEC), which states that: *"each Member State may take such measures as it deems necessary for the protection of the essential interests of its security ..."* (European Parliament, 1957). Only the occurrence of spectacular manifestations of terrorism, such as the attacks in Munich (September 5, 1972), New York (September 11, 2001), Madrid (March 11, 2004), and in London (July 7, 2005) and Paris (November 13, 2015) resulted in a gradual change of this trend (Coolsaet, 2010). As part of the European Union, several multidimensional actions of a political, legislative, and institutional nature have been undertaken, which are to comprehensively model the issues of preventing and combating terrorism. All this implies the need to examine the process of forming political and legal tools for counteracting and combating terrorism within the European Union, which is the main goal of this article.

## 2. Literature Review

The issues of terrorism have enjoyed great interest in world literature for many years. This subject has gained popularity especially among researchers from the USA, who, motivated by the events of September 11, 2001, conducted several different analyzes

of the phenomenon of terrorism. It is worth mentioning here, for example, the studies of unquestioned world authorities in the field of terrorism, such as *Political Terrorism. A New Guide to Actors, Authors, Concepts, Data Bases, Theories, and Literature* (Jongman, 2017), *The Routledge Handbook of Terrorism Research* (Schmidt, 2011), *Inside Terrorism* (Hoffman, 2017), *The Causes of Terrorism* (Crenshaw, 1981) and *Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter?* (Ganor, 2002). Recently, many valuable publications on the phenomenon of terrorism have appeared in Polish literature, e.g., *Terroryzm, tom I i II* (Hołyst, 2009), *Terroryzm międzynarodowy* (Aleksandrowicz, 2008), *Współczesny wymiar antyterroryzmu* (Jałoszyński, 2008), *Prawnokarne środki przeciwdziałania terroryzmowi* (Wiak, 2009) or *Nowe technologie w służbie terrorystów* (Adamski, 2008). All the above-mentioned studies, despite their undeniable scientific value, could be used in research to a very narrow extent, because they concern only some aspects of the phenomenon of terrorism, not necessarily related directly to the topic of the work.

The issue of literature on the generally understood policy of the European Union towards terrorism looks a bit worse. Most of the available literature focuses on the analysis of specific, institutional, or legal aspects of combating terrorism within the framework of various European Union policies, e.g., *The Evolving EU Counter-Terrorism Legal Framework* (O'Neill, 2011), *The Legal Framework of the European Union's Counter-Terrorism Policies* (Eckes et al., 2011), *EU Institutional and Legal Counter-Terrorism Framework* (Casale, 2008) and *EU Counterterrorism Strategy: value added or chimera?* (Coolsaet, 2010). It should be noted that these sources should be treated in a highly selective manner, as they are often outdated due to dynamic changes in legislation in this area.

Summing up, the entire literature presented above enables only a partial solution to the research problem posed, therefore during further research it became necessary to conduct a thorough analysis of the EU source documents.

### **3. Study Method**

#### **3.1 Characteristics of Sources and Literature**

All materials used during the research can be divided into two parts. The first is the understood source documents of the European Union, on the analysis of which the main part of the study was based. These sources can be divided into three main categories, primary sources, secondary sources, and subsidiary law sources. The primary sources include the treaties establishing the European Union and the treaties amending the EU, protocols annexed to the founding treaties and amending treaties and the accession treaties of the EU Member States. Secondary sources, on the other hand, are legal acts established by individual EU institutions, such as regulations, directives, decisions, opinions, and recommendations as well as communications, recommendations, white and green papers. The subsidiary sources consist of legal

elements not provided for in the Treaties, such as the case law of the European Court of Justice, international law, and the general principles of law (*acquis communautaire*).

The second part of the materials covered by the research consists of monographs and books, fragments of some textbooks, as well as numerous studies, scientific articles, and Internet sources. They include typically theoretical and historiographic items as well as those presenting practical aspects of combating terrorism.

### **3.2 Mixed-Method Review and Analysis**

Due to the dual nature of the source literature (academic sources and EU source documents), the research work was carried out in two ways. In the case of academic sources, the research process was initiated by searching available academic databases such as Web of Science, ScienceDirect, Mendeley and Google Scholar, using the appropriate keywords, i.e., *counter terrorism*, *European Union*, *policy*, which were article content descriptors. To minimize the occurrence of irrelevant results and repetitions, the Preferred Reporter Items for Systematic Reviews and Meta-Analysis (PRISMA) method was used during the systematic review of the literature (Radua, 2021). The initial database search process yielded a total of 1,732 articles that were pre-sorted, excluding irrelevant ones, and removing duplicates. To ensure the uniformity of the scope, further scrutiny was carried out by analyzing abstracts, which resulted in another short list of articles. The final set of source materials was selected through a critical qualitative evaluation of the full texts of articles (Qualitative content analysis method), which allowed for the definition of a certain catalog of initiatives taken by the EU to fight terrorism and linking them with its individual manifestations (Hsieh and Shannon, 2005).

In the case of source documents of the European Union, the research process was initiated by searching the database of EurLex legal acts, considering their classification (primary sources, secondary sources, and sources of ancillary law), the time of production (1957-2021) and using the appropriate Keyword Sets. The set of source documents selected in this way, due to the lack of abstracts, was subjected to a more labor-intensive process of critical qualitative evaluation of the full texts (Qualitative content analysis method), which allowed to define the paths of evolution of political and legal tools used in the fight against terrorism in the EU (Hsieh and Shannon, 2005; Hall and Steiner, 2020).

## **4. Study Results and Discussion**

### **4.1 The Beginnings of European Counter-Terrorism Cooperation**

The issue of combating terrorism, both internally and externally, has long been outside the scope of the European integration process. This was mainly due to the focus of European countries on tightening economic relations, liberalizing trade, and creating facilities for the Free Market. Other areas, often related to "delicate" aspects of

state sovereignty, were in practice excluded from this process. The situation began to change only in the early 1970s, when the EC countries began to experience the first negative consequences of tightening economic and trade cooperation. The gradual opening of state borders resulted in an increase in cross-border crime, an uncontrolled influx of illegal immigrants and an escalation of the phenomenon of international terrorism (in the 1970s several terrorist attacks were reported in the territory of EEC countries such as Germany, Italy, Spain, and the United Kingdom), however, even in the face of such threats, European states were in no hurry to undertake cooperation to develop effective preventive tools. To break this deadlock in decisions, it was necessary for a truly spectacular and shocking public opinion terrorist attack, which happened on September 5, 1972. On that day in Munich, 8 masked terrorists from the Palestinian organization Black September attacked a group of Israeli athletes participating in the Summer Olympics. As a result of this attack, 12 people were killed - 11 Israelis and 1 German police officer who participated in an inept attempt to rescue the hostages (Reeve, 2000).

On the wave of these tragic events, an extraordinary meeting of EU foreign ministers was organized in Rome, where the threats posed by the activities of international terrorist groups were defined and the possibilities of cooperation in the field of combating terrorism were discussed. Until the end of 1972, the issue of the classification of terrorist offenses was also the subject of debates at the Parliamentary Assembly of the Council of Europe (Hołyst, 2009), however, the first fully successful attempt to establish anti-terrorist cooperation of the EC states was the establishment of the Council of Ministers in December 1975 in Rome, a special group for the coordination of cooperation in the fight against terrorism, called the TREVI Group. It consisted of representatives of the governments of 12 EC countries, working together on three levels, ministerial (through twice-yearly meetings of interior ministers), senior TREVI officials (also meeting twice a year) and working groups in which officials participated interior ministries, senior police, customs and immigration officials, and representatives of other services responsible for internal security (O'Neill, 2011).

Later, the group of countries participating in the TREVI Group deliberations was expanded to include representatives of non-EC countries such as Sweden, Austria, Norway, Morocco, Switzerland, Finland, Canada and the USA, but they only had observer status and could not take part in the discussion. Over time, the TREVI Group expanded the scope of its competences, successively new working groups (TREV I, TREV II, TREV III) were established, but the fight against international terrorism was mainly the responsibility of the oldest of them - the TREV I group.

During its operation, it made a significant contribution to the development of a European counter-terrorism policy, as exemplified by the establishment of the first, accepted by all EC countries, common definition of terrorism, according to which terrorism is *"the use or attempted use of violence by an organized group in order to achieve specific political goals."* (Beczala, 1998; O'Neill, 2011). With the entry into force of the Maastricht Treaty, the TREVI Group was absorbed by the so-called the

"third pillar" of the European Union, dealing with the coordination of police and judicial cooperation in criminal matters, its tasks were taken over by Europol (Benyon, 1993). It should be noted here that the organizational solutions adopted in the TREVI formula were reflected in the model of cooperation adopted within the framework of the later European Union.

Although the TREVI Group was never institutional in nature (it did not even have a permanent secretariat), it largely influenced the shape and evolution of cooperation between EU Member States under the third pillar. An example of this is the TREVI European Drugs Intelligence Unit, transformed under the Maastricht Treaty into the European Drugs Office (EDU / Europol), which was the "progenitor" of the current European Police Office (Europol), dealing with, inter alia, the fight against terrorism. While the establishment of the TREVI Group can be considered the beginning of the institutionalization process of anti-terrorist cooperation of the EC countries (Banach-Gutierrez, 2008), the first clearly defined legal regulation concerning joint anti-terrorist activities of these countries can be found in the Single European Act adopted in 1986 (European Communities, 1987).

Although this document, being another treaty, related to the gradual creation of the internal market in the area of the Communities, the threats posed by the free movement of goods, people, services and capital were also noticed. This is expressed in the political declaration of the governments of the Member States on the free movement of persons attached to the Single European Act, which states that: *"With a view to promoting the free movement of persons, Member States shall cooperate without restricting the powers of the Community, particularly as regards the entry, movement and residence of third-country nationals. They also cooperate in the fight against terrorism, crime, drug trafficking and the illicit trafficking of works of art and antiques."* (European Communities, 1987). These threats were treated so seriously that some EC countries concluded in 1985 an agreement regulating the issues of ensuring security in the context of lifting internal border controls, the so-called Schengen Agreement (Banach-Gutierrez, 2008).

All the initiatives described above contributed to the creation of appropriate, normative foundations harmonizing the law in the field of combating terrorism in the EU countries. This was done on February 7, 1992, the Maastricht Treaty establishing the European Union (TEU), which for the first time in history regulated issues of European cooperation in the field of justice and home affairs, even including it among the three main "pillars" of the European Union (EU). Also issues related to combating terrorism were treated here as a priority, as evidenced by the provision of Art. K1 point 9 TEU, which states that: *"In order to achieve the objectives of the Union, and in particular the free movement of persons, [...] Member States consider the following areas of common interest: [...] police cooperation for the purposes of preventing and combating terrorism, illegal trafficking drugs and other serious forms of international crime [...]"* (Council of European Communities, 1992).

Undoubtedly, the Treaty of Maastricht was a breakthrough in the integration of the countries of the European Communities. For the first time, attention was paid to areas of cooperation other than the economy, such as foreign policy (2nd pillar) or justice and home affairs policy (3rd pillar), which also included the fight against terrorism. Another success is the creation, pursuant to Art. K3 TEU of the European Police Office (Europol), whose basic tasks include, inter alia, improving the effectiveness and cooperation between the competent authorities of the EU Member States in preventing and combating terrorism (Wiak, 2009).

Another manifestation of interest in the fight against terrorism was the resolution of the European Parliament on combating terrorism in the European Union of January 30, 1997 (European Parliament, 1997). It called on Member States to treat acts of terrorism as a serious and extraditable crime, to punish anyone involved in organizing, preparing, and committing such acts, and to criminalize “apology for terrorism” (paragraph 14). In this resolution, for the first time, an official definition of terrorism appeared, but it was not binding on EU Member States. The resolution recognizes as terrorism *“any act committed by individual persons or groups of persons, involving the use or threat of violence against the state, its institutions or the general public, or against specific individuals, which aims to create a state of terror among official bodies, individual units, groups in society or society as a whole - for motives stemming from separatism, extremist ideology, religious fanaticism or subjective irrational factors”* (European Parliament, 1997).

Over time, the issue of cooperation between EU countries in the field of justice and home affairs, and in the fight against terrorism, has gained increasing importance. This is evidenced by the Treaty of Amsterdam signed on 2 October 1997 (European Communities, 1997), which fundamentally remodeled the aim and scope of the EU's justice and home affairs policy. Under the new third pillar, the European Union's goal was *“[...] to provide citizens with a high level of personal security in the area of freedom, security and justice, through joint action by the Member States in the field of police and judicial cooperation in criminal matters, and by preventing and combating racism and xenophobia. This objective is achieved by preventing and combating organized or other crime, in particular terrorism, trafficking in human beings and crimes against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud [...]”* (European Communities, 1997). General references to the issue of international terrorism can also be found in the provisions on the Common Foreign and Security Policy (EU Pillar II), where it was deemed necessary to ensure understood security in the context of international threats, including through the intensification of cooperation between the EU and other countries.

The conclusions adopted at the meeting of the European Council in Tampere on October 15-16, 1999 (European Council, 1999) confirmed and strengthened the changes introduced in the third pillar of the EU by the Amsterdam Treaty. Among the basic tasks of the EU, referred to as “milestones”, this document mentions protection of victims' rights [point 32], the creation of joint investigation teams [point 43] and the

establishment of Eurojust [point 46], which is a body providing coordination and support for actions investigations carried out in different EU countries. It is composed of representatives of the judiciary institutions responsible for conducting preparatory proceedings in criminal cases. They can be police officers, judges, or prosecutors (Gruszczak, 2003). The issues of combating terrorism have been treated in a general manner here, nevertheless, inter alia, the need for better coordination of activities, the importance of the fight against the financing of terrorism, the strengthening of cooperation with Europol and the fight against online terrorism was outlined.

#### **4.2 Shaping the Common European Union Counter-Terrorism Policy**

The attacks on the World Trade Center and the Pentagon carried out on September 11, 2001, were a breakthrough event for the EU's perception of the fight against terrorism. Under their influence, in a short time a fundamental change was made to the model of cooperation carried out under the third pillar of the EU. There was a transition from political declarations and programs for specific legislative actions (Coolsaet, 2010). The attacks of September 11, 2001, provided an impulse that enabled the implementation of many legislative proposals developed at the Tampere summit, concerning the harmonization of national laws regulating internal security issues, which had so far been hampered by the interests of some states. Since then, international terrorism and the fight against it have become an absolute priority in the European Union's policy, as evidenced by the conclusion developed during the extraordinary session of the European Council, which says that *"Terrorism is a real challenge for Europe and the world, and the fight against it will be more than ever, the priority goal of the European Union"* (Council of European Union, 2001). The document went on to include an "action plan" to be taken in the fight against terrorism, which included:

- in the field of improving police and judicial cooperation - developing a common definition of terrorism, establishing a list of terrorist organizations, introducing a single European arrest warrant, and improving the system for collecting and sharing information on terrorist activities by Europol,
- in the field of development of international legal instruments - intensification of efforts to implement all international anti-terrorist conventions and support for work on a general convention on international terrorism, based on the existing UN acquis,
- in the field of counteracting the financing of terrorism - adopting legal regulations on money laundering and freezing assets as soon as possible, as well as the ratification by EU Member States of the UN Convention on Combating the Financing of Terrorism,
- in the field of enhancing the security of air transport - conducting a comprehensive quality control of security measures applied by EU Member States and implementing appropriate measures to improve the security and safety of air transport (Laskowski, 2013; 2017a; 2017b),



- in the field of coordination of the EU's international activities - the General Affairs Council was obliged to systematically assess the EU's relations with third countries that could support terrorism and to ensure greater coherence between all EU policies, between foreign and security policy (Marchenko, 2018).

The first step towards achieving these goals was made on December 27, 2001, when the European Council issued the first legal regulations aimed at unifying the criminal law systems of the EU Member States in the field of combating terrorism. The first is Council Common Position 2001/930/CFSP on combating terrorism, which criminalized the transfer or collection of funds to carry out terrorist acts [Art. 1] and the freezing of funds and other financial assets of persons and entities involved in terrorist activities [Art. 2] (European Council, 2001a). The document also establishes several measures to prevent recruitment of members of terrorist groups and to eliminate sources of supplying terrorists with weapons [Art. 4] and obliges EU Member States to ratify the conventions on terrorism listed in the Annex [Art. 14]. The second document, important from the point of view of the harmonization of the laws of EU countries, was the Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism, which included legal definitions of the terms “terrorist act”, “terrorist group”, as well as a semi-annually updated list of “persons, groups and entities involved in terrorist acts” (European Council, 2001b).

Another groundbreaking document, which, according to many experts, was a milestone in the process of shaping the European anti-terrorist policy was the Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism (European Council, 2002a). This document obliges EU Member States to adopt a uniform definition of a terrorist offense in their national law and to introduce a sufficiently severe criminal sanction for the commission of this crime.

The foundations of the EU's anti-terrorist policy were shaped not only within the justice and home affairs system (3rd pillar of the EU). The activities implemented under the Common Foreign and Security Policy (EU Pillar II) were also important, especially for the external aspects of the fight against terrorism, an example of which is the declaration of the European Council on the contribution of the Common Foreign and Security Policy in the fight against terrorism, adopted in Seville on June 21-22, 2002 (European Council, 2002b). This document mentions, among the priority actions of the EU under the second pillar:

- increasing efforts to prevent conflicts,
- deepening political dialogue with third countries to support the fight against terrorism, including by promoting democracy and human rights,
- providing these countries with the necessary assistance,
- preventing the proliferation of weapons, including mass destruction, and limiting arms,

- development of the intelligence information sharing system,
- developing joint analyzes of terrorist threats.

The terrorist attacks in Madrid on March 11, 2004, were another impulse that led to the intensification of the work on the common anti-terrorist policy. In the early morning of that day, 10 bombs exploded in 4 commuter trains carrying people to work in Madrid, killing 191 people (including four Poles) and injuring over 1,800. The death toll makes this attack the bloodiest terrorist attack in Europe since the Lockerbie attack in 1988. The clues discovered during a later investigation point to the bombers' connections with Al Qaeda (Jordán and Wesley, 2006). These events were unprecedented in the entire history of the uniting Europe, as they provided tangible evidence that the threat of terrorism is taking a global shape and concerns not only the USA and Israel, but the entire Western civilization.

The immediate reaction to the attacks in Madrid was the urgent summit of EU Heads of State and Government on March 25, 2004, which adopted the *Declaration on Combating Terrorism* and the *Plan of Action to Combat Terrorism* (European Council, 2004). In addition to the introduction of the so-called the solidarity clause obliging all EU Member States to provide mutual assistance (including military assistance) in the event of any of them falling victim to a terrorist attack [point 2] and the appointment of the Counter-Terrorism Coordinator [point 14], this document does not introduce any innovative solutions on combating terrorism. A little more creativity was shown in the revision of the Counter-Terrorism Plan, which is an extended update of an earlier "Action Plan", approved on September 21, 2001, at the extraordinary session of the European Council.

Two new aspects have been added to the EU's existing catalog of strategic goals in the fight against terrorism - strengthening the capacity of EU Member States to counter the effects of terrorist attacks and identifying and striving to eliminate factors that contribute to or support or recruit terrorism. It should be mentioned here that the first normative document, which is the implementation of the assumptions contained in the Declaration - *The EU Strategy for Combating Terrorist Financing*, was adopted by the European Council on December 14, 2004, which may prove that the economic aspects of combating terrorism were treated very seriously.

Further specification and deepening of the EU's tasks in the fight against terrorism took place in the *Hague Program*, adopted in Brussels at the meeting of the European Council on November 4-5, 2004 (European Commission, 2005). This program generally aimed to strengthen the EU's area of freedom, security, and justice. To achieve this, the European Commission has identified ten specific priorities, the fight against terrorism being ranked second. As part of this task, the need for multidisciplinary, integrated, and coherent action, both at the EU and national levels, was emphasized. Detailed guidelines for the fight against terrorism also include further strengthening of cooperation between intelligence services, improvement of the system of mutual

sharing of information on threats to the security of any EU country, ensuring uniform, high standards of border and security controls, and the fastest possible implementation of all elements of the *Declaration on Combating Terrorism*.

Another manifestation of the strengthening of European cooperation in the fight against terrorism, caused by the attacks in Madrid, was the signing on May 27, 2005, by the ministers of the interior of Germany, Spain, France, Luxembourg, the Netherlands, Austria and Belgium the *Prüm Agreement*, commonly known as Schengen III. This document provides for the intensification of cross-border cooperation between signatory states in the field of sensitive data such as national DNA registers, fingerprints, records of vehicles and persons associated with terrorism, and protection of major mass and sporting events (Council of European Union, 2005a).

Less than a year and a half after the tragic events in Madrid, Europe experienced another, equally macabre wave of violence. On the morning of July 7, 2005, a series of the largest terrorist attacks in the history of the country was carried out in the capital of Great Britain, in which 52 people were killed and at least 700 were injured. During the morning's communications summit, four Islamic suicide terrorists carried out four coordinated attacks on public transport in central London. Three home-made explosives were detonated in metro stations and a fourth in a city bus. The authors of the attacks turned out to be British-born descendants of Islamic emigrants who operated under the influence of Al Qaeda's ideology, as evidenced by a statement by one of them broadcast on Al Jazeera on 1 September 2005 (London Assembly, 2006).

Exactly two weeks later, al Qaeda members again tried to carry out similar bombings, but this time the bombs did not go off (BBC, 2014). This tragedy gave a new impetus to the EU's anti-terrorist activities, which resulted in the adoption by the European Council at its meeting on 1-2 December 2005 of the *European Union Strategy in the field of combating terrorism*, which to this day is the basic norm that defines the tools and tasks of the Member States fight against terrorism (Council of European Union, 2005b; Coolsaet, 2010). All anti-terrorist activities listed in this document have been divided into four main areas: prevent, protect, pursue, and respond, which made it possible to consolidate various legal tools used in the framework of individual EU policies, thus obtaining the synergy effect. Moreover, the *Strategy* clearly specifies the tasks that in this respect rest directly with the Member States and the EU institutions. A specific supplement to the document discussed earlier is the *EU Strategy on Combating Radicalization and Recruitment to Terrorist Groups*, adopted at the European Council summit on December 15-16, 2005, which describes in detail the anti-terrorist activities assigned to the "prevention" area (Bakker, 2015).

Another tragic event that had a significant impact on the development of the EU's anti-terrorist policy was the attacks carried out by Islamic radicals in Paris on November 13, 2015, where 130 people were killed. Immediately after these attacks, the ministers of justice and home affairs of the EU countries adopted conclusions which set out further directions for the development of a common anti-terrorist policy. The most

important of these were the finalization of the Passenger Name Record Directive (Laskowski, 2017a), the fight against illicit arms trafficking, strengthening controls at the EU's external borders, cutting off terrorists from funding sources, improving information exchange and cooperation between the judiciary, and strengthening the criminal law response to radicalization resulting in terrorism and violent extremism (Council of the EU, 2015a; 2015b).

Following a series of three coordinated terrorist bombings carried out on 22 March 2016 in Belgium at Zaventem airport in Brussels and at the Maelbeek metro station in Brussels, the EU updated and expanded the legal tools available to fight terrorism. The new rules amending Framework Decision 2002/475/JHA, adopted by the Council on 7 March 2017, criminalize acts such as undertaking training and travel for terrorist purposes and the organization, facilitation, and financing of such trips. Moreover, they strengthen the rights of victims of terrorism (European Parliament, 2017).

As a result of a series of terrorist attacks carried out in 2020 in Paris, Dresden, Conflans-Saint-Honorine, Nice and Vienna, EU leaders declared to intensify anti-terrorist cooperation, with particular emphasis on preventing religious radicalization (Council of the EU, 2020). This resulted in the adoption by the Council on 16 March 2021 of a regulation aimed at preventing the dissemination of terrorist content on the Internet. Competent authorities in Member States will be able to issue orders to hosting service providers obliging them to remove or prevent access to terrorist content in all Member States. Online platforms will then have to execute the order within an hour. The new rules will apply to all service providers offering services in the EU, whether they have their headquarters in one of the Member States. The rules are also clearly defined in scope and uniformly define terrorist content with full respect for fundamental rights. They also put in place effective remedies - in the form of the possibility to file a complaint - both for users whose content has been removed and for service providers. The new rules will apply from 2022 (Council of the EU, 2021).

The end of 2020 also saw the adoption of a document that is extremely important in the context of the fight against terrorism, the *EU Strategy for the Security Union for 2020-2025* (European Commission, 2020) and the subsequent *Plan for the EU in the field of combating terrorism*, in which The Commission is committed to focusing on priority areas such as identifying weaknesses and building capacity to anticipate threats, preventing attacks by countering radicalization, actions to adequately protect cities and their inhabitants and reduce vulnerability to threats already at the design stage, strengthening operational support, law enforcement and victims' rights to better respond to attacks and extend Europol's mandate (European Commission, 2020). The new Counter-Terrorism Plan builds on the use of legal tools already in place in the EU.

## 5. Conclusions

To sum up, it should be stated that the EU countries, despite the conflict of interest that separates them many times, were able to jointly develop and implement quite a substantial package of regulations of a political and legal nature. Due to the implementation of the EU Counter-Terrorism Strategy, a specific transformation of the approach to the fight against terrorism has taken place, which has evolved from ad hoc activities to systematic, political cooperation, where preventive measures have become a priority. Terrorist threats are constantly evolving, therefore the legal tools to combat this phenomenon should be monitored and updated on an ongoing basis.

The areas that currently require special attention include cybersecurity, counteracting the sources of terrorism (radicalization of attitudes), combating social exclusion, strengthening preventive measures in prisons, paying particular attention to the rehabilitation and reintegration of radical prisoners, including after they have left prison, ensuring adequate physical protection of critical infrastructure and public spaces (including places of worship), as well as strengthening international cooperation in order to cut off all sources of financing terrorism. The outbreak of the SARS-CoV-2 pandemic shows that building joint capacity and capabilities for early detection, prevention and rapid response to crises is also of key importance for the security and the maintenance of the EU's stable economic development.

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