



Ministry of Justice

To the European Commission and the Spanish Presidency of the Council of the European Union.

Our continent is currently faced with momentous threats against our freedoms, our open society, and our way of life. War is once again raging in Europe. Various state and non-state actors continuously work to undermine our collective security and to influence our societies in a direction not chosen by the peoples of Europe.

The insidious threat of terrorism persists, both from organized groups and from radicalized individuals. Recently, we have once again seen the ugly face of terrorism show itself in the heart of Europe, when three Swedish citizens were gunned down during a football match in Brussels, merely for being Swedish. The suspected perpetrator had remained illegally in the Schengen zone.

At the same time, terrorism threatens all Member States. A number of states has increased their terror alert level. These developments, across our continent, demonstrate the urgency in intensifying our common efforts to combat terrorism and violent extremism. We should continue to build on the Council conclusions adopted during the French Presidency in June 2022¹ as well as our exchange of views during the JHA Council meeting in June 2023 on combatting violent extremism and terrorism.

¹ Document 9997/22 Council conclusions: Protecting Europeans from terrorism: achievements and next steps

But we must also ask ourselves if the work now being done is enough and if we have the necessary tools and legal framework to prevent terrorists from abusing the asylum system, and from being able to remain on the territory and to travel between Member States and then carry out attacks on the innocent people of Europe. We must also ask ourselves if we have done enough to prevent violent extremism in all its forms. The current situation is exploited by different actors in the violent extremist environments, instigating increased tension and polarisation.

It is time to act in an even more determined manner than before, and to address matters that may have contributed to make this cowardly attack possible.

Therefore, the Swedish government suggests strengthening the actions of the European Union in a number of areas vital to the security of the EU.

Firstly, we must **urgently strengthen the security within the Schengen area**. While recognising that the free movement is a key pillar in the EU cooperation, all Member States need to take full responsibility of controlling the external borders. It is crucial that persons that might pose a threat to our countries and to the lives of our citizens are detected and identified when they try to enter the Schengen area, and that persons who do not have the right to stay in the EU and in the Schengen Member States are made to return in a swift, secure, and effective manner. We must address the issue of **control over the external border** and of analysing the possible need for a more efficient legal framework.

Secondly, we must continue to strengthen **the information exchange between Member States making full use of existing EU-information systems and databases**. This is necessary to improve safety and retain law and order in our societies. It means that the EU should strive to achieve urgently **interoperability**

between our common border- and security systems and streamlining the exchange of biometric data and police and criminal register data.

Effective tools for law enforcement to access and analyse data are crucial to prevent, detect, investigate, and prosecute crimes such as terrorism. Technologies and tools are being abused for criminal purposes, which makes it increasingly challenging to maintain effective law enforcement across the EU. Sweden, together with the Commission has initiated the setting up of a High-level group that is tasked to reflect on challenges related to law enforcement access to data. Member States and participating experts are encouraged to actively engage in this process and work towards effective and lawful solutions which will be presented by June 2024.

Thirdly, we must forcefully carry on the vital work of cutting the **financing of terrorist activities**. The money that finances terrorism may originate from legitimate sources or from illegal activities. Therefore, it is important that we act broadly and involve a large number of actors, both from law enforcement, the administrative authorities, and the private sector. Information sharing, for example through public-private partnerships, is a crucial aspect of this.

We strongly support the Spanish Presidency's efforts to conclude the negotiations with the European Parliament regarding the extensive legislative package on anti-money laundering and the financing of terrorism. Considering the clear imprints in the online environments of recent terrorist attacks, this gives a very clear signal to all Member States to develop the ability to identify terrorist content online that is spread by actors within EU, and to take appropriate measures to prevent it from spreading.

In addition, we must do more to increase our citizens resilience against misinformation, false rumours, and conspiracy theories. The spread of false information in relation to ongoing armed conflicts can further fuelling the violent extremist scene online and offline.

Fourthly and lastly, it is of utmost importance for the over-arching future security of the EU zone that the EU reaches an agreement on the **EU pact on migration and asylum**. Responding to the external dimension of migration challenges requires a wide range of actions and long-term efforts. The Swedish Presidency consistently underlined the value of a **whole-of-government approach**, where all relevant policies, instruments and tools should be used as incentives and leverage to achieve common migratory objectives. Strengthened cooperation between Justice and Home Affairs, Foreign Affairs and other relevant ministries is a process that incoming Presidencies is encouraged to take forward.

An issue of utmost importance in regard to migration is **an effective return policy**. This entails both making more effective work within our own countries and in relation to our cooperation with third countries. More can be done realistically within the legal framework we have today. More discussions on cooperation on returns are necessary. The EU needs to increase the efforts when it comes to the **Article 25a mechanism**. It has already proved to be an important tool with regards to several third countries.

As political leaders, we need to act decisively to prevent security threats against the citizens of the European Union, something which was also underlined by the European Council in Brussels in October. It is unacceptable that a person has once again been able to remain illegally on the territory of the EU and Schengen to plan and execute an act of terrorism. Everything must be brought to the table for this to be made impossible.

While we stand behind and strongly support the Spanish Presidency and the European Commission in all their efforts to swiftly address the challenges to the security in the European Union, we conclude that the situation calls for further action. We would strongly welcome a discussion on the European level on further concerted action against terror financing, as well as on further developing the

framework for sharing information between Member States. Against this background, we will address the Spanish Presidency and suggest that the item of anti-terrorism, including the issues raised in this letter, be put on the agenda of the next Justice and Home Affairs Council meeting in Brussels, in December.

Our free and open society and our shared values must be continuously and persistently defended against threats such as terrorism. This is an ongoing and long term commitment for our union, and for all Member States.

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