

Combating terrorism

2015/0281(COD) - 12/07/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted a report by Monika HOHLMEIER (EPP, DE) on the proposal for a directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism.

The committee recommended that the European Parliaments position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Purpose: the committee recalled that although the fight against terrorism remains primarily a matter for Member States, the terrorist attacks in Europe in 2015 and 2016 have highlighted the need for coordinated action on the part of the Member States to combat terrorism and address the threat which foreign fighters pose within the Union.

Members stipulated that the Directive establishes specific measures of protection of and assistance and support to victims of terrorism. A definition of the term victim has been introduced.

Terrorist offences: intentional acts shall include:

- using violence or the threat of violence to compel or seek to compel a government or international organisation to perform or abstain from performing any act;
- attacks upon a persons' life which may cause death or injury;
- attacks upon the physical and psychological integrity of a person;
- manufacture of radiological weapons, as well as research into nuclear;
- release, or threatened release, of dangerous substances, including radiological or biological material;
- attacks against information systems.

Aggravating circumstances: Member States shall take the necessary measures to ensure that it is regarded as an aggravating circumstance when the commission of a criminal offence targets vulnerable natural persons, including children.

Punishable offences shall include:

- receiving training or instruction, including by obtaining knowledge, documentation or practical skills, in the making or use of explosives, firearms or other weapons or noxious or hazardous substances;
- any travel to a country or a Member State, either directly or by transiting through one or several Member States, when it can be objectively demonstrated that it was made for the purpose of the commission of or contribution to a terrorist offence.

Financing terror: Member States shall take the necessary measures to ensure the freezing or seizure and confiscation of any funds and other assets used or allocated for the purpose of committing or attempting to commit any of the offences referred to in this Directive.

Measures against illegal terrorist content on the internet: Member States shall take the necessary measures to: (i) ensure the prompt removal of illegal content publicly inciting others to commit a terrorist offence that is hosted in their territory; (ii) obtain the removal of such content hosted outside of their territory. Measures on removal and blocking shall be subject to judicial review.

Jurisdiction and prosecution: each Member State shall take the measures required to establish its jurisdiction in respect of the offences in cases where the perpetrator is present on its territory.

Member States shall ensure cooperation and information sharing with the Member State that established its jurisdiction over the offences through established channels, including Union agencies.

Duty to investigate: upon receiving information that a person who has committed or who is alleged to have committed an offence set out in this Directive may be present on its territory, the Member State concerned shall take measures to investigate the facts contained in that information . Upon being satisfied that the circumstances warrant it, it shall take the appropriate measures to ensure that person's presence for the purpose of prosecution or extradition.

Prevention: Member States shall:

- take appropriate measures to prevent the radicalisation and recruitment of citizens of the Union by terrorist organisations;
- take appropriate action, including online, such as providing information and education, undertaking awareness-raising campaigns and developing alternative narratives to counter terrorist propaganda;
- promote regular training for staff likely to come into contact with persons vulnerable to radicalisation, including front-line police officers and prison guards.

Member States shall work together with the Commission and internet service providers to develop a joint European strategy to combat online radicalisation and incitement to terrorism.

Obligation to exchange information concerning terrorist offences: each Member State shall take the necessary measures to ensure that its competent authorities transmit to the competent authorities of the Member State concerned any relevant information in cases where there are reasons to believe that the information could assist in the detection, prevention, investigation or prosecution of offences referred to in this Directive. Member States shall systematically forward to Europol details of any person who is suspected of having committed or who has been convicted of at least one of the offences referred to in the Directive.

Member States shall guarantee their border and coast guard services access to the relevant databases, in particular the Europol Information System.

Protection and assistance to victims of terrorism: Member States shall ensure that measures are available to protect victims of terrorism and their family members. Particular attention shall be paid to the risk of intimidation and retaliation and to the need to protect the physical and psychological integrity of victims of terrorism, including during questioning and testifying. In addition, Member States shall ensure that free legal aid is provided to victims of terrorism who are parties to criminal proceedings.

Member States shall:

- establish a coordination centre to bring together those organisations and experts competent to provide information, support and practical services to the victims and to their families and relatives;
- take the necessary measures in the framework of their emergency-response infrastructure to include victim support specialists in emergency planning and to facilitate and improve the process of identifying victims immediately in the aftermath of a terrorist attack.

Emergency situations and fundamental rights: Member States shall ensure that criminalisation is proportionate to the legitimate aims pursued and necessary in a democratic society, and shall exclude any form of arbitrariness or discrimination.

In a time of war or other public emergency threatening the life of the nation, Member States may take measures to derogate from certain rights, such circumstances shall not relieve the authorities from demonstrating that the measures undertaken are applied solely for the purpose of combating terrorism.