Combating terrorism

2015/0281(COD) - 16/02/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 498 votes to 114 with 29 abstentions, a legislative resolution 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.

Parliaments position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Purpose: Parliament stressed that the cross-border nature of terrorism requires a strong coordinated response and cooperation within and between the Member States, as well as with and among the competent Union agencies and bodies to counter terrorism, including Eurojust and Europol.

It also stipulated that the Directive establish specific measures of protection of and assistance and support to victims of terrorism.

Terrorist offences: the draft Directive exhaustively lists a number of serious crimes, as intentional acts that can qualify as terrorist offences when and insofar as committed with a specific terrorist aim, namely:

- to seriously intimidate a population;
- to unduly compel a government or an international organisation to perform or abstain from performing any act, or
- to seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Such intentional acts include: (i) attacks upon a person's life which may cause death; (ii) manufacture, possession, acquisition, transport, supply or use of explosives or weapons, including chemical, biological, radiological or nuclear weapons, as well as research into, and development of these weapons; (iii) illegal system interference.

Offences linked to terrorist activities: the offence of public provocation to commit a terrorist offence act comprises, inter alia, the glorification and justification of terrorism or the dissemination of messages or images online and offline, including those related to the victims of terrorism as a way to gather support for terrorist causes or seriously intimidating the population.

Furthermore, each Member State shall take the necessary measures to ensure that travelling to a country other than that Member State is punishable as a criminal offence where the aim is to (i) commit, or contribute to the commission of, a terrorist offence; (ii) participate in the activities of a terrorist group with knowledge of the fact that such participation will contribute to the criminal activities of such a group; (iii) provide or receive training for terrorism.

When recruitment and training for terrorism are directed towards a child, Member States should ensure that judges can take this circumstance into account when sentencing offenders.

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 of removal and blocking must be set following transparent procedures and provide adequate safeguards, in particular to ensure that those measures are limited to what is necessary and proportionate and that users are informed of the reason for those measures. Safeguards relating to removal or blocking shall also include the possibility of judicial redress.

Investigative tools and confiscation: Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases, are available to persons responsible for investigating or prosecuting the offences and to ensure that their competent authorities freeze or confiscate the proceeds derived from criminal offences.

Assistance to victims of terrorism: Member States shall:

- ensure that measures are available to protect victims of terrorism and their family members. Such measures include medical and psychological support, and assistance regarding compensation claims or access to legal aid;
- ensure that a comprehensive response to the specific needs of victims of terrorism immediately after a terrorist attack and for as long as necessary is provided within the national emergency-response infrastructure;
- ensure that victims of terrorism, who are residents of a Member State other than that where the terrorist offence was committed, have effective access to information about victims' rights, available support services and compensation schemes in the Member State where the terrorist offence was committed.

Radicalisation: Member States should pursue their efforts to prevent and counter radicalisation leading to terrorism by coordinating, by sharing information and experience on national prevention policies, taking into account their own needs, objectives and capabilities building on their own experiences. The Commission should, where appropriate, provide support to national, regional and local authorities in developing prevention policies.

Fundamental rights: the Directive shall not have the effect of modifying the obligations to respect fundamental rights and fundamental legal principles, as enshrined in Article 6 TEU.