

Combating terrorism. Framework Decision

2001/0217(CNS) - 19/09/2001 - Legislative proposal

PURPOSE: To reinforce criminal law measures and combat terrorism through the approximation of the laws of the Member States by a Framework Decision. **CONTENT:** For some time now the European Union has been considering ways in which to deal effectively with terrorism, as witnessed by the conclusions of the Tampere European Council in 1999 which called for the abolition of formal extradition procedures among the Member States. The attack on America in September 2001 consolidated the Communities resolve to fight terrorism both vigorously and with determination. Existing Community policy on terrorism is based, by and large, on UN and European Council conventions, of which the most important are the UN Convention for the Suppression of Terrorist Bombings (1997), the UN Convention for the Suppression of Financing Terrorism (1999) and the European Convention on the Suppression of Terrorism (1977). In addition to these Conventions the Treaty of the European Union refers in Article 29 to terrorism as one of the most serious forms of crime. This article proposes combating terrorism through the use of common action in three fields, namely: - closer cooperation between police forces custom authorities and other competent authorities, including Europol; - closer cooperation between judicial and other competent authorities of the Member States; - approximation, where necessary of rules on criminal matters. Judicial cooperation is augmented by Article 31 of TUE which states that common action on judicial cooperation should facilitate and accelerate cooperation between competent ministries. Importantly, Article 31 (e) calls for the adoption of measures establishing minimum rules relating to the constituent elements of criminal acts and to penalties in the field of terrorism. It is precisely this aim of approximating Member States' legislations in the field of terrorism which this framework Decision seeks to address. Currently, six of the EU's Member States have legislation specifying and defining the act of terrorism. They are France, Germany, Italy, Portugal, Spain and the United Kingdom with the latter having developed the most extensive legislation in this field. The relevance of national terrorist legislation lies in the fact that it makes a clear distinction between what could be deemed an ordinary 'criminal offence' and a 'terrorist offence'. Based on this interpretation, the proposed EU Framework Decision seeks to draw a distinct line between what is a criminal offence and what is an act of terrorist violence. Thus, the proposed Decision offers the following definitions of terrorist activities: - 'A terrorist offence is an act which is intentionally committed by an individual or a group against one or more countries, their institutions or people, with the aim of intimidating them and seriously altering or destroying the political, economic, or social structures of those countries. Terrorist activities would include murder, bodily injuries, kidnapping, hostage taking, threats, extortion, theft, robbery, fabrication, possession, acquisitions, transport or supply of weapons or explosives, unlawful seizure, of ordamage to state or government facilities, means of public transport, infrastructure facilities, places of public use and property.' Urban violence would fall under this definition. Also included under the definition of a terrorist offence would be acts committed by computer or electronic devices. In addition to these definitions, the proposed Framework Decision concerns constituent elements and penalties in the field of terrorism, ensuring that terrorist offenses will be punished by effective, proportionate and dissuasive criminal penalties. Lastly, the Decision would cover all terrorist offenses prepared or committed within the borders of the European union, whatever their target, including terrorist acts against interests of non EU Member States located within the EU.