Council of Europe Convention on the Prevention of Terrorism (CETS No 217). Additional Protocol

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PURPOSE: to approve, on behalf of the Union, the conclusion of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217).

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) was signed by the Union on 22 October 2015, subject to its conclusion. Article 10 of the Protocol provides that the latter is open for the approval of the European Union.

The Additional Protocol came into force on 1 July 2017. As of 11 July 2017, three EU Member States have ratified the Additional Protocol, and twenty-four EU Member States have signed it.

The terrorist threat has grown and rapidly evolved in recent years. **Foreign terrorist fighters** have been linked to recent attacks and plots in several Member States. In addition, the Union and its Member States face increased threats from individuals who are inspired or instructed by terrorist groups abroad.

In view of the continuing threat of terrorism to fundamental rights and the global nature of terrorism, the **European Union must act united** to promote and defend the principles of democracy and the rule of law in Europe.

The Union has already adopted measures in the area covered by the Additional Protocol, including substantive criminal law provisions as well as a provision on enhanced information exchange.

With the adoption of the directive on the fight against terrorism, the European Union is ready to complete its commitment to be a party to the Additional Protocol by conclusion of that instrument.

CONTENT: this proposal concerns the decision to **conclude the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217)**. The present proposal is therefore accompanied by, and must be read together with, a proposal concerning a decision to conclude Convention No. 196 on behalf of the Union.

Objectives of the Additional Protocol: the Protocol defines criminal offences related to terrorism, an area for which the Union has jurisdiction under Article 83(1) TFEU. It covers fields to which the ordinary legislative procedure applies, namely the setting of minimum rules concerning the definition of criminal offences in the area of terrorism (Article 83(1) TFEU) where consent by the European Parliament is required.

The Additional Protocol **supplements Convention No. 196** with a series of provisions aimed at implementing the criminal law aspects of **UN Security Council Resolution 2178(2014)** on “Threats to international peace and security caused by terrorist acts”.

It seeks to prevent and curb the flow of foreign terrorist fighters to conflict zones and provide a common understanding of and response to foreign terrorist fighter-related offences, which serves as a benchmark for information exchange and facilitates cross-border investigations and prosecutions of acts of a preparatory nature having the potential and danger of leading to the commission of terrorist offences.

The Additional Protocol thus provides for the **criminalisation** of the following acts:

- participation in an association or group for the purpose of terrorism;
- receiving training for terrorism;
- travelling or attempting to travel for terrorist purposes;
- providing or collecting funds for such travels;
- organising and facilitating such travels.

Contact point: the Additional Protocol requires the parties to designate a contact point for the 24/7 exchange of information on foreign terrorist fighters. It is proposed to designate Europol as this contact point, under the conditions stipulated in Regulation (EU) 2016/794 on relations with partners and the transfer and exchange of personal data.

Territorial application: the Additional Protocol signed and eventually concluded by the European Union is binding upon and applies in all EU Member States with the exception of **Denmark**. It is binding upon and applies in the **United Kingdom** only insofar as this Member State notifies the Council of its wish to take part in the adoption and application of this instrument. **Ireland** is bound by Framework Decision 2002 /475/JHA and is therefore to take part in the adoption of this Decision.