

Combating terrorism. Framework Decision

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The Council's discussions continued on certain fundamental questions concerning the proposal for a Framework Decision on combating terrorism, with a view to bringing forward the work on this issue. The purpose of this draft Framework Decision is to define essentially what constitutes a terrorist offence and establish thresholds for penalties for the various types of offence. After a very detailed discussion, the Presidency noted that delegations' positions were considerably closer than before and that the JHA Council should be able to reach political agreement on the content of the Framework Decision at the JHA Council meeting on 6 and 7 December 2001, as instructed by the European Councils on 21 September 2001 and in Ghent on 19 October 2001. Regarding the definition of terrorist offences, the Council noted delegations' agreement based on a compromise proposal by the Presidency enabling a balance to be struck between the need to repress terrorist offences effectively and to guarantee fundamental rights and freedoms. Finally, on penalties, the Presidency noted that work should continue on the basis of new proposals to the effect that each Member State should take the measures necessary to ensure that the sentence for terrorist offences involves deprivation of liberty, with a maximum sentence of not less than 15 years or a maximum sentence under national law involving deprivation of liberty and that the penalties for other terrorist offences should not be less than 5 years.