

Combating terrorism: specific restrictive measures against certain persons and entities

2001/0228(CNS) - 27/12/2001 - Implementing legislative act

PURPOSE: combating terrorism. **LEGISLATIVE ACT:** Council Common Position 2001/930/CFSP on combating terrorism. **CONTENT:** On a recommendation from the Extraordinary European Council of 21 September 2001, which defined terrorism as a real challenge to the world and to Europe in particular, this Common Position is intended to specifically combat any form of terrorist activity in all common foreign and security policy (CFSP) areas. In this context, and in order to comply with the various UN resolutions in this field (Resolution 1373 (2001) in particular), the Common Position makes the wilful provision or collection, by any means, of funds intended for the perpetration of terrorist acts a criminal offence throughout the Community. Like Regulation (EC) No 2580/2001, the Common Position aims to freeze funds and other financial assets and economic resources of persons or entities who facilitate, attempt to commit or commit terrorist acts within the territory of Member States. The Common Position also aims to suppress any form of active or passive support to entities or persons involved in terrorist acts (in particular by eliminating the supply of weapons to terrorists). Steps shall be taken to prevent terrorist acts, including the provision of early warning among Member States or between Member States and third states by the exchange of information. Safe haven shall obviously be denied to persons who organise or support terrorist acts. It is also clearly specified that persons who support or participate in the financing, organisation or perpetration of terrorist acts in Member States shall be brought to justice. The punishment shall duly reflect the seriousness of the acts committed. Provisions are laid down for Member States to afford one another assistance during criminal investigations and to prevent the movement of terrorists (e.g. by establishing effective border controls and preventing the falsification of identity papers and travel documents). Member States are also explicitly asked to ensure that persons granted refugee status have not organised or facilitated the perpetration of terrorist acts. They shall also ensure that perpetrators of such acts do not abuse refugee status and that claims of political motivation are not recognised as grounds for refusing requests for the extradition of alleged terrorists. Proposals in this respect may be presented by the Commission in the near future. **ENTRY INTO FORCE:** 27 December 2001.