

Combating terrorism: specific restrictive measures against certain persons and entities

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

PURPOSE : to implement specific measures with a view to combating terrorism. **LEGISLATIVE ACT :** Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism. **CONTENT :** its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union. On 28 September 2001, the United Nations Security Council adopted resolution 1373(2001), reaffirming that terrorist acts constitute a threat to peace and security and setting out measures aimed at combating terrorism and in particular the fight against the financing of terrorism and the provision of safe havens for terrorists This Common Position applies in accordance with the provisions of the following Articles to persons, groups and entities involved in terrorist acts and listed in the Annex. For the purposes of this Common Position, "persons, groups and entities involved in terrorist acts" shall mean: - persons who commit, or attempt to commit, terrorist acts or who participate in, or facilitate, the commission of terrorist acts, - groups and entities owned or controlled directly or indirectly by such persons; and persons, groups and entities acting on behalf of, or under the direction of, such persons, groups and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons, groups and entities. The common position stipulates that "terrorist act" shall mean one of the following intentional acts, which, given its nature or its context, may seriously damage a country or an international organisation, as defined as an offence under national law, where committed with the aim of: i) seriously intimidating a population, or ii) unduly compelling a Government or an international organisation to perform or abstain from performing any act, or iii) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation: a) attacks upon a person's life which may cause death; b) attacks upon the physical integrity of a person; c) kidnapping or hostage taking; d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss; e) seizure of aircraft, ships or other means of public or goods transport; f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons; g) release of dangerous substances, or causing fires, explosions or floods the effect of which is to endanger human life; h) interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life; i) threatening to commit any of the acts listed under (a) to (h); j) directing a terrorist group; k) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the group. The European Community, acting within the limits of the powers conferred on it by the Treaty establishing the European Community, shall ensure that funds, financial assets or economic resources or financial or other related services will not be made available, directly or indirectly, for the benefit of persons, groups and entities listed in the Annex. Member States shall, through police and judicial cooperation in criminal matters within the framework of Title VI of the Treaty on European Union, afford each other the widest possible assistance in preventing and combating terrorist acts. To that end they shall, with respect to enquiries and proceedings conducted by their authorities in respect of any of the persons, groups and entities listed in the Annex, fully exploit, upon request, their existing powers in accordance with acts of the European Union and other international agreements, arrangements and conventions which are binding upon Member States. The list of persons, groups and entities which appear in the Annex shall be reviewed and eventually updated. **ENTRY INTO FORCE :** 27 December 2001. This Common Position shall be kept under constant review.