Basic information

2001/0217(CNS) CNS - Consultation procedure Decision	Procedure completed
Combating terrorism. Framework Decision Repealed by 2015/0281(COD) Amended by 2007/0236(CNS) **Subject** 7.30.20 Action to combat terrorism	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	WATSON Sir Graham (ELDR)	18/12/2001

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	PALACIO VALLELERSUNDI Ana (PPE-DE)	16/10/2001

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2397	2001-12-10
General Affairs	2386	2001-11-19
Justice and Home Affairs (JHA)	2396	2001-12-06
Justice and Home Affairs (JHA)	2436	2002-06-13
Justice and Home Affairs (JHA)	2385	2001-11-16

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
		COM(2001)0521	Summary

19/09/2001	Legislative proposal published		
04/10/2001	Committee referral announced in Parliament		
12/11/2001	Vote in committee		Summary
12/11/2001	Committee report tabled for plenary, 1st reading/single reading	A5-0397/2001	
16/11/2001	Debate in Council		Summary
19/11/2001	Debate in Council		
28/11/2001	Debate in Parliament		
29/11/2001	Decision by Parliament	T5-0633/2001	Summary
06/12/2001	Debate in Council		Summary
07/12/2001	Amended legislative proposal for reconsultation published	14845/1/2001	Summary
10/12/2001	Debate in Council		
13/12/2001	Formal reconsultation of Parliament		
08/01/2002	Vote in committee		Summary
08/01/2002	Committee report tabled for plenary, reconsultation	A5-0003/2002	
06/02/2002	Decision by Parliament	T5-0043/2002	Summary
13/06/2002	Act adopted by Council after consultation of Parliament		
13/06/2002	End of procedure in Parliament		
22/06/2002	Final act published in Official Journal		

Technical information

Procedure reference	2001/0217(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealed by 2015/0281(COD) Amended by 2007/0236(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 000
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/15944 LIBE/5/15188

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0397/2001	12/11/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0633/2001 OJ C 153 27.06.2002, p. 0035-0275 E	29/11/2001	Summary

Committee final report tabled for plenary, reconsultation		A5-0003/2002	08/01/2002	
Text adopted by Parliament after reconsultation		T5-0043/2002 OJ C 284 21.11.2002, p. 0122-0192 E	06/02/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Amended legislative proposal for reconsultation	14845/1/2001	07/12/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2001)0521 OJ C 332 27.11.2001, p. 0300 E	19/09/2001	Summary
Follow-up document	COM(2004)0409	08/06/2004	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Justice and Home Affairs act 2002/0475
OJ L 164 22.06.2002, p. 0003 Summary

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 later 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.

Combating terrorism. Framework Decision

2001/0217(CNS) - 06/02/2002 - Text adopted by Parliament after reconsultation

The European Parliament adopted without amendment the resolution drafted by Graham WATSON (ELDR, UK) on the Council framework decision on combating terrorism. (Please refer to the text dated 08/01/02).

Combating terrorism. Framework Decision

2001/0217(CNS) - 08/06/2004 - Follow-up document

Under provisions established in the Framework Decision, the European Commission is obliged to prepare a report on measures taken by the Member States to comply with the Framework Decision. The deadline for the submission of the Commission Report should be end December 2003 on the basis of information received from the Member States. However, many Member States failed to meet their deadline, hence the Commission report is, in some areas incomplete (no information was forwarded from Luxembourg and the Netherlands). Further, the Commission has had to include information, which was sent late. The report, therefore, notes that a factual assessment and any conclusions drawn are based on incomplete information. A Commission staff working paper linked to this report details national measures taken to comply with the Framework Decision and includes tables regarding national transposition provisions. In detail, the report makes the following assessment.

Article 1: Terrorist offences and fundamental rights and principles. Eight Member States have specifically incriminated terrorist offences as a separate category of crimes, although there are differences as to the extent and method of implementation.

Article 2: Offences relating to a terrorist group. Most Member States have or will have legislation that separately incriminates terrorist acts committed in relation to terrorist groups.

Article 3: Offences linked to terrorist activities. Only four Member States appear to have legislation that fully complies with the obligations of this Article. Whilst Ireland should be able to comply with Article 3, once its legislation enters into force, other Member States will only be able to comply partially.

Article 4: Inciting, aiding or abetting, and attempting. Some Member States have specific provisions relating to this Article. The majority, however, appear to apply the general rules on complicity and inchoate offences by complying implicitly with this Article – provided the preceding articles have been fully implemented.

Article 5: Penalties. The Commission believes that all those who responded to the Commission will be able to meet the terms of this paragraph. As regards directing a terrorist group, seven Member States have provided for the required penalties and three more, would also comply partially with this provision.

Article 6: Particular circumstances. National legislation in six Member States specifically envisage the particular circumstances set up in the Article, whereas the rest have not referred to specific measures to implement this optional provision.

Article 7: Liability of legal persons. Eight Member States have, or will have, after completing their legislative procedure, legislation ensuring that legal persons can be held liable for terrorist offences. From these, however, only four have provided enough information to demonstrate that they will be able to comply with Article 7(2). Spain, Austria, Sweden and the United Kingdom did not provide enough information to consider this Article fully implemented.

Article 8: Penalties for legal persons. Seven Member States provide or will provide for criminal or non-criminal fines for legal persons. Most of them also apply all or some of the optional penalties indicated in this provision.

Article 9: Jurisdiction and prosecution. Most Member States will be able to comply with this Article in so far as it applies to the territoriality principles. As regard extra-territorial jurisdiction, a majority of Member States have or will have rules, which cover the principles of active and passive personality. Other than Ireland, none of the Member States will have incorporated the criteria for solving positive conflicts of jurisdiction into their national legislations.

Article 10: Protection of, and assistance to, victims. Only Austria provided enough information demonstrating compliance with this Article.

Article 12. Territorial application. No information has been received regarding the implementation of these provisions in Gibraltar.

To conclude, the Commission invites the Member States to ensure a rapid and complete transposition of the Framework Decision into their national legislation and to inform the Commission immediately of what measures have been taken.

Combating terrorism. Framework Decision

2001/0217(CNS) - 07/12/2001 - Amended legislative proposal for reconsultation

The Council reached political agreement, subject to parliamentary scrutiny reservations by three delegations (Sweden, Denmark and Ireland), on the Framework Agreement on combating terrorism. To recall, when defining terrorist aims, the Council opted for a wording that strikes a balance between the need to punish terrorist offences effectively and the need to guarantee fundamental rights and freedoms, ensuring that the scope could not in any circumstances be extended to legitimate activities, for example trade union activities or anti-globalisation movements. Regarding penalties for terrorist offences, the Council, in accordance with the common guidelines established at its meeting on 16 November, agreed on a provision requiring custodial sentences of a maximum length of at least 15 years to be imposed for directing a terrorist group and at least 8 years for the other offences relating to terrorist groups specified in the Framework Decision. Other terrorist offences would be punished by heavier sentences than those attracted by ordinary law offences under the Member States' national law. In view of these important amendments, the Council believes that it should be submitted to the European Parliament for a new consultation.

Combating terrorism. Framework Decision

2001/0217(CNS) - 13/06/2002 - Final act

PURPOSE : adopted a Framework Decision on combating terrorism. COMMUNITY MEASURE : Council Framework Decision 2002/475/JHA on combating terrorism. CONTENT : the Council adopted a Framework Decision on combating terrorism. The aim of the Framework Decision is to approximate the definition of terrorist offences in all Member States, including those offences relating to terrorist groups. Furthermore, it provides for penalties and sanctions for natural persons having committed or being liable for such offences. It concerns constituent elements and penalties in the field of terrorism, ensuring that terrorist offences will be punished by effective, proportionate and dissuasive criminal penalties. As a direct result, it will also facilitate police and judicial cooperation, since common definitions of offences should overcome the obstacles of double criminality requirement as long as it is a prerequisite for certain forms of judicial assistance. Furthermore, the existence of a common framework in the fight against terrorism in the EU will facilitate closer cooperation with third countries. The key concept on which this proposal is based is the concept of a terrorist offence. Terrorist offences can be defined as offences 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 a country. On the other hand, directing, creating, supporting or participating to a terrorist group must be considered independent criminal acts and must be dealt with as terrorist offences. The Framework decision stipulates that each Member State shall take the necessary measures to ensure that offences are punishable by custodial sentences. The following intentional acts are punishable : a) directing a terrorist group (with a maximum sentence of not less than fifteen years); b) 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 terrorist group (maximum sentence of not less than eight years). In addition, Member States shall ensure that investigations into, or prosecution of, offences covered by this Framework Decision are not dependent on a report or accusation made by a person subjected to the offence, at least if the acts were committed on the territory of the Member State. In addition to the measures laid down in the Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, each Member State shall, if necessary, take all measures possible to ensure appropriate assistance for victims' families. Member States shall take the necessary measures to comply with this Framework Decision by 31 December 2002. By 31 December 2002, Member States shall forward to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national law the obligations imposed on them under this Framework Decision. On the basis of a report drawn up from that information and areport from the Commission, the Council shall assess, by 31 December 2003, whether Member States have taken the necessary measures to comply with this Framework Decision. It should be added that the Framework Decision respects fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they emerge from the constitutional traditions common to the Member States as principles of Community law. ENTRY INTO FORCE : 22 June 2002. This Framework Decision shall apply to Gibraltar.

Combating terrorism. Framework Decision

2001/0217(CNS) - 06/12/2001

The Council reached political agreement, subject to parliamentary scrutiny reservations by three delegations, on the Framework Agreement on combating terrorism. (Please refer to the reconsultation summary).

Combating terrorism. Framework Decision

2001/0217(CNS) - 16/11/2001

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.

Combating terrorism. Framework Decision

2001/0217(CNS) - 29/11/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mr Graham WATSON (ELDR, UK) concerning the proposal for a Council framework decision on combating terrorism. (Please refer to the previous text).