Basic information

2017/0265(NLE) NLE - Non-legislative enactments	Procedure completed
Council of Europe Convention on the Prevention of Terrorism (CETS No 196) **Subject** 6.40.13 Relations with/in the context of international organisations: UN, OSCE, OECD, Council of Europe, EBRD 7.30.20 Action to combat terrorism	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	STEVENS Helga (ECR)	11/12/2017
	Shadow rapporteur SÓGOR Csaba (PPE) CHINNICI Caterina (S&D) GRIESBECK Nathalie (ALDE) ERNST Cornelia (GUE/NGL) JOLY Eva (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3622	2018-06-05

European Commission

Commission DG	Commissioner
Migration and Home Affairs	KING Julian

Key events

Date	Event	Reference	Summary
18/10/2017	Preparatory document	COM(2017)0606	Summary
12/12/2017	Legislative proposal published	14494/2017	Summary
15/01/2018	Committee referral announced in Parliament		
27/03/2018	Vote in committee		
03/04/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0131/2018	Summary
18/04/2018	Decision by Parliament	T8-0110/2018	Summary
18/04/2018	Results of vote in Parliament		
05/06/2018	Act adopted by Council after consultation of Parliament		
05/06/2018	End of procedure in Parliament		
22/06/2018	Final act published in Official Journal		

Technical information

Procedure reference	2017/0265(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 083-p1-a1 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/11372

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE616.732	09/02/2018	
Amendments tabled in committee		PE618.332	09/03/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0131/2018	03/04/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0110/2018	18/04/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	14445/2017	12/12/2017	

Legislative proposal	14494/2017	12/12/2017	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2017)0606	18/10/2017	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2018/0889
OJ L 159 22.06.2018, p. 0001 Summary

Council of Europe Convention on the Prevention of Terrorism (CETS No 196)

2017/0265(NLE) - 18/10/2017 - Preparatory document

PURPOSE: to approve, on behalf of the Union, the conclusion of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196).

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 23 of the Convention provides that the latter is open for the approval of the European Union.

Following the sixth ratification, of which four were by Member States of the Council of Europe, Convention No. 196 came into force on 1 June 2007. As of 21 February 2017, 23 EU Member States have ratified the Convention, and all EU Member States have signed it.

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 uphold the principles of democracy and the rule of law in Europe.

Given the global nature of terrorism, a **common understanding of terrorist and terrorism-related offences**, complemented with provisions to facilitate cooperation between national authorities as laid down in Convention No. 196 contributes to further enhancing the effectiveness of the criminal justice instruments and cooperation at Union and international level.

The Union has already adopted measures in the different areas covered by Convention No. 196 on the basis of provisions of Title V of Part Three of the TFEU.

With the adoption of the Directive on combating terrorism, the European Union is ready to complete its commitment to be a party to the Additional Protocol by conclusion of that instrument. This can only be done by concluding Convention No. 196, at the latest simultaneously with conclusion of its Additional Protocol.

CONTENT: this proposal concerns the decision to **conclude Convention No. 196 on behalf of the Union**. It must be read together with a proposal concerning a decision to conclude the Additional Protocol (Convention No. 217) that supplements the Convention on the Prevention of Terrorism (Convention No. 196).

Objectives of the Convention: Convention No. 196 defines criminal offences related to terrorism, an area for which the Union has competence under Article 83(1) TFEU. It covers areas to which the ordinary legislative procedure applies, including the setting of minimum rules for the definition of criminal offences in the area of terrorism, as well as police and judicial cooperation in criminal matters.

The purpose of Convention No. 196 is to **enhance the efforts of the parties in preventing terrorism** and its negative effects on the full enjoyment of human rights, in particular the right to life, both by measures taken at national level and through international co-operation.

It thus **criminalises** the following acts when committed intentionally:

- public provocation to commit a terrorist offence;
- recruitment for terrorism;
- training for terrorism;
- aiding and abetting, inciting and attempting the aforementioned offences.

In addition, the Convention:

- contains provisions establishing the liability of legal entities for the aforementioned offences and setting out conditions for sanctions and penalties;
- establishes jurisdictional rules for its offences;
- establishes an obligation to investigate and to prosecute or extradite;
- contains provisions on the protection, compensation and support for victims of terrorism; national prevention policies and international co-operation on prevention.

Convention No. 196 also contains several provisions aiming at strengthening international co-operation in criminal matters through mutual legal assistance, including spontaneous exchange of information and extradition, being subject to a non-discrimination clause.

An Additional Protocol (Convention No. 217) was adopted by the Council of Europe on 19 May 2015. The Additional Protocol supplements Convention No. 196 and came into force on 1 July 2017. It is not possible to be a party to the Additional Protocol without also being a party to Convention No. 1963. The European Union has signed Convention No. 196, as well as its Additional Protocol.

Territorial application: Convention No. 196 signed and eventually concluded by the European Union is binding upon and applies in all EU Member States with the exception of **Denmark**. Convention No. 196 signed and eventually concluded by the European Union 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.

Council of Europe Convention on the Prevention of Terrorism (CETS No 196)

2017/0265(NLE) - 12/12/2017 - Legislative proposal

PURPOSE: to approve, on behalf of the Union, the conclusion of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196).

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 23 of the Convention provides that the latter is open for the approval of the European Union.

Directive (EU) 2017/541 of the European Parliament and of the Council established common Union rules on combatting terrorism. Consequently, the Union has already adopted measures in different areas covered by the Convention.

The Convention should therefore be approved on behalf of the Union as regards matters falling within the competence of the Union in so far as the Convention may affect those common rules or alter their scope.

The Member States retain their competence in so far as the Convention does not affect common rules or alter the scope thereof.

CONTENT: with this proposed Decision, the Council is called on to approve, on behalf of the European Union, the Council of Europe Convention on the Prevention of Terrorism, as regards matters falling within the competence of the Union.

The text of the Convention is attached to this Decision.

Territorial application: Convention No. 196 shall be binding and apply in all EU Member States with the exception of Denmark. It shall be binding and apply 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 shall be bound by Framework Decision 2002/475/JHA and is therefore to take part in the adoption of this Decision.

Council of Europe Convention on the Prevention of Terrorism (CETS No 196)

2017/0265(NLE) - 04/06/2018 - Final act

PURPOSE: to approve, on behalf of the Union, the conclusion of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196).

NON-LEGISLATIVE ACT: Council Decision (EU) 2018/889 on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism.

CONTENT: the Council decided to approve, on behalf of the Union, Council of Europe Convention No 196 on the prevention of terrorism, as regards matters within the competence of the Union. The Convention was signed on 22 October 2015, subject to its conclusion.

Directive (EU) 2017/541 of the European Parliament and of the Council establishes common Union rules on combatting terrorism. Consequently, the Union has already adopted measures in different areas covered by the Convention.

The Convention should therefore be approved on behalf of the Union as regards matters falling within the competence of the Union in so far as the Convention may affect those common rules or alter their scope. Member States retain their competence in so far as the Convention does not affect common rules or alter the scope thereof.

The purpose of Convention No. 196 is to **enhance the efforts of the parties in preventing terrorism and its negative effects** on the full enjoyment of human rights, in particular the right to life, both by measures taken at national level and through international co-operation.

It thus **criminalises** the following acts when committed intentionally:

- public provocation to commit a terrorist offence;
- recruitment for terrorism;
- training for terrorism;
- aiding and abetting, inciting and attempting the aforementioned offences.

Each Party shall:

- endeavour to take the necessary measures to **improve and develop cooperation** between national authorities with a view to preventing terrorist offences and their negative effects, in particular by: (i) exchanging information; (ii) strengthening the physical protection of persons and facilities; (iii) improving training and coordination plans for civil emergencies;
- **promote tolerance** by encouraging inter-religious and cross-cultural dialogue, involving, where appropriate, non-governmental organisations and other civil society actors;
- **endeavour to increase public awareness** of the existence, causes, gravity and threat posed by terrorist offences and offences under the Convention.

In addition, the Convention:

- contains provisions establishing the liability of legal entities for the aforementioned offences and setting out conditions for sanctions and penalties;
- establishes jurisdictional rules for its offences;
- establishes an obligation to investigate and to prosecute or extradite;
- contains provisions on the protection, compensation and support for victims of terrorism; national prevention policies and international co-operation on prevention.

Ireland is taking part in the adoption of this Decision. The United Kingdom and Denmark do not participate.

ENTRY INTO FORCE: 4.6.2018.

Council of Europe Convention on the Prevention of Terrorism (CETS No 196)

2017/0265(NLE) - 18/10/2017

PURPOSE: to approve, on behalf of the Union, the conclusion of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196).

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 23 of the Convention provides that the latter is open for the approval of the European Union.

Following the sixth ratification, of which four were by Member States of the Council of Europe, Convention No. 196 came into force on 1 June 2007. As of 21 February 2017, 23 EU Member States have ratified the Convention, and all EU Member States have signed it.

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 uphold the principles of democracy and the rule of law in Europe.

Given the global nature of terrorism, a **common understanding of terrorist and terrorism-related offences**, complemented with provisions to facilitate cooperation between national authorities as laid down in Convention No. 196 contributes to further enhancing the effectiveness of the criminal justice instruments and cooperation at Union and international level.

The Union has already adopted measures in the different areas covered by Convention No. 196 on the basis of provisions of Title V of Part Three of the TFEU.

With the adoption of the Directive on combating terrorism, the European Union is ready to complete its commitment to be a party to the Additional Protocol by conclusion of that instrument. This can only be done by concluding Convention No. 196, at the latest simultaneously with conclusion of its Additional Protocol.

CONTENT: this proposal concerns the decision to **conclude Convention No. 196 on behalf of the Union**. It must be read together with a proposal concerning a decision to conclude the Additional Protocol (Convention No. 217) that supplements the Convention on the Prevention of Terrorism (Convention No. 196).

Objectives of the Convention: Convention No. 196 defines criminal offences related to terrorism, an area for which the Union has competence under Article 83(1) TFEU. It covers areas to which the ordinary legislative procedure applies, including the setting of minimum rules for the definition of criminal offences in the area of terrorism, as well as police and judicial cooperation in criminal matters.

The purpose of Convention No. 196 is to **enhance the efforts of the parties in preventing terrorism** and its negative effects on the full enjoyment of human rights, in particular the right to life, both by measures taken at national level and through international co-operation.

It thus **criminalises** the following acts when committed intentionally:

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- training for terrorism;
- aiding and abetting, inciting and attempting the aforementioned offences.

In addition, the Convention:

- contains provisions establishing the liability of legal entities for the aforementioned offences and setting out conditions for sanctions and penalties;
- establishes jurisdictional rules for its offences;
- establishes an obligation to investigate and to prosecute or extradite;
- contains provisions on the protection, compensation and support for victims of terrorism; national prevention policies and international co-operation on prevention.

Convention No. 196 also contains several provisions aiming at strengthening international co-operation in criminal matters through mutual legal assistance, including spontaneous exchange of information and extradition, being subject to a non-discrimination clause.

An Additional Protocol (Convention No. 217) was adopted by the Council of Europe on 19 May 2015. The Additional Protocol supplements Convention No. 196 and came into force on 1 July 2017. It is not possible to be a party to the Additional Protocol without also being a party to Convention No. 1963. The European Union has signed Convention No. 196, as well as its Additional Protocol.

Territorial application: Convention No. 196 signed and eventually concluded by the European Union is binding upon and applies in all EU Member States with the exception of **Denmark**. Convention No. 196 signed and eventually concluded by the European Union 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.

Council of Europe Convention on the Prevention of Terrorism (CETS No 196)

2017/0265(NLE) - 03/04/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Helga STEVENS (ECR, BE) on the draft Council decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism.

The committee recommended that the European Parliament **give its consent** to the draft Council decision.

The draft Council Decision seeks the approval, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) signed by the European Union on 22 October 2015, as regards matters falling within the competence of the Union.

Convention No. 196 introduces criminal offences related to terrorism, for which the Union has competence based on Article 83(1) TFEU. It aims to enhance the efforts of the parties in preventing terrorism and its negative effects on the full enjoyment of human rights, both by measures taken at national level and through international co-operation.

Council of Europe Convention on the Prevention of Terrorism (CETS No 196)

2017/0265(NLE) - 18/04/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 544 votes to 47, with 10 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism.

Parliament **gave its consent** to the conclusion of the Convention.

The Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) was signed by the European Union on 22 October 2015, for all matters within the competence of the Union. It defines criminal offences related to terrorism and aims to improve the efforts of the parties in preventing terrorism and its effects.