Basic information

2017/0266(NLE) NLE - Non-legislative enactments	Procedure completed
Council of Europe Convention on the Prevention of Terrorism (CETS No 217). Additional Protocol **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 ŠTĚTINA Jaromír (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)0607	Summary
12/12/2017	Legislative proposal published	14498/2017	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	A8-0132/2018	Summary
18/04/2018	Decision by Parliament	T8-0111/2018	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	2017/0266(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 083-p1-a1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/11376

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE616.804	09/02/2018	
Amendments tabled in committee		PE618.331	09/03/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0132/2018	03/04/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0111/2018	18/04/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	14447/2017	12/12/2017	

Legislative proposal	14498/2017	12/12/2017	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2017)0607	18/10/2017	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2018/0890
OJ L 159 22.06.2018, p. 0015 Summary

Council of Europe Convention on the Prevention of Terrorism (CETS No 217). Additional Protocol

2017/0266(NLE) - 04/06/2018 - Final act

PURPOSE: to approve, on behalf of the Union, the conclusion of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217).

NON-LEGISLATIVE ACT: Council Decision (EU) 2018/890 on the conclusion, on behalf of the European Union, of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism.

CONTENT: the Council decided to approve, on behalf of the Union, **the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217)** as regards matters falling within the Union's competence. The Additional Protocol was signed on 22 October 2015, subject to its conclusion.

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 Additional Protocol.

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

The Additional Protocol supplements **Convention No. 196** with a series of provisions aimed at implementing the criminal law aspects of UN Security Council Resolution 2178(2014) on “Threats to international peace and security caused by terrorist acts”.

It seeks to prevent and **curb the flow of foreign terrorist fighters** to conflict zones and provide a common understanding of and response to foreign terrorist fighter-related offences, which serves as a benchmark for information exchange.

The Additional Protocol thus provides for the **criminalisation** of the following acts:

- participation in an association or group for the purpose of terrorism;
- receiving training for terrorism;
- travelling or attempting to travel for terrorist purposes;
- providing or collecting funds for such travels;
- organising and facilitating such travels.

The Additional Protocol requires the parties to designate a contact point for the 24/7 exchange of information on foreign terrorist fighters. Pursuant to this Decision, the **European Union Agency for Law Enforcement Cooperation (Europol)** is designated as the Union contact point under the conditions laid down in Regulation (EU) 2016/794 for relations with partners and the transfer and exchange of personal data.

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

ENTRY INTO FORCE: 4.6.2018.

Council of Europe Convention on the Prevention of Terrorism (CETS No 217). Additional Protocol

2017/0266(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 Additional Protocol to 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 Additional Protocol (Convention No. 217) supplements the Convention on the Prevention of Terrorism (Convention No. 196) with a series of provisions aimed at implementing the criminal law aspects of UN Security Council Resolution 2178(2014) on “Threats to international peace and security caused by terrorist acts”.

It aim to **prevent and curb the flow of foreign terrorist fighters** to conflict zones by promoting a common understanding of and response to foreign terrorist fighter-related offences, which serves as a benchmark for information exchange and facilitates cross-border investigations and prosecutions of acts of a preparatory nature having the potential and danger of leading to the commission of terrorist offences.

The Additional Protocol obliges Parties to designate a contact point for the 24/7 exchange of information on foreign terrorist fighters. It is proposed to designate **Europol** as this contact point.

Council of Europe Convention on the Prevention of Terrorism (CETS No 217). Additional Protocol

2017/0266(NLE) - 18/10/2017 - Preparatory document

PURPOSE: to approve, on behalf of the Union, the conclusion of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217).

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 10 of the Protocol provides that the latter is open for the approval of the European Union.

The Additional Protocol came into force on 1 July 2017. As of 11 July 2017, three EU Member States have ratified the Additional Protocol, and twenty-four EU Member States have signed it.

The terrorist threat has grown and rapidly evolved in recent years. **Foreign terrorist fighters** have been linked to recent attacks and plots in several Member States. In addition, the Union and its Member States face increased threats from individuals who are inspired or instructed by terrorist groups abroad.

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

The Union has already adopted measures in the area covered by the Additional Protocol, including substantive criminal law provisions as well as a provision on enhanced information exchange.

With the adoption of the directive on the fight against terrorism, the European Union is ready to complete its commitment to be a party to the Additional Protocol by conclusion of that instrument.

CONTENT: this proposal concerns the decision to **conclude the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217)**. The present proposal is therefore accompanied by, and must be read together with, a proposal concerning a decision to conclude Convention No. 196 on behalf of the Union.

Objectives of the Additional Protocol: the Protocol defines criminal offences related to terrorism, an area for which the Union has jurisdiction under Article 83(1) TFEU. It covers fields to which the ordinary legislative procedure applies, namely the setting of minimum rules concerning the definition of criminal offences in the area of terrorism (Article 83(1) TFEU) where consent by the European Parliament is required.

The Additional Protocol **supplements Convention No. 196** with a series of provisions aimed at implementing the criminal law aspects of **UN Security Council Resolution 2178(2014)** on “Threats to international peace and security caused by terrorist acts”.

It seeks to prevent and curb the flow of foreign terrorist fighters to conflict zones and provide a common understanding of and response to foreign terrorist fighter-related offences, which serves as a benchmark for information exchange and facilitates cross-border investigations and prosecutions of acts of a preparatory nature having the potential and danger of leading to the commission of terrorist offences.

The Additional Protocol thus provides for the **criminalisation** of the following acts:

- participation in an association or group for the purpose of terrorism;
- receiving training for terrorism;
- travelling or attempting to travel for terrorist purposes;
- providing or collecting funds for such travels;
- organising and facilitating such travels.

Contact point: the Additional Protocol requires the parties to designate a contact point for the 24/7 exchange of information on foreign terrorist fighters. It is proposed to designate Europol as this contact point, under the conditions stipulated in Regulation (EU) 2016/794 on relations with partners and the transfer and exchange of personal data.

Territorial application: the Additional Protocol signed and eventually concluded by the European Union is binding upon and applies in all EU Member States with the exception of **Denmark**. It 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 217). Additional Protocol

2017/0266(NLE) - 12/12/2017 - Legislative proposal

PURPOSE: to approve, on behalf of the Union, the conclusion of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217).

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: in accordance with Council Decision (EU) 2015/1914, the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism was signed on 22 October 2015, subject to its conclusion.

Article 10 of the Additional Protocol provides that the Additional Protocol shall be open for approval by the 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 Additional Protocol.

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

The Member States retain their competence in so far as the Additional Protocol 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 Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, as regards matters falling within the competence of the Union.

The text of the Additional Protocol is attached to this Decision.

The Additional Protocol requires each party to designate a **point of contact** for the purpose of exchange of information on persons travelling abroad for the purpose of terrorism.

Europol should be designated as the point of contact for the Union. Points of contact for the Member States may also be designated.

Territorial application: the Additional Protocol shall be binding and apply in all EU Member States with the exception of Denmark. It shall be binding upon 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 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 217). Additional Protocol

2017/0266(NLE) - 18/04/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 549 votes to 56, with 7 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism.

Parliament **gave its consent** to the conclusion of the Additional Protocol.

Council of Europe Convention on the Prevention of Terrorism (CETS No 217). Additional Protocol

2017/0266(NLE) - 18/10/2017

PURPOSE: to approve, on behalf of the Union, the conclusion of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217).

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 10 of the Protocol provides that the latter is open for the approval of the European Union.

The Additional Protocol came into force on 1 July 2017. As of 11 July 2017, three EU Member States have ratified the Additional Protocol, and twenty-four EU Member States have signed it.

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With the adoption of the directive on the fight against terrorism, the European Union is ready to complete its commitment to be a party to the Additional Protocol by conclusion of that instrument.

CONTENT: this proposal concerns the decision to **conclude the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217)**. The present proposal is therefore accompanied by, and must be read together with, a proposal concerning a decision to conclude Convention No. 196 on behalf of the Union.

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