

## Directive on combating terrorism

A growing terrorist threat has triggered action at European and international level. Faced with home-grown terrorism and the 'foreign fighters' phenomenon, the EU has sought to reinforce its counter-terrorism arsenal. During its February II plenary, Parliament is expected to vote on a trilogue deal on the legislative proposal to extend the current framework for criminalisation of terrorist offences.

### Background

According to recent [estimates](#), by the end of 2015 more than 30 000 individuals had travelled to conflict zones in Syria/Iraq to join jihadi terrorist groups. Among them, were [reportedly](#) over 4 000 European citizens, 30 % of whom have now returned to Europe. Whereas the flow of foreign fighters to Syria/Iraq has now dropped, as ISIL/Da'esh continues to lose territory, the number of returnees is [expected](#) to rise. These are perceived as a threat to security in view of their battlefield experience and of the risk of their future involvement in terrorism-related activities back home. As part of a global approach to tackling this threat, the criminal justice response has been developed at both EU and international level. In 2014, the United Nations (UN) Security Council adopted [Resolution 2178](#), obliging UN members to criminalise the act of travelling or attempting to travel to another country for terrorist purposes, or for providing or receiving terrorist training, as well as financing or facilitating such travel. In 2015, the Financial Action Task Force subsequently adjusted its [recommendations](#) on terrorist financing, whereas the Council of Europe adopted an [Additional Protocol](#) to its Convention on the Prevention of Terrorism. At EU level, after the November 2015 Paris attacks, the Justice and Home Affairs (JHA) Council [called](#) for accelerated implementation of counter-terrorism measures, and welcomed the Commission's intention to strengthen the existing rules on criminalisation of terrorist offences.

### European Commission proposal

On 2 December 2015, the Commission presented a [proposal](#) for a directive on combating terrorism, aimed at aligning EU legislation with the binding international instruments mentioned above, and updating the current framework. The existing Council Framework Decision (FD) [2002/475/JHA](#) on combating terrorism was adopted in 2002 following the 9/11 attacks in the USA in 2001, in order to approximate Member States' criminal laws, and to establish a first-ever common EU definition of terrorist offences. The list of offences included various criminal acts perpetrated with terrorist intent, participation in a terrorist group as well as inciting, aiding and abetting terrorist offences. The FD was [updated](#) in 2008 to include more offences, such as public provocation to commit a terrorist offence, providing training, and recruitment for terrorism. The current revision would extend the list of offences, adding travel for terrorist purposes and facilitation of such travel, receiving terrorist training and funding terrorist activities. The draft directive also puts focus on the victims of terrorism.

### European Parliament position

In its [report](#), adopted on 4 July 2016, the Civil Liberties, Justice and Home Affairs (LIBE) Committee introduced amendments to the proposal, adding fundamental rights safeguards, provisions on public incitement to terrorism with requirement to remove online content or block access to it (subject to judicial review), and obligation to exchange information on terrorist offences gathered in criminal proceedings. The [compromise agreement](#), reached with the Council in trilogue talks in November 2016, endorsed most of the proposed changes. The final text also contains strong provisions on assistance to victims of terrorism and refers to the need for a comprehensive approach, including deradicalisation and rehabilitation programmes. The proposed directive also amends Council Decision 2005/671/JHA on the exchange of information and cooperation on terrorist offences.

First reading: [2015/0281\(COD\)](#); Committee responsible: LIBE;  
Rapporteur: Monika Hohlmeier, EPP, Germany. See also our 'EU  
Legislation in Progress' [briefing](#).

