



2015/0281(COD)

12.4.2016

AMENDMENTS

247 - 438

Draft report
Monika Hohlmeier
(PE577.046v01-00)

Combating terrorism and replacing Council Framework Decision
2002/475/JHA on combating terrorism

Proposal for a directive
(COM(2015)0625 – C8-0386/2015 – 2015/0281(COD))

Amendment 247
Ana Gomes

Proposal for a directive
Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Humanitarian organisations

Humanitarian activities undertaken by internationally recognised humanitarian organisations shall not be considered as contributing to the criminal activities of the terrorist groups.

Or. en

Amendment 248

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether or not directly advocating terrorist ***offences***, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether or not directly advocating ***the commission of a terrorist offence***, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 249

Caterina Chinnici, Ana Gomes, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the distribution, *or otherwise making available*, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, *whether or not directly* advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that the distribution of a message to the public, with the *clear* intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, advocating terrorist offences, causes a *substantial and imminent* danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally *and unlawfully*.

Or. en

Amendment 250

Anna Maria Corazza Bildt

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether *or not directly* *advocating* terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available *by any means, including the internet*, of a message to the public, with the intent to incite, *including glorifying*, the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether *directly or indirectly advocating the commission of* terrorist offences, causes a *clear and substantial* danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 251

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether or not **directly** advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available of a message to the public, with the **clear** intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether or not **expressly** advocating **the commission of** terrorist offences, **manifestly** causes a **clear and substantial** danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally **and unlawfully**.

Or. en

Amendment 252

Timothy Kirkhope, Daniel Dalton, Jussi Halla-aho, Angel Dzhambazki, Helga Stevens, Monica Macovei, Geoffrey Van Orden, Branislav Škripek

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission **or encourage the preparation or instigation** of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment 253**Victor Boştinaru****Proposal for a directive****Article 5 – paragraph 1***Text proposed by the Commission*

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that the distribution, **online display** or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Or. ro

Amendment 254**Emilian Pavel****Proposal for a directive****Article 5 – paragraph 1***Text proposed by the Commission*

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (**h**) of Article 3(2), where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (**i**) of Article 3(2), where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment 255

Axel Voss

Proposal for a directive**Article 5 – paragraph 1***Text proposed by the Commission*

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, whether **directly** or not directly (**including glorifying of acts of terrorism**) advocating terrorist offences, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 256

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive**Article 5 – paragraph 1***Text proposed by the Commission*

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, **whether or not directly advocating terrorist offences, causes a** danger that one or more such offences **may** be committed, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that the **intentional** distribution, or otherwise making available of a message to the public, with the **clear knowledge and** intent to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct **manifestly causes a clear and imminent** danger that one or more such offences **will** be committed, is punishable as a criminal offence when committed intentionally.

Amendment 257

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public, ***with the intent*** to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct, ***whether or not directly advocating terrorist offences***, causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that the distribution, or otherwise making available, of a message to the public ***that is clearly and objectively likely*** to incite the commission of one of the offences listed in points (a) to (h) of Article 3(2), where such conduct causes a danger that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

Or. it

Amendment 258

Cornelia Ernst, Barbara Spinelli, Malin Björk

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Nothing in this Directive should be interpreted as being intended to reduce or restrict the dissemination of information for scientific, academic or reporting purposes. The expression of radical, polemic or controversial views in the public debate on sensitive political questions falls outside the scope of this Directive and in particular of the definition of public provocation to commit terrorist offences.

Or. en

Amendment 259

Caterina Chinnici, Ana Gomes, Tanja Fajon, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Liisa Jaakonsaari, Kati Piri

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

***Fundamental principles relating to
freedom of expression***

1. This Directive shall not have the effect of requiring Member States to take measures in contradiction to fundamental rights and principles, especially those relating to freedom of thought and expression, in particular for the press and other media, as they result from fundamental principles governing the rights and responsibilities of, and the procedural guarantees for, the press or other media where these rules relate to the determination or limitation of liability.

2. Nothing in this Directive should be interpreted as being intended to reduce or restrict the dissemination of information for scientific, academic or reporting purposes. The expression of radical, polemic or controversial views in the public debate on sensitive political questions, including terrorism, falls outside the scope of this Directive and, in particular, of the definition of public provocation to commit terrorist offences.

Or. en

Amendment 260

Axel Voss

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Measures against websites publicly glorifying terrorist offences

In case of glorification or public justification of the offences listed in points (a) to (h) of Article 3(2), the competent judicial authority shall order the withdrawal of the content.

Or. en

Amendment 261

Axel Voss

Proposal for a directive

Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5b

Aggravating circumstances

Member States shall take the necessary measures to ensure that it is regarded as an aggravating circumstance when a criminal offence referred to in Articles 6 or 7 is committed directed to vulnerable natural persons, including children.

Or. en

Amendment 262

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that soliciting another

Member States shall take the necessary measures to ensure that soliciting another

person to commit one of the offences listed in points (a) to (h) of Article 3(2), or in Article 4 is punishable as a criminal offence when committed intentionally.

person to commit one of the offences listed in points (a) to (h) of Article 3(2), or in Article 4, ***where this manifestly causes a clear and imminent danger that one or more such offences may be committed***, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 263

Michał Boni, Carlos Coelho

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that soliciting another person to commit one of the offences listed in points (a) to (h) of Article 3(2), or in Article 4 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that soliciting another person to commit one of the offences listed in points (a) to (h) of Article 3(2), or in Article 4 ***by any means, including Internet***, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 264

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that soliciting another person to commit one of the offences listed in points (a) to (h) of Article 3(2), or in Article 4 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that soliciting another person to commit ***or contribute to the commission of*** one of the offences listed in points (a) to (h) of Article 3(2), or in Article 4 is punishable as a criminal offence when committed intentionally.

Amendment 265

Emilian Pavel

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that soliciting another person to commit one of the offences listed in points (a) to (h) of Article 3(2), or in Article 4 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that soliciting another person to commit one of the offences listed in points (a) to (i) of Article 3(2), or in Article 4, ***including the recruitment or enticement to the above mentioned terrorist offences via social media or other online environments***, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 266

Axel Voss

Proposal for a directive

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that carrying out activities which entail discrediting, disparaging, or the humiliation of victims of terrorist offences, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 267

Cornelia Ernst, Marina Albiol Guzmán, Barbara Spinelli

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to one of the offences listed in points (a) to (h) of Article 3(2), knowing that the skills provided are intended to be used for this purpose, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that providing instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or ***meaningfully*** contributing to one of the offences listed in points (a) to (h) of Article 3(2), knowing that the skills provided are intended to be used for this purpose, ***where the provision of instructions manifestly causes a clear and imminent danger that one or more such offences may be committed***, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 268
Emilian Pavel

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to one of the offences listed in points (a) to (***h***) of Article 3(2), knowing that the skills provided are intended to be used for this purpose, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that providing instruction in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to one of the offences listed in points (a) to (***i***) of Article 3(2), knowing that the skills provided are intended to be used for this purpose, is punishable as a criminal offence when committed intentionally.

Amendment 269

Timothy Kirkhope, Jussi Halla-aho, Angel Dzhambazki, Monica Macovei, Geoffrey Van Orden, Branislav Škripek

**Proposal for a directive
Article 8 – title**

Text proposed by the Commission

Receiving training for terrorism

Amendment

Receiving **and acquiring** training for terrorism

Amendment 270

Timothy Kirkhope, Angel Dzhambazki, Monica Macovei, Geoffrey Van Orden, Branislav Škripek

**Proposal for a directive
Article 8 – paragraph 1**

Text proposed by the Commission

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence when committed intentionally.
Member States shall also take the necessary measures to ensure that the 'self-study' of the same techniques and methods is also punishable as a criminal offence when the offences listed are committed intentionally.

Amendment 271

Petr Ježek, Cecilia Wikström, Angelika Mlinar, Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, **for the purpose of committing of or contributing** to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence **when committed intentionally**.

Amendment

Member States shall take the necessary measures to ensure that to **wilfully** receive instruction, from another person, **including on obtaining knowledge or practical skills**, in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, **with the intent to commit or to contribute** to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence

Or. en

Amendment 272

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive Article 8 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that to receive **practical** instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence when committed intentionally.

Or. it

Amendment 273

Cornelia Ernst, Marina Albiol Guzmán, Barbara Spinelli

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that to **wilfully** receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2), **where the reception of instructions manifestly causes a clear and imminent danger that one or more such offences may be committed**, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 274

Victor Boştinaru

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that to receive instruction, from another person **or to obtain documentation giving instruction** in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is

punishable as a criminal offence when committed intentionally.

Or. ro

Amendment 275
Emilian Pavel

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to **(h)** of Article 3(2) is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to **(i)** of Article 3(2) is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 276
Monika Hohlmeier

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal

Amendment

Member States shall take the necessary measures to ensure that to receive instruction, from another person in the making or use of explosives, firearms or other weapons or noxious or hazardous substances, ***development of malware to be exclusively used for a terrorist purpose*** or in other specific methods or techniques, for the purpose of committing of or contributing to the commission of one of

offence when committed intentionally.

the offences listed in points (a) to (h) of Article 3(2) is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 277

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that mere fact of visiting websites containing information or receiving communications, which could be used for training for terrorism, is not in itself sufficient to commit the offence of receiving training for terrorism.

Or. en

Amendment 278

Sophia in 't Veld

Proposal for a directive

Article 9

Text proposed by the Commission

Amendment

Article 9

deleted

Travelling abroad for terrorism

Member States shall take the necessary measures to ensure that travelling to another country for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when

committed intentionally.

Or. en

Amendment 279

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos, Malin Björk

Proposal for a directive

Article 9

Text proposed by the Commission

Amendment

Article 9

deleted

Travelling abroad for terrorism

Member States shall take the necessary measures to ensure that travelling to another country for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

Or. en

Justification

This criminalisation is very vague, and risks effecting thousands of innocent civilians in their right to free movement. Moreover, the used wording ‘the contribution to’ and ‘participation in the activities of’ are unjustifiably opaque. In addition, since both articles require the prosecutor to prove that the travelling or organisation of travel is intended for the commission of certain terrorist acts, there is no added value as these same terrorist acts constitute criminal acts themselves, and therefore can be used as a separate basis for prosecution.

Amendment 280

Caterina Chinnici, Birgit Sippel, Ana Gomes, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Article 9 – title

Text proposed by the Commission

Travelling abroad for terrorism

Amendment

Travelling abroad for *the purpose of* terrorism

Or. en

Amendment 281

Timothy Kirkhope, Angel Dzhambazki, Helga Stevens, Monica Macovei, Geoffrey Van Orden, Branislav Škripek

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that travelling to another country for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that travelling to another country *either within or outside the Union* for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 282
Axel Voss

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure *that travelling* to another *country* for the purpose of the

Amendment

Member States shall take the necessary measures to ensure *international travel from their state* to another *Member State*

commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

or to a third party state for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 283

Caterina Chinnici, Birgit Sippel, Ana Gomes, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that travelling to *another country for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group* referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that travelling to *a country outside the Union which is not that of traveller's nationality or residence, directly or by transiting through one or several Member States, for the purpose of the commission of or contribution to a terrorist offence* referred to in Article 3, or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 284

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary

Amendment

Member States shall take the necessary

measures to ensure that travelling to **another** country for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

measures to ensure that travelling to **a country other than the country of residence or nationality** for the **clear** purpose of the commission of or contribution to a terrorist offence referred to in Article 3, the participation in the activities of a terrorist group referred to in Article 4 or the providing or receiving of training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally, **provided that this is objectively verifiable**.

Or. it

Amendment 285

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive Article 9 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that travelling to another country **for the** purpose of **the commission of or contribution to a terrorist offence** referred to in Article 3, **the participation** in the activities of a terrorist group referred to in Article 4 or **the providing or receiving of** training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that **the act of** travelling to another country, **if it can be demonstrated that the intended purpose of that travel is to commit or contribute to the commission of** a terrorist offence referred to in Article 3, **to participate** in the activities of a terrorist group referred to in Article 4 or **to provide or receive** training for terrorism referred to in Articles 7 and 8 is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 286

Axel Voss

Proposal for a directive Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Each Member State shall take the necessary measures to establish a list, including foreign fighters, terrorists, terrorist groups, people involved in recruiting and radicalisation. Member State shall update and insert their lists into SIS to make them available to all the other Member States and share them with Europol via protected and secured systems.

Or. en

Amendment 287

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the defendant does not in any circumstances bear the burden of proof in establishing that his or her travel to another country is for a legitimate purpose.

Or. en

Amendment 288

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall strengthen the timely exchange of any available relevant information concerning persons travelling abroad for the purpose of terrorism. For

that purpose, each Member state shall designate a point of contact available on a 24/7 basis. A Member state can choose to designate an already existing point of contact. This point of contact shall have the capacity to carry out communications with the point of contact of another Member State on an expedited basis;

Or. en

Amendment 289

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Organising or otherwise facilitating travelling abroad for terrorism

Member States shall take the necessary measures to ensure that any act of organisation or facilitation that assists any person in travelling abroad for the purpose of terrorism, as referred to in Article 9, knowing that the assistance thus rendered is for that purpose, is punishable as a criminal offence when committed intentionally.

Or. en

Justification

This criminalisation is very vague, and risks effecting thousands of innocent civilians in their right to free movement. Moreover, the used wording ‘the contribution to’ and ‘participation in the activities of’ are unjustifiably opaque. In addition, since both articles require the prosecutor to prove that the travelling or organisation of travel is intended for the commission of certain terrorist acts, there is no added value as these same terrorist acts constitute criminal acts themselves, and therefore can be used as a separate basis for prosecution.

Amendment 290

Caterina Chinnici, Birgit Sippel, Ana Gomes, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 10 – title

Text proposed by the Commission

Organising or *otherwise* facilitating travelling abroad for terrorism

Amendment

Organising or facilitating travelling abroad for *the purpose of* terrorism

Or. en

Amendment 291

Caterina Chinnici, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that any act of *organisation or facilitation that assists* any person *in travelling* abroad for the purpose of terrorism, as referred to in Article 9, knowing that the assistance thus rendered is for that purpose, is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that any act of *organising or any acts that makes possible for* any person *to travel* abroad for the purpose of terrorism, as referred to in Article 9, knowing that the assistance thus rendered is for that purpose, is punishable as a criminal offence when committed intentionally *and unlawfully. Member States may not punish those whose assistance to the traveller is justified only by family reasons.*

Or. en

Amendment 292

Maite Pagazaurtundúa Ruiz

Proposal for a directive

Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Violent radicalisation

The Commission shall support local and regional authorities in developing local and regional prevention strategies to counter violent radicalisation. The Commission shall also collect and publish a handbook for local and regional authorities with a collection of best practises in combating violent radicalisation.

Or. en

Amendment 293

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the ***intent*** that they ***should*** be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to 14 ***or 16*** is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that ***any person*** providing or collecting funds, by any means, directly or indirectly, with the ***intention*** that they be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to 14 is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 294

Caterina Chinnici, Marju Lauristin, Juan Fernando López Aguilar, Liisa Jaakonsaari, Kati Piri, Miapetra Kumpula-Natri

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used, ***or knowing that they are to be used, in full or in part***, to commit any of the ***offence(s)*** referred to in Articles 3 ***to 10 and 12 to 14 or 16*** is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used to commit any of the ***offences*** referred to in Articles 3, ***4 and 9*** is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 295
Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to ***10*** and 12 to 14 ***or 16*** is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to ***8***, ***with the exception of Article 3 (2) (i)***, and 12 to 14 is punishable as a criminal offence when committed intentionally, ***and where this manifestly causes a clear and imminent danger that one or more such offences may be committed.***

Or. en

Amendment 296
Monika Hohlmeier

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to **14** or 16 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that providing or collecting funds **or other financial assets**, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to **14c** or 16 is punishable as a criminal offence when committed intentionally. ***This shall specifically include the provision or collection of funds or other financial assets derived from forms of organised crime.***

Or. en

Amendment 297
Emilian Pavel

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to 14 or 16 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that providing or collecting funds **and value**, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to 14 or 16 is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 298
Sirpa Pietikäinen, Merja Kyllönen, Henna Virkkunen

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to **10 and 12 to 14 or 16** is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to **9** is punishable as a criminal offence when committed intentionally.

Or. en

Justification

It's well founded to see financing of terrorism as financing of terrorist offences and other offences related to terrorist offences. However, the coverage of Article 11 proposed by the Commission is too wide. Financing of terrorism is a form of some kind of aiding or abetting of another offence. It should be restricted to cover offences referred to in Articles 3 to 9. A reference to Article 10 goes too far from the actual offence which is travelling abroad for the purpose of terrorism that already is a preparatory act. This reference would therefore mean that financing of facilitating a preparatory act should be punishable. Offences referred to Articles 12 to 14 and acts related to the facilitation of those offences, such as financing, are already generally punishable in Member States. A reference to Article 16 is connected with same kind of problems than a reference to Article 10 because financing of an offence is some kind of aiding or abetting itself. Financing of inciting doesn't sound very well founded either. Moreover, the recommendation of FATF doesn't require this kind of coverage of the financing offence.

Amendment 299

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or

Amendment

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or

indirectly, with the intent that they should be used, ***or knowing that they are to be used***, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to 14 or 16 is punishable as a criminal offence when committed intentionally.

indirectly, with the intent that they should be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to 14 or 16 is punishable as a criminal offence when committed intentionally.

Or. it

Amendment 300

Michał Boni, Kinga Gál, Carlos Coelho

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to 14 or 16 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intent that they should be used, or knowing that they are to be used, in full or in part, to commit any of the offence(s) referred to in Articles 3 to 10 and 12 to 14 or 16 is punishable as a criminal offence when committed intentionally. ***Such funds and means should be subject to confiscation and freezing of assets legislation.***

Or. en

Amendment 301

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

3. This offence shall apply, regardless of whether the person alleged to have committed the offence(s) is in the same

country or a different country from the one in which the terrorist(s)/terrorist organisation(s) is located or the terrorist act(s) occurred or will occur.

Or. en

Amendment 302

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that aggravated theft with a view to committing one of the offences listed in Article 3 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that aggravated theft with a view to committing one of the offences listed in Article 3 **and Article 4** is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 303

Axel Voss

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that aggravated theft with a view to committing one of the offences listed in **Article 3** is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that aggravated theft with a view to committing one of the offences listed in **Articles 3, 4, 9 and 10** is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 304

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that aggravated theft with a view to committing one of the offences listed in Article 3 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that aggravated theft with a view to committing one of the offences listed in Article 3, ***with the exception of Article 3 (2) (i)***, is punishable as a criminal offence when committed intentionally, ***where the act manifestly causes a clear and imminent danger that one or more such offences may be committed.***

Or. en

Amendment 305

Axel Voss

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that extortion with a view to committing one of the offences listed in ***Article 3*** is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that extortion with a view to committing one of the offences listed in ***Articles 3, 4, 9 and 10*** is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 306

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that extortion with a view to committing one of the offences listed in Article 3 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that extortion with a view to committing one of the offences listed in Article 3, ***with the exception of Article 3 (2) (i)***, is punishable as a criminal offence when committed intentionally, ***where the act manifestly causes a clear and imminent danger that one or more such offences may be committed.***

Or. en

Amendment 307

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

**Proposal for a directive
Article 13 – paragraph 1**

Text proposed by the Commission

Member States shall take the necessary measures to ensure that extortion with a view to committing one of the offences listed in Article 3 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that extortion with a view to committing one of the offences listed in Article 3 ***and Article 4*** is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 308

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

**Proposal for a directive
Article 14 – title**

Text proposed by the Commission

Drawing up false administrative documents to committing a terrorist offence

Amendment

Drawing up ***and using*** false administrative documents to committing a terrorist offence

Amendment 309

Axel Voss

Proposal for a directive

Article 14 – title

Text proposed by the Commission

Drawing up false administrative documents to committing a terrorist offence

Amendment

Drawing up, ***detaining and using*** false administrative documents to committing a terrorist offence

Or. en

Amendment 310

Michał Boni, Kinga Gál, Carlos Coelho

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that drawing up false administrative documents with a view to committing one of the offences listed in points (a) to (h) of Article 3(2) and point (b) of Article 4 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that drawing up ***and using of*** false administrative documents, ***with special attention to the travel documents***, with a view to committing one of the offences listed in points (a) to (h) of Article 3(2) and point (b) of Article 4 is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 311

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that drawing up false administrative documents with a view to committing one of the offences listed in points (a) to (h) of Article 3(2) and point (b) of Article 4 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that drawing up **and using** false administrative documents with a view to committing one of the offences listed in points (a) to (h) of Article 3(2) and point (b) of Article 4 **and article 9** is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 312

Emilian Pavel

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that drawing up false administrative documents with a view to committing one of the offences listed in points (a) to (**h**) of Article 3(2) and point (b) of Article 4 is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that drawing up false administrative documents with a view to committing one of the offences listed in points (a) to (**i**) of Article 3(2) and point (b) of Article 4 is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 313

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that drawing up false administrative documents with a view to committing one of the offences listed in points (a) to (h) of Article 3(2) and point

Amendment

Member States shall take the necessary measures to ensure that drawing up false administrative documents with a view to committing one of the offences listed in points (a) to (h) of Article 3(2) and point

(b) of Article 4 is punishable as a criminal offence when committed intentionally.

(b) of Article 4 is punishable as a criminal offence when committed intentionally, *where the act manifestly causes a clear and imminent danger that one or more such offences may be committed.*

Or. en

Amendment 314

Axel Voss

Proposal for a directive Article 14 – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that drawing up false administrative documents with a view to committing one of the offences listed in points (a) to (h) of Article 3(2) **and point (b) of Article 4** is punishable as a criminal offence when committed intentionally.

Amendment

Member States shall take the necessary measures to ensure that drawing up, **detaining and using** false administrative documents with a view to committing one of the offences listed in points (a) to (h) of Article 3(2), **Articles 4, 9 and 10** is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 315

Rachida Dati

Proposal for a directive Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Measures to combat internet platforms which incite people to terrorism or fail to cooperate in the fight against terrorism

1. Member States shall take all the measures required to remove as soon as possible from internet platforms housed on their territory illegal content which publicly extols terrorism.

2. Member States shall take measures to establish the criminal liability of internet, platforms, social media networks and internet service providers which refuse to comply with an administrative or judicial request to delete from their online platforms illegal content or content extolling terrorism.

Or. fr

Amendment 316
Eva Joly, Jean Lambert

Proposal for a directive
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Measures against websites publicly inciting to commit a terrorist offence

1. Member States shall take the necessary measures to ensure the prompt removal of webpages publicly inciting to commit a terrorist offence, as referred to in Article 5, hosted in their territory and to endeavour to obtain the removal of such pages hosted outside of their territory.

2. Where the measures described in paragraph 1 cannot be achieved, Member States may take measures to block access to webpages publicly inciting to commit a terrorist offence towards the Internet users within their territory. These measures must be provided for by law, subject to initial judicial control and periodic review, set by transparent procedures and provide adequate safeguards, in particular to ensure that the restriction is limited to what is demonstrably necessary and proportionate and that users are informed of the reason for the restriction. Those safeguards shall also include the possibility of judicial

redress.

Or. en

Amendment 317
Monika Hohlmeier

Proposal for a directive
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Measures against forms of organised crime which are typically committed in respect of the financing of terrorist acts

Member States shall take the necessary measures to ensure that

1. serious tax fraud, serious cases of tax evasion and evasion of import or export duties and serious cases of receiving or selling property resulting from tax evasion;

2. money laundering;

3. serious fraud;

4. serious cases of counterfeiting trademarks;

5. the illicit trade in goods, including but not limited to, crude oil, narcotics, works of art, weapons and protected species;

in each case with the aim of commissioning one of the criminal offences listed in Article 3, is punishable as a criminal offence when committed intentionally.

Or. en

Amendment 318
Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Burden of proof

The burden of proof for Articles 3 to 14 shall lie solely on the prosecutor. No reversal of this burden, nor assumption of guilt shall be invoked

Or. en

Justification

This is the essence of the presumption of innocence. Given the long list of often very vaguely described criminal offences, the burden of proof should lie solely on the prosecutor (who, let it be reminded, has the unilateral right to start prosecutions and compel anyone before court)

Amendment 319

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Amendment

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed, ***nor shall it be necessary to establish a link to a specific terrorist offence or, insofar as the offences in Articles 9 to 11 are concerned, to specific offences related to terrorist activities.***

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed.

Or. it

Amendment 320

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

For an offence referred to in Article 4 *and Title III* to be punishable, it shall not be necessary that a terrorist offence be actually committed, *nor shall it be necessary to establish a link to a specific terrorist offence or, insofar as the offences in Articles 9 to 11 are concerned, to specific offences related to terrorist activities.*

Amendment

For an offence referred to in Article 4 to be punishable, it shall not be necessary that a terrorist offence be actually committed.

Or. en

Amendment 321
Sophia in 't Veld, Kaja Kallas, Fredrick Federley

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed, *nor shall it be necessary to establish a link to a specific terrorist offence or, insofar as the offences in Articles 9 to 11 are concerned, to specific offences related to terrorist activities.*

Amendment

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed.

Or. en

Amendment 322
Petr Ježek

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

Amendment

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed, nor shall it be necessary to establish a link to a specific terrorist offence or, ***insofar as the offences in Articles 9 to 11 are concerned***, to specific offences related to terrorist activities.

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed, nor shall it be necessary to establish a link to a specific terrorist offence or to specific offences related to terrorist activities.

Or. en

Amendment 323

Sirpa Pietikäinen, Merja Kyllönen, Henna Virkkunen

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Amendment

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed, ***nor shall it be necessary to establish a link to a specific terrorist offence or, insofar as the offences in Articles 9 to 11 are concerned, to specific offences related to terrorist activities.***

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed.

Or. en

Justification

The last part of the Article 15 should be deleted. This criteria related to a link to another specific offences has been developed by the FATF for financing of terrorism and is not automatically applicable to other offences promoting terrorist offence. Member States should have some flexibility concerning the question how this link shall be established and proved. Article proposed by the Commission would also refer to Article 10. This would mean that the link required by national legislations between aiding or abetting and main criminal offence wouldn't be required anymore. This would go too far, wouldn't make sense in terms of reasonable criminal law and would be contrary to the common principle or legality.

Amendment 324

Caterina Chinnici, Birgit Sippel, Marju Lauristin, Juan Fernando López Aguilar, Liisa Jaakonsaari, Kati Piri, Miapetra Kumpula-Natri

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed, *nor shall it be necessary to establish a link to a specific terrorist offence or, insofar as the offences in Articles 9 to 11 are concerned, to specific offences related to terrorist activities.*

Amendment

For an offence referred to in Article 4 and Title III to be punishable, it shall not be necessary that a terrorist offence be actually committed.

Or. en

Amendment 325

Monika Hohlmeier

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. Each Member State shall take the necessary measures to ensure that aiding or abetting an offence referred to in Articles 3 to 8 and 11 to 14 is made punishable.

Amendment

1. Each Member State shall take the necessary measures to ensure that aiding or abetting an offence referred to in Articles 3 to 8 and 11 to 14~~c~~ is made punishable.

Or. en

Amendment 326

Caterina Chinnici, Birgit Sippel, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall take the necessary measures to ensure that aiding or abetting an offence referred to in Articles 3 *to 8 and 11* to 14 is made punishable.

1. Each Member State shall take the necessary measures to ensure that aiding or abetting an offence referred to in Articles 3, **6, 7 and 12** to 14 is made punishable.

Or. en

Amendment 327

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

**Proposal for a directive
Article 16 – paragraph 2**

Text proposed by the Commission

Amendment

2. Each Member State shall take the necessary measures to ensure that inciting an offence referred to in Articles 3 to 14 is made punishable.

deleted

Or. en

Justification

This is already covered by Article 5.

Amendment 328

Eva Joly, Jan Philipp Albrecht, Jean Lambert

**Proposal for a directive
Article 16 – paragraph 2**

Text proposed by the Commission

Amendment

2. Each Member State shall take the necessary measures to ensure that inciting an offence referred to in Articles 3 to 14 is made punishable.

deleted

Or. en

Amendment 329
Monika Hohlmeier

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Each Member State shall take the necessary measures to ensure that inciting an offence referred to in Articles 3 to 14 is made punishable.

Amendment

2. Each Member State shall take the necessary measures to ensure that inciting an offence referred to in Articles 3 to 14~~c~~ is made punishable.

Or. en

Amendment 330
Caterina Chinnici, Birgit Sippel, Ana Gomes, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Each Member State shall take the necessary measures to ensure that inciting an offence referred to in Articles ~~3~~to 14 is made punishable.

Amendment

2. Each Member State shall take the necessary measures to ensure that inciting an offence referred to in Articles ~~3~~ to 14 is made punishable *when it provokes the commission of, or the attempt to commit, one of those offences.*

Or. en

Amendment 331
Michał Boni, Carlos Coelho

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. Each Member State shall take the necessary measures to ensure that inciting

Amendment

2. Each Member State shall take the necessary measures to ensure that inciting

an offence referred to in Articles **3 to 14** is made punishable.

an offence referred to in Articles **3 to 14**, **which may be inferred from objective, factual circumstances**, is made punishable.

Or. en

Amendment 332

Caterina Chinnici, Birgit Sippel, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

3. Each Member State shall take the necessary measures to ensure that attempting to commit an offence referred to in Articles 3, **6, 7, 9 and 11** to 14, with the exception of **possession as provided for** in point (f) **of Article 3(2) and the offence referred to in point** (i) of Article 3(2), is made punishable.

Amendment

3. Each Member State shall take the necessary measures to ensure that attempting to commit an offence referred to in Articles 3 **and 12** to 14, with the exception of **offences laid down** in point (f) **to** (i) of Article 3(2), is made punishable.

Or. en

Amendment 333

Cornelia Ernst, Barbara Spinelli

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

3. Each Member State shall take the necessary measures to ensure that attempting to commit an offence referred to in Articles 3, 6, 7, **9** and 11 to 14, with the exception of possession as provided for in point (f) of Article 3(2) and the offence referred to in point (i) of Article 3(2), is made punishable.

Amendment

3. Each Member State shall take the necessary measures to ensure that attempting to commit an offence referred to in Articles 3, 6, 7 and 11 to 14, with the exception of possession as provided for in point (f) of Article 3(2) and the offence referred to in point (i) of Article 3(2), is made punishable.

Or. en

Justification

Following the deletion of Article 9.

Amendment 334
Monika Hohlmeier

Proposal for a directive
Article 16 – paragraph 3

Text proposed by the Commission

3. Each Member State shall take the necessary measures to ensure that attempting to commit an offence referred to in Articles 3, 6, 7, 9 and 11 to 14, with the exception of possession as provided for in point (f) of Article 3(2) and the offence referred to in point (i) of Article 3(2), is made punishable.

Amendment

3. Each Member State shall take the necessary measures to ensure that attempting to commit an offence referred to in Articles 3, 6, 7, 9 and 11 to 14~~c~~, with the exception of possession as provided for in point (f) of Article 3(2) and the offence referred to in point (i) of Article 3(2), is made punishable.

Or. en

Amendment 335
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The acts in paragraphs 1 to 3 shall only be made punishable when in direct connection with a principal criminal act and when committed wilfully and with a clear and unequivocal intent to commit or meaningfully contribute to such an act.

Or. en

Amendment 336
Iratxe García Pérez, Teresa Jiménez-Becerril Barrio
on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a directive
Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Each Member State shall take the necessary measures to ensure the protection of and assistance to persons whose cooperation with the criminal justice system in the prevention, investigation or prosecution of terrorist offences, puts them, or persons closely associated with them, at risk of serious physical or emotional harm, with special assistance for persons economically or socially dependent on the alleged perpetrator, i.e. female family members and children.

Or. en

Justification

The protection of witnesses has to be particularly strong if the persons cooperating with the aim to prevent the terrorist offences are vulnerable and socially excluded, e.g. women economically and socially dependent on the perpetrator. If they disclose information about planned terrorist activities to the authorities, they can put themselves or their children at risk and the authorities are responsible to ensure their protection.

Amendment 337
Monika Hohlmeier

Proposal for a directive
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall take the necessary measures to ensure that the offences referred to Articles 3 to 14 and 16 are punishable by effective, proportionate and dissuasive criminal penalties, which may entail extradition.

1. Each Member State shall take the necessary measures to ensure that the offences referred to Articles 3 to 14c and 16 are punishable by effective, proportionate and dissuasive criminal penalties, which may entail extradition.

Or. en

Amendment 338

Caterina Chinnici, Ana Gomes, Marju Lauristin, Juan Fernando López Aguilar, Emilian Pavel, Kati Piri

Proposal for a directive

Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In line with Directive 2014/42/EU, Member States should provide for the freezing and confiscation of assets used to commit or resulting from the commission of the offences laid down in this directive.

Or. en

Amendment 339

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Right to effective remedies

1. Any person whose fundamental rights and freedoms have been violated in the exercise of counter-terrorism powers or the application of counter-terrorism law has a right to a speedy, effective and enforceable remedy.

2. Member States' judicial authorities shall have the ultimate responsibility to ensure that this right is effective.

Or. en

Amendment 340

Caterina Chinnici, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Article 18 – title

Text proposed by the Commission

Amendment

Mitigating circumstances

Particular circumstances

Or. en

Amendment 341

Caterina Chinnici, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Article 18 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) renounces terrorist activity, and

deleted

Or. en

Amendment 342

Victor Boştinaru

Proposal for a directive
Article 18 – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

(b) provides the *administrative or judicial* authorities with information which they would not otherwise have been able to obtain, helping them to:

(b) provides the *competent* authorities with information which they would not otherwise have been able to obtain, helping them to:

Or. ro

Amendment 343

Caterina Chinnici, Ana Gomes, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Article 18 – paragraph 1 – point b – introductory part

Text proposed by the Commission

(b) provides the administrative or judicial authorities with information ***which they would not otherwise have been able to obtain***, helping ***them*** to:

Amendment

(b) provides the administrative or judicial authorities with information helping to:

Or. en

Amendment 344

Caterina Chinnici, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 18 – paragraph 1 – point b – point 2

Text proposed by the Commission

(2) identify or bring to justice ***the*** other offenders;

Amendment

(2) identify or bring to justice other offenders;

Or. en

Amendment 345

Monika Hohlmeier

Proposal for a directive

Article 18 – paragraph 1 – point b – point 4

Text proposed by the Commission

(4) prevent further offences referred to in Articles 3 to 14 and 16.

Amendment

(4) prevent further offences referred to in Articles 3 to 14***e*** and 16.

Or. en

Amendment 346

Monika Hohlmeier

Proposal for a directive

Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

1. Each Member State shall take the necessary measures to ensure that legal persons can be held liable for any of the offences referred to in Articles 3 to 14 and 16 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on one of the following:

Amendment

1. Each Member State shall take the necessary measures to ensure that legal persons can be held liable for any of the offences referred to in Articles 3 to 14c and 16 committed for their benefit by any person, acting either individually or as part of an organ of the legal person, and having a leading position within the legal person, based on one of the following:

Or. en

Amendment 347
Monika Hohlmeier

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

2. Member States shall also take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of any of the offences referred to in Articles 3 to 14 and 16 for the benefit of that legal person by a person under its authority.

Amendment

2. Member States shall also take the necessary measures to ensure that legal persons can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of any of the offences referred to in Articles 3 to 14c and 16 for the benefit of that legal person by a person under its authority.

Or. en

Amendment 348
Monika Hohlmeier

Proposal for a directive
Article 19 – paragraph 3

Text proposed by the Commission

3. Liability of legal persons under paragraphs 1 and 2 shall not exclude

Amendment

3. Liability of legal persons under paragraphs 1 and 2 shall not exclude

criminal proceedings against natural persons who are perpetrators, inciters or accessories in any of the offences referred to in Articles 3 to 14 and 16.

criminal proceedings against natural persons who are perpetrators, inciters or accessories in any of the offences referred to in Articles 3 to 14~~c~~ and 16.

Or. en

Amendment 349
Emilian Pavel

Proposal for a directive
Article 20 – paragraph 1 – point b

Text proposed by the Commission

(b) *temporary or* permanent disqualification from the practice of commercial activities;

Amendment

(b) permanent disqualification from the practice of commercial activities;

Or. en

Amendment 350
Emilian Pavel

Proposal for a directive
Article 20 – paragraph 1 – point e

Text proposed by the Commission

(e) *temporary or* permanent closure of establishments which have been used for committing the offence.

Amendment

(e) permanent closure of establishments which have been used for committing the offence.

Or. en

Amendment 351
Caterina Chinnici, Ana Gomes, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Article 20 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) freezing and confiscation of assets used for or resulting from the commission of one of the criminal offences laid down in this directive, as provided by Directive 2014/42/EU.

Or. en

Amendment 352

Timothy Kirkhope, Jussi Halla-aho, Angel Dzhambazki, Monica Macovei, Geoffrey Van Orden, Branislav Škripek

Proposal for a directive

Article 21 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) The offender is a national of a Member State and who has provided training overseas to a foreign national;

Or. en

Amendment 353

Timothy Kirkhope, Jussi Halla-aho, Angel Dzhambazki, Monica Macovei, Geoffrey Van Orden, Branislav Škripek

Proposal for a directive

Article 21 – paragraph 1 – point f – paragraph 1

Text proposed by the Commission

Amendment

the offence is committed against the institutions or people of the Member State in question or against an institution, body, office or agency of the European Union and based in that Member State.

the offence is committed against the institutions or people of the Member State in question or against an institution, body, office or agency of the European Union and based in that Member State., ***or where a foreign national receives training overseas with the intention of carrying out an attack within that Member State;***

Or. en

Amendment 354

Emilian Pavel

Proposal for a directive

Article 21 – paragraph 1 – point f – paragraph 1

Text proposed by the Commission

the offence is committed against the institutions or people of the Member State in question or against an institution, body, office or agency of the European Union and based in that Member State.

Amendment

the offence is committed against the institutions or people of the Member State in question or against an institution, body, office, ***seizure of aircraft, ships or other means of public and goods transport*** or agency of the European Union and based in that Member State.

Or. en

Amendment 355

Louis Michel, Gérard Deprez, Petr Ježek, Nathalie Griesbeck, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz, Marielle de Sarnez, Frédérique Ries

Proposal for a directive

Article 21 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State shall take the measures required to establish its jurisdiction in respect of the offences referred to in Article 4 in cases where the perpetrator is present on its territory.

Or. fr

Amendment 356

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

2. When an offence falls within the jurisdiction of more than one Member State and when any of the States concerned can validly prosecute on the basis of the same facts, the Member States concerned shall cooperate in order to decide which of them will prosecute the offenders with the aim, if possible, of centralising proceedings in a single Member State. To this end, the Member States *may* have recourse to Eurojust in order to facilitate cooperation between their judicial authorities and the coordination of their action. Sequential account shall be taken of the following factors:

Amendment

2. When an offence falls within the jurisdiction of more than one Member State and when any of the States concerned can validly prosecute on the basis of the same facts, the Member States concerned shall cooperate in order to decide which of them will prosecute the offenders with the aim, if possible, of centralising proceedings in a single Member State. To this end, the Member States *shall* have recourse to Eurojust in order to facilitate cooperation between their judicial authorities and the coordination of their action. Sequential account shall be taken of the following factors:

Or. en

Amendment 357
Barbara Matera

Proposal for a directive
Article 21 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Each Member State should ensure that subjects suspected or convicted of one of the crimes listed in this Directive face a strong imprisonment regime with complete isolation from the rest of the prison community and with limited and strictly controlled visits from or contact with the outside.

Or. en

Justification

Terrorists or suspects for terrorism or similar behaviour should be put in complete isolation from other inmates. Visits from outside must be strictly monitored as well as all contacts with the outside world. Although this regime might look exaggerate, it would contribute in the fight against radicalization in the prisons and in avoiding that high rank criminals would instruct

people outside. This rigorous imprisonment regime has demonstrated its added value in the fight against Italian Mafia in the last twenty years and should be taken into account as best practice.

Amendment 358

Michal Boni, Kinga Gál, Carlos Coelho

Proposal for a directive

Article 21 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall ensure cooperation and information sharing with the Member State that established its jurisdiction over the offences referred to in Articles 3 to 14 and 16 through established channels, including the Union agencies.

Or. en

Amendment 359

Maite Pagazaurtundúa Ruiz

Proposal for a directive

Article 21 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. All Member States should look out to establish the non-lapsable nature of terrorist crimes in their legal framework.

Or. en

Amendment 360

Caterina Chinnici, Birgit Sippel, Ana Gomes, Tanja Fajon, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Liisa Jaakonsaari, Kati Piri, Miapetra Kumpula-Natri

Proposal for a directive

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Fundamental rights and principles

1. This Directive shall not have the effect of altering the obligation to respect fundamental rights and principles enshrined in the Charter of Fundamental Rights of the European Union and Articles 2 and 6 of the Treaty on European Union, as well as in the European Convention for the Protection of Human Rights and Fundamental Freedoms and International humanitarian law, and shall be implemented and interpreted in accordance with these rights and principles.

2. Any restriction to fundamental rights and freedoms must be provided for by the law and be necessary and proportionate for the aim pursued.

3. Any person whose fundamental rights and freedoms have been violated in the exercise of counter-terrorism powers or the application of counter-terrorism law shall have the right to a speedy, effective and enforceable judicial remedy.

Or. en

Amendment 361
Monika Hohlmeier

Proposal for a directive
Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Exchange of information and cooperation concerning terrorist offences

Each Member State shall take the

necessary measures to ensure that any relevant information concerning any of the offences referred to in Articles 3 to 16, which affects or may affect another Member State, is effectively and timely transmitted to the competent authorities of that Member State established in accordance with Article 2 of Decision 2005/671/JHA and to the relevant Union agencies such as Europol and Eurojust and the relevant information systems maintained by them.

Or. en

Amendment 362
Axel Voss

Proposal for a directive
Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Investigative tools

Member States shall also take the necessary measures to ensure that information gathered by the national relevant authority concerning prisoners who are radicalised to violent extremism or are at risk of radicalisation are transmitted to those responsible for preventing, investigating and prosecuting offences referred to in Articles 3 to 14, as well as to intelligence services.

Or. en

Amendment 363
Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive
Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Exchange of information and judicial and police cooperation

1. Member States shall undertake to share, for investigative purposes, relevant information and data they have obtained from EU-wide databases.

2. Member States shall take the steps required in order to secure effective international judicial cooperation led by the judiciary and conventional police forces.

Or. it

Amendment 364

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Duty to investigate

1. Upon receiving information that a person who has committed or who is alleged to have committed an offence set forth in this Directive may be present in its territory, the Member state concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the Member state in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence

for the purpose of prosecution or extradition.

Or. en

Amendment 365

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Petr Ježek, Maite Pagazaurtundúa Ruiz, Marielle de Sarnez

Proposal for a directive

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Exchanges of information and cooperation concerning terrorist offences

1. Member States shall systematically flag up in the Schengen Information System any person who is suspected of having committed or who has been convicted of at least one of the offences referred to in Articles 3 to 14 of this Directive.

2. Member States shall systematically forward to Europol details of any person who is suspected of having committed or who has been convicted of at least one of the offences referred to in Articles 3 to 14 of this Directive.

Or. fr

Amendment 366

Rachida Dati, Brice Hortefeux

Proposal for a directive

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Investigative tools

Member States shall take the measures required to ensure that effective investigative tools, such as those which are used in cases involving organised crime or other serious crimes and which are essential to the success of such investigations, are made available to the competent entities.

Or. fr

Amendment 367

Sophia in 't Veld, Kaja Kallas, Fredrick Federley

Proposal for a directive

Article 21 a (new)

Text proposed by the Commission

Amendment

Article 21a

Due process in Internet related measures

Member States shall ensure that any measure taken, for the purpose of this Directive, to restrict the online distribution, or otherwise making available, of a message to the public is in line with the Charter of Fundamental Rights, is limited to what is necessary and proportionate and executed on the basis of a prior judicial authorisation.

Or. en

Amendment 368

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 21 b (new)

Text proposed by the Commission

Amendment

Article 21b

*Exchange of information and cooperation
in criminal matters*

1. Member states shall provide each other with the greatest measure of assistance in connection with criminal investigations proceedings in respect of the offences set forth in this directive, including via joint investigation teams. Such assistance shall include cooperation in obtaining evidence necessary for the proceedings. Any relevant information concerning any of the offences referred to in Articles 3 to 14 shall be effectively and timely transmitted to the relevant Union agencies such as Europol and Eurojust;

2. Member States shall carry out their obligations under paragraph 1 in conformity with any treaties or other agreements on mutual legal assistance that may exist between them. In the absence of such treaties or agreements, Member states shall afford one another assistance in accordance with their domestic law;

Or. en

Amendment 369

Gérard Deprez, Louis Michel, Nathalie Griesbeck, Petr Ježek, Marielle de Sarnez, Sophia in 't Veld

**Proposal for a directive
Article 21 b (new)**

Text proposed by the Commission

Amendment

Article 21b

PNR information exchanges

Member States shall exchange all PNR data concerning persons who are suspected of having committed or who have been convicted of at least one of the offences referred to in Articles 3 to 14 of this Directive.

Amendment 370

Petr Ježek, Louis Michel, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Angelika Mlinar

Proposal for a directive

Article 21 c (new)

Text proposed by the Commission

Amendment

Article 21c

Without prejudice to their own investigations or proceedings, the competent authorities of a Member State shall, without prior request, forward to the competent authority of another Member State information obtained within the framework of their own investigations, if the disclosure of such information can assist the Member State receiving the information in initiating or carrying out investigations or proceedings. The Member State providing the information may, pursuant to its national law, impose conditions on the use of such information by the Member State receiving the information. This Member State shall be bound by those conditions;

Or. en

Amendment 371

Gérard Deprez, Louis Michel, Filiz Hyusmenova, Maite Pagazaurtundúa Ruiz

Proposal for a directive

Article 21 c (new)

Text proposed by the Commission

Amendment

Article 21c

Situation at the external borders of the Schengen area

Member States must guarantee their

border and coast guard services access to the relevant databases, in particular the Europol Information System.

Or. fr

Amendment 372

Gérard Deprez, Louis Michel, Maite Pagazaurtundúa Ruiz

Proposal for a directive

Article 21 d (new)

Text proposed by the Commission

Amendment

Article 21d

Measures to combat online radicalisation and incitement to terrorism

Member States must work together with the Commission and internet service providers to develop a joint European strategy to combat online radicalisation and incitement to terrorism. That strategy must be regularly updated.

Or. fr

Amendment 373

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 21 d (new)

Text proposed by the Commission

Amendment

Article 21d

The convicting Member State shall timely store criminal record information on convictions handed down on its territory, including fingerprints, against a national of another Member States, in the ECRIS database. Member State shall ensure the confidentiality and integrity of criminal record information transmitted to other Member States. Where appropriate, the

Commission shall make a legislative proposal to amend this paragraph and align it with the future directive amending Council framework Decision 2009/315/JHA, as regards the ECRIS, and replacing Council Decision 2009/316/JHA.

Or. en

Amendment 374

Petr Ježek, Louis Michel, Gérard Deprez, Maite Pagazaurtundúa Ruiz, Angelika Mlinar, Nathalie Griesbeck

**Proposal for a directive
Article 21 e (new)**

Text proposed by the Commission

Amendment

Article 2e

Member States shall make financial investigation an automatic component of all Counter-Terrorist investigations and share relevant financial intelligence information among all relevant actors.

Or. en

Amendment 375

Monika Hohlmeier

**Proposal for a directive
Title 5 a (new)**

Text proposed by the Commission

Amendment

Due diligence obligations in respect of certain business relationships

Or. en

Amendment 376

Emilian Pavel

Proposal for a directive
Article 22 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that investigations into, *or* prosecution of, offences covered by this Directive are not dependent on a report or accusation made by a victim of terrorism or other person subjected to the offence, *at least* if the acts were committed on the territory of the Member State.

Amendment

1. Member States shall ensure that investigations into, prosecution of, *and conviction of* offences covered by this Directive are not dependent on a report or accusation made by a victim of terrorism or other person subjected to the offence, if the acts were committed on the territory of the Member State.

Or. en

Amendment 377

Caterina Chinnici, Marju Lauristin, Ana Gomes, Emilian Pavel, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Kati Piri

Proposal for a directive
Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that measures are available to protect victims of terrorism and their family members, in accordance with Directive 2012/29/EU. With this regard, in the course of criminal proceedings particular attention shall be paid to the risk of intimidation and retaliation and to the need to protect the physical and mental integrity of victims of terrorism, including during questioning and testifying.

Or. en

Amendment 378

Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Article 22 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall ensure that specific services to assist and support victims of terrorism are in place. Such services shall have the capacity and organisational structure necessary to provide assistance and support to these victims immediately after an attack and as long as necessary thereafter, in accordance with the specific needs of each victim. The services shall be confidential, free of charge and easily accessible to all victims of terrorism. They shall include in particular:

Amendment

2. Member States shall ensure that specific services to assist and support victims of terrorism are in place. Such services shall have the capacity and organisational structure necessary to provide assistance and support to these victims immediately after an attack and as long as necessary thereafter, in accordance with the specific needs of each victim. ***All assistance to the victims of terrorism should be provided in the best interest of the victims and under the principle of "do no harm"***. The services shall be confidential, free of charge and easily accessible to all victims of terrorism. They shall include in particular:

Or. en

Amendment 379

Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 22 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall ensure that specific services to assist and support victims of terrorism are in place. Such services shall have the capacity and organisational structure necessary to provide assistance and support to these victims immediately after an attack and as long as necessary thereafter, in accordance with the specific needs of each victim. The services shall be confidential, free of charge and easily accessible to all victims of terrorism. ***They*** shall include in particular:

Amendment

2. Member States shall ensure that specific services to assist and support victims of terrorism are in place. Such services shall have the capacity and organisational structure necessary to provide assistance and support to these victims immediately after an attack and as long as necessary thereafter, in accordance with the specific needs of each victim. The services shall be confidential, free of charge and easily accessible to all victims of terrorism. ***In addition to the services required under Article 9 (1) of Directive 2012/29/EU, specialist services for victims of terrorism shall include in particular:***

Or. en

Amendment 380

Maite Pagazaurtundúa Ruiz

Proposal for a directive

Article 22 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States *shall* ensure that specific services to assist and support victims of terrorism are in place. Such services shall have the capacity and organisational structure necessary to provide assistance and support to these victims immediately after an attack and as long as necessary thereafter, in accordance with the specific needs of each victim. The services shall be confidential, free of charge and easily accessible to all victims of terrorism. They shall include in particular:

Amendment

2. ***A European office to help victims of terrorism shall be created, with enough human and economic resources, to help*** Member States *to* ensure that specific services to assist and support victims of terrorism are in place. Such services shall have the capacity and organisational structure necessary to provide assistance and support to these victims immediately after an attack and as long as necessary thereafter, in accordance with the specific needs of each victim. The services shall be confidential, free of charge and easily accessible to all victims of terrorism. They shall include in particular:

Or. en

Amendment 381

Iratxe García Pérez, Teresa Jiménez-Becerril Barrio

on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a directive

Article 22 – paragraph 2 – introductory part

Text proposed by the Commission

2. Member States shall ensure that specific services to assist and support victims of terrorism are in place. Such services shall have the capacity and organisational structure necessary to provide assistance and support to these victims immediately after an attack and as long as necessary thereafter, in accordance with the specific needs of each victim. The services shall be confidential, free of charge and easily

Amendment

2. Member States shall ensure that specific services to assist and support victims of terrorism are in place. Such services shall ***be gender-sensitive where relevant,*** have the capacity and organisational structure necessary to provide assistance and support to these victims immediately after an attack and as long as necessary thereafter, in accordance with the specific needs of each victim. The services shall be confidential,

accessible to all victims of terrorism. They shall include in particular:

free of charge and easily accessible to all victims of terrorism. They shall include in particular:

Or. en

Amendment 382
Emilian Pavel

Proposal for a directive
Article 22 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) emotional and psychological support, such as trauma support and counselling;

(a) **medical**, emotional and psychological support, such as trauma support and counselling;

Or. en

Amendment 383
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 22 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) emotional and psychological support, such as trauma support and counselling;

(a) **specialist** emotional and psychological support, such as trauma support and counselling ***specifically adapted to the needs of victims of terrorism***;

Or. en

Amendment 384
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 22 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) vocational rehabilitation services to assist victims suffering from injuries and harm to find new jobs or change careers;

Or. en

Amendment 385

Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 22 – paragraph 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) facilitation of safe virtual connections for victims with other victims and victim run support groups;

Or. en

Amendment 386

Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 22 – paragraph 2 – point b c (new)

Text proposed by the Commission

Amendment

(bc) community based support services;

Or. en

Amendment 387

Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 22 – paragraph 2 – point b d (new)

Text proposed by the Commission

Amendment

(bd) services to inform family members of the identification of victims and their remains and repatriate remains;

Or. en

Amendment 388

Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 22 – paragraph 2 – point b e (new)

Text proposed by the Commission

Amendment

(be) a single centre to receive family members of victims, and where appropriate direct victims, immediately after a terrorist attack. The centres shall in particular provide family members with:

i. emotional and psychological support in accordance with their needs;

ii. practical assistance;

iii. information on the attack and on victims;

iv. a secure environment for family members to meet;

v. security from the press and advice on handling press requests;

Or. en

Amendment 389

Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 22 – paragraph 2 – point b f (new)

Text proposed by the Commission

Amendment

(bf) an emergency information telephone line to be operated following an attack. Provision shall be made for the service to provide foreign language assistance.

Or. en

Amendment 390

Iratxe García Pérez, Teresa Jiménez-Becerril Barrio

on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a directive

Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Members States shall ensure that any officials who are likely to come into personal contact with women and children who are victim of terrorism are able to access and receive appropriate initial and ongoing training, to a level appropriate to their contact with victims, so that they are able to identify victims and their needs and deal with them in a respectful, sensitive, professional and non-discriminatory manner.

Or. en

Amendment 391

Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 22 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall establish co-ordination mechanisms to ensure effective transition of support for victims from the immediate aftermath of the attack to the

long term. Such mechanisms shall ensure in particular the referral of victims to long term services where different organisations provide support during different time frames;

Or. en

Amendment 392
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 22 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member State shall provide specialists in support to victims of terrorism in emergency response planning to ensure delivery of appropriate support services immediately after an attack as well as in the long term.

Or. en

Amendment 393
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 22 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Member States shall ensure that victims of terrorism are offered an individual assessment to determine their support needs and that support services are made available in accordance with those needs. The needs assessment shall be reviewed on a regular basis to determine on-going support needs. A follow up review within an appropriate period of time after the attacks, based on existing knowledge of trauma reactions, shall be provided to victims.

Amendment 394
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 22 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. Member States shall establish coordinated mechanisms to collect information on victims of a terrorist attack taking place in their territory and to provide them with specific information relevant to their needs in the immediate aftermath of a terrorist attack and during any criminal proceedings.

Or. en

Amendment 395
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 22 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2e. Such mechanisms shall in particular provide for:

a) A permanently established single website through which all public information related to any terrorist attack that takes place on the territory of the Member State can be accessed. The following information should be gathered and made available as a matter of urgency through the website: contact information of any organisations responsible for providing support and information to victims, family members and members of the public following a terrorist attack, and information on the attack and measures established in response to the attack,

including information on finding or connecting with missing victims and measures to assist victims to return home, which shall include:

- i. How to retrieve any property lost as a result of an attack;*
 - ii. Normal psychological responses of victims to an attack and guidance to victims on ways to mitigate any negative responses, and information on possible non-visible injuries such as hearing loss;*
 - iii. Information on how to replace identification documents;*
 - iv. Information on how to obtain financial assistance, compensation or government benefits;*
 - v. Information on the specific rights of victims of terrorism and family members, including rights within criminal proceedings as prescribed in Directive 2012/29/EU;*
 - vi. Any other information deemed necessary for the purposes of ensuring victims are informed about their rights, their safety, or services available to them;*
- b) A private access website, available to the victims of terrorist attacks and their family members, providing information to the victims which is not publicly available;*
 - c) Planning on informing family members about the situation of victims;*
 - d) Collection of the same information data on victims by all authorities and organisations having responsibility for the reception, treatment and assistance of victims. Information shall be collected in accordance with the needs of all organisations involved in the response to the terrorist attack and in the support to the victims and their families;*

Or. en

Amendment 396
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 22 – paragraph 2 f (new)

Text proposed by the Commission

Amendment

2f. Member States shall establish specific measures in the case of a mass casualty attack to enable large numbers of victims to participate in criminal proceedings.

Or. en

Amendment 397
Maite Pagazaurtundúa Ruiz

Proposal for a directive
Article 22 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. All provisions on protection, support and rights of victims of terrorism will be taken up and developed in a European Directive on victims of terrorism

Or. en

Amendment 398
Caterina Chinnici, Ana Gomes, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Article 23 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that their competent authorities cooperate among each other to ensure access to information for victims of terrorism who are residents of a Member State other than that one where the terrorist offence was committed.

1. Member States shall ensure that their competent authorities cooperate among each other to ensure access to information for victims of terrorism who are residents of a Member State other than that one where the terrorist offence was committed.

The access to information shall include in particular information about the victims' rights, available support services and accessible compensation schemes.

The access to information shall include in particular information about the victims' rights, available support services and accessible compensation schemes.

Compensation should be granted to the victims for their participation in the criminal proceedings.

Or. en

Amendment 399
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 23 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that their competent authorities cooperate among each other to ensure access to information for victims of terrorism who are residents of a Member State other than that one where the terrorist offence was committed. The access to information shall include in particular information about the victims' rights, available support services and accessible compensation schemes.

Amendment

1. Member States shall ensure that their competent authorities cooperate among each other to ensure access to information for victims of terrorism who are residents of a Member State other than that one where the terrorist offence was committed. The access to information shall include in particular information about the victims' rights, available support services and accessible compensation schemes. ***Such coordination mechanisms shall include:***

- i. procedures to enable the safe transfer of information about victims of the terrorist attack to relevant support services, taking into account relevant data protection laws.***
- ii. the determination of a coordinating support organisation in the Member State of residence of any victim of an attack.***
- iii. the transfer of information to be published on websites as provided for under Article 22. Member State shall ensure that such information is included on their own websites at least where they are aware of victims who are residents or citizens.***

Amendment 400
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 23 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that ***all*** victims of terrorism have access to the assistance and support services as laid down in Article 22 on the territory of the Member State of their residence, even if the terrorist offence was committed in another Member State.

Amendment

2. Member States shall ensure that victims of terrorism, have access to the assistance and support services as laid down in Article 22, on the territory of the Member State of their residence, even if the terrorist offence was committed in another Member State ***or a third country. The coordinating support organisation together with the Member State's competent authority shall be responsible for offering support services to victims on their return to the Member State of Residence.***

Or. en

Amendment 401
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 23 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall establish specific measures to ensure the provision of information to victims not resident in the territory of the Member State of the attack. Such measures shall in particular focus on the rights of non-resident victims within criminal proceedings and for compensation.

Or. en

Amendment 402
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 23 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall ensure that where the exercise of rights is bound by time limitation periods, delays resulting from translation and interpretation difficulties shall be taken into account.

Or. en

Amendment 403
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 23 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Member States shall establish measures to assist victims not resident in the Member State of criminal proceedings to participate in criminal proceedings and to ensure they are able to exercise their rights in accordance with their role in proceedings.

Or. en

Amendment 404
Soraya Post, Sajjad Karim, Julie Ward, Afzal Khan

Proposal for a directive
Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a
Proportionality, necessity and

fundamental rights

1. In the implementation of this Directive, Member States shall ensure that criminalisation shall be proportionate to the legitimate aims pursued and necessary in a democratic society. This Directive shall not result in arbitrary decisions or in discriminatory policies and practices based on perceived nationality, religion, ethnic or racial origin.

2. This Directive shall not have the effect of requiring Member States to take measures in contradiction of their obligation to respect fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union.

3. This Directive shall not have the effect of altering the obligation to respect fundamental rights and fundamental legal principles as enshrined in Articles 2 and 6 of the Treaty on European Union.

Or. en

Amendment 405

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Fundamental rights and principles

1. This Directive shall not have the effect of altering the obligation to uphold fundamental rights and fundamental legal principles as enshrined in the Charter of Fundamental Rights of the European Union and Articles 2 and 6 of the Treaty on European Union, as well as in the European Convention for the Protection of Human Rights and Fundamental Freedoms and international

humanitarian law.

2. Restrictions on fundamental rights and freedoms shall be provided for by law and shall be necessary and proportionate to the aim pursued.

3. This Directive shall be implemented in accordance with the Charter of Fundamental Rights and the principles of EU law.

4. Anyone whose fundamental rights and freedoms are infringed during anti-terrorism operations or in connection with the enforcement of anti-terrorism laws shall be entitled to a swift, effective and enforceable legal remedy.

Or. it

Amendment 406

Cornelia Ernst, Barbara Spinelli, Kostas Chrysogonos

Proposal for a directive

Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Fundamental Rights and Principles

1. This Directive shall not have the effect of altering the obligation to respect fundamental rights and fundamental legal principles as enshrined in the Charter of Fundamental Rights of the European Union and Articles 2 and 6 of the Treaty on European Union, as well as in the European Convention for the Protection of Human Rights and Fundamental Freedoms and International humanitarian law.

2. Restrictions to fundamental rights and freedoms must be provided for by law, be necessary and proportionate for the aim pursued. This Directive shall not result in arbitrary decisions or in discriminatory

policies and practices based on perceived nationality, religion, ethnic or racial origin.

3. This Directive shall be implemented in accordance with the Charter of Fundamental Rights and principles of Union law.

Or. en

Amendment 407
Monika Hohlmeier

Proposal for a directive
Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Due diligence obligations in respect of certain business relationships

1. The Member States shall ensure that obliged entities apply due diligence on suppliers and customers in accordance in the following circumstances:

- a) when establishing a business relationship with a supplier or customer involving the trade of designated goods within the meaning of paragraph 3,*
- b) in the case of a transaction with a supplier or customer being carried out outside an existing business relationship involving the trade of designated goods within the meaning of paragraph 3,*
- c) if there are facts or circumstances suggesting engagement or intent to engage in illicit trade involving the traded designated goods within the meaning of paragraph 3 or usage of or intent to use designated goods within the meaning of paragraph 3 in manufacturing of illicit goods,*
- d) when there are serious doubts about the veracity or adequacy of previously*

obtained supplier or customer identification data.

Points (a) and (b) of the first subparagraph shall not apply insofar as the obliged entities trade with consumers acting as end-customers within the meaning of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011.

2. For the purposes of this Article, obliged entities are deemed to be natural or legal persons in so far as they trade in designated goods within the meaning of paragraph 3 in the exercise of their economic or professional activities.

3. The following goods whose trading is considered to be vulnerable to direct or indirect terrorist financing, shall be deemed to be designated goods within the meaning of this Article:

a) oil, oil products, modular refineries and related material, arms, nuclear material, precious metals and minerals such as gold, silver, copper and diamonds, as well as grain and livestock,

b) machinery, electronics, tobacco products and pharmaceuticals, including the raw materials needed to manufacture (including cellulose acetate), materials, packaging and containers bearing a designation of origin and certificates of authenticity,

c) cultural artefacts and other items of archaeological, historical, cultural and religious importance, or rare scientific value, as well as ivory and protected species.

Member States shall adopt, on the basis of a risk-based and proportionate approach and within the limits of Union law, national legislation ensuring that the scope of application of this Article is extended to other goods to the extent that it is highly likely that these other goods are used to directly or indirectly finance terrorism. In the event that a Member

State extends the scope of application to other goods, it shall duly notify the Commission thereof.

4. The extent of the due diligence obligations shall be determined on a risk-sensitive basis depending on the relevant contracting party, the relevant business relationship or transaction and shall comprise identifying the contracting party, verifying the contracting party's identity.

5. Each Member State shall establish a central reporting unit in order to prevent, detect and combat illicit trade involving designated goods and manufacturing of illicit goods by using designated goods.

Member States shall ensure that their competent authorities cooperate to the greatest extent possible with one another and with the national authorities of other Member States along with European authorities for combating illicit trade involving designated goods and manufacturing of illicit goods by using designated goods.

Or. en

Amendment 408

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

***Proportionality, necessity and
fundamental rights***

1. In the implementation of this Directive, Member States shall ensure that criminalisation is provided for by law, proportionate to the legitimate aims pursued and necessary in a democratic society and shall exclude any form of

arbitrariness and discrimination. This Directive shall not result in arbitrary decisions or in discriminatory policies and practices based on perceived nationality, religion, ethnic or racial origin.

2. This Directive shall not have the effect of altering the obligation to respect fundamental rights and fundamental legal principles as enshrined in the Charter of Fundamental Rights of the European Union as well as in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and other obligations under international humanitarian law.

3. This Directive shall not have the effect of altering the obligation to respect fundamental rights and fundamental legal principles as enshrined in Articles 2 and 6 of the Treaty on European Union.

Or. en

Amendment 409
Sophia in 't Veld, Kaja Kallas, Fredrick Federley

Proposal for a directive
Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Fundamental Rights and Principles

1. This Directive is without prejudice to fundamental rights and fundamental legal principles as enshrined in the Charter of Fundamental Rights of the European Union and Articles 2 and 6 of the Treaty on European Union, as well as in the European Convention for the Protection of Human Rights and Fundamental Freedoms and International humanitarian law.

2. Restrictions to fundamental rights and freedoms must be provided for by law, and must be necessary and proportionate for the aim pursued.

3. This Directive shall be implemented in full accordance with the Charter of Fundamental Rights and principles of Union law.

Or. en

Amendment 410
Michał Boni, Carlos Coelho

Proposal for a directive
Article 23 a (new)

Text proposed by the Commission

Amendment

Article 23a

Fundamental rights and non-discrimination

1. This Directive shall be implemented without prejudice to and in respect with fundamental rights and freedoms as enshrined in the Charter of the Fundamental Rights of the European Union and Articles 2 and 6 of the Treaty on European Union.

2. This Directive shall be implemented with respect to principle of proportionality and shall exclude any form of arbitrariness and discrimination.

Or. en

Amendment 411
Laura Agea, Laura Ferrara, Ignazio Corrao

Proposal for a directive
Article 23 b (new)

Text proposed by the Commission

Amendment

Article 23b

Freedom of expression

1. Nothing in this Directive may be interpreted as being intended to reduce or restrict the dissemination of information for the purpose of expressing an opinion. The public expression of radical, political or controversial views on sensitive political questions, including terrorism, falls outside the scope of this Directive and, in particular, of the definition of public provocation to commit terrorist offences.

2. This Directive shall not have the effect of requiring Member States to take measures in contradiction of fundamental principles relating to freedom of expression, in particular freedom of the press and freedom of expression in other media as they result from constitutional traditions or rules governing the rights and responsibilities of, and the procedural guarantees for, the press or other media where these rules relate to the determination or limitation of liability.

Or. it

Amendment 412

Soraya Post, Sajjad Karim, Julie Ward, Afzal Khan

Proposal for a directive

Article 23 b (new)

Text proposed by the Commission

Amendment

Article 23b

Non-discrimination

This Directive shall not have the effect of requiring Member States to take measures which could result in direct or indirect discrimination or which would be based

on religious practice and ethnic criteria.

Or. en

Amendment 413
Cornelia Ernst, Kostas Chrysogonos

Proposal for a directive
Article 23 b (new)

Text proposed by the Commission

Amendment

Article 23b

Emergency situations and fundamental rights

In time of war or other public emergency threatening the life of the nation, Member States may take measures to derogate certain rights, in line with Union and international law. Such circumstances do not relieve the authorities from demonstrating that the measures undertaken are applied solely for the purpose of combating terrorism and are directly related to the specific objective of combating terrorism.

Or. en

Amendment 414
Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive
Article 23 b (new)

Text proposed by the Commission

Amendment

Article 23b

Fundamental principles relating to freedom of expression

1. Nothing in this Directive may be interpreted as being intended to reduce or restrict the dissemination of information

for the expression of an opinion. The expression of radical, polemical or controversial views in the public debate on sensitive political questions, including terrorism, falls outside the scope of this Directive and, in particular, of the definition of public provocation to commit a terrorist offence.

2. This Directive shall not have the effect of requiring Member States to take measures in contradiction of fundamental principles relating to freedom of expression, in particular freedom of the press and the freedom of expression in other media as they result from constitutional traditions or rules governing the rights and responsibilities of, and the procedural guarantees for, the press or other media where these rules relate to the determination or limitation of liability.

Or. en

Amendment 415
Michał Boni, Carlos Coelho

Proposal for a directive
Article 23 b (new)

Text proposed by the Commission

Amendment

Article 23b

Cooperation and information exchange

1. Member States shall ensure introducing an obligation to cooperate and to exchange information with other Member States regarding the offences referred to in Articles 3 to 14 and Article 16.

2. Member State shall ensure introducing an obligation to cooperate with and to transmit information regarding the offences referred to in Articles 3 to 14 and Article 16 relevant for other Member

States via the Union agencies, i.e. Europol and Eurojust, recognizing their leading role in the coordination process.

Or. en

Amendment 416
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Article 23 b (new)

Text proposed by the Commission

Amendment

Article 23b

Member States shall ensure that any person whose fundamental rights and freedoms have been violated in the exercise of counter-terrorism powers or the application of counter-terrorism law has a right to a speedy, effective and enforceable remedy.

Or. en

Amendment 417
Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive
Article 23 c (new)

Text proposed by the Commission

Amendment

Article 23c

Non-discrimination

This Directive shall not have the effect of requiring Member States to take measures which could result in direct or indirect discrimination or which would be based on religious practice and ethnic criteria.

Or. en

Amendment 418

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive

Article 23 c (new)

Text proposed by the Commission

Amendment

Article 23c

Right to effective remedies

1. Any person whose fundamental rights and freedoms have been violated in the exercise of counter-terrorism powers or the application of counter-terrorism law has a right to a speedy, effective and enforceable remedy.

2. Member States' judicial authorities shall have the ultimate responsibility to ensure that this right is effective.

Or. en

Amendment 419

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 23 d (new)

Text proposed by the Commission

Amendment

Article 23d

Emergency situations and fundamental rights

In time of war or other public emergency threatening the life of the nation, Member States may take measures to derogate from certain rights, in line with Union and international law. Such circumstances do not relieve the authorities from demonstrating that the measures undertaken are applied solely for the purpose of combating terrorism and are directly related to the specific objective of combating terrorism.

Amendment 420

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive

Article 23 d (new)

Text proposed by the Commission

Amendment

Article 23d

Non-discrimination

This Directive shall not have the effect of requiring Member States to take measures which could result in direct or indirect discrimination or which would be based on religious practice and ethnic criteria. The Commission shall regularly assess the implementation of the Directive with regard to any potential disproportionate impact on groups of the population and remedial procedures to correct discriminatory practices and report their findings to the European Parliament and Council.

Or. en

Justification

Evidence show that counter-terrorism policies have had a disproportionate impact on ethnic or religious minorities, including Muslims, people of African descent, migrants, refugees and people perceived as such. More recent evidence show that recent measures, implemented after the Paris attacks in November 2015, have had a concerning disproportionate impact on Muslim individuals and organisations. Ethnic profiling has been reported on the rise on several EU Member States. Widespread human rights violations feed into a sense of injustice and defiance towards public authorities and ultimately prove counterproductive to combating terrorism.

Amendment 421

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive

Article 23 e (new)

Text proposed by the Commission

Amendment

Article 23e

Freedom of expression

1. Nothing in this Directive may be interpreted as being intended to reduce or restrict the dissemination of information for the expression of an opinion. The expression of radical, polemical or controversial views in the public debate on sensitive political questions, including terrorism, falls outside the scope of this Directive and, in particular, of the definition of public provocation to commit a terrorist offence.

2. This Directive shall not have the effect to take measures in contradiction of fundamental principles relating to freedom of expression, including freedom of the press and the freedom of expression resulting from constitutional traditions or rules governing the rights and responsibilities of, and the procedural guarantees for, the press or other media where these rules relate to the determination or limitation of liability.

Or. en

Amendment 422

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 25 – title

Text proposed by the Commission

Amendment

Transposition

Transposition ***and review mechanisms by Member States***

Or. en

Amendment 423

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive

Article 25 – title

Text proposed by the Commission

Transposition

Amendment

Transposition *and review mechanisms by Member States*

Or. en

Amendment 424

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 25 – paragraph 2

Text proposed by the Commission

2. Member States shall communicate to the Commission the text of the *main* provisions of national law which they adopt in the field covered by this Directive.

Amendment

2. Member States shall communicate to the Commission the text of the provisions of national law which they adopt in the field covered by this Directive.

Or. en

Amendment 425

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall conduct annual independent reviews of and reporting on the exercise of powers under the laws falling within the scope of this Directive.

Or. en

Amendment 426

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive

Article 25 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall conduct annual independent reviews of and reporting on the exercise of powers under the laws falling within the scope of this Directive.

Or. en

Amendment 427

Timothy Kirkhope, Jussi Halla-aho, Angel Dzhambazki, Monica Macovei, Geoffrey Van Orden, Branislav Škripek

Proposal for a directive

Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall, by [24 months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.

1. The Commission shall, by [12 months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.

Or. en

Amendment 428

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a directive

Article 26 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall, by [24 months after the deadline for implementation of

1. The Commission shall, by [24 months after the deadline for implementation of

this Directive], submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.

this Directive], submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive *and of the effectiveness of the actions that member state have taken in terms of achieving the objective of this directive. On the basis of this evaluation, the Commission shall decide on the appropriate follow-up;*

Or. en

Amendment 429

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 26 – paragraph 1

Text proposed by the Commission

1. The Commission shall, by [24 months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive.

Amendment

1. The Commission shall, by [24 months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures to comply with this Directive. ***Regular evaluation of the Directive implementation should include assessment of a potential disproportionate impact of measures on groups of the population, and remedial procedures to correct discriminatory practices.***

Or. en

Amendment 430

Teresa Jiménez-Becerril Barrio

Proposal for a directive

Article 26 – paragraph 2

Text proposed by the Commission

2. The Commission shall, by [48 months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the impact and added value of this Directive on combating terrorism. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA.

Amendment

2. The Commission shall, by [48 months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the impact and added value of this Directive on combating terrorism, ***and protecting and assisting victims of terrorism***. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA.

Or. en

Amendment 431

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 26 – paragraph 2

Text proposed by the Commission

2. The Commission shall, by [**48** months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the ***impact and*** added value of this Directive on combating terrorism. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA.

Amendment

2. The Commission shall, by [**12** months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the added value of this Directive on combating terrorism ***and its impact on fundamental rights and freedoms and the rule of law***. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA ***and any other relevant information regarding the exercise of powers under counter-terrorism laws related to the transposition and implementation of this Directive***.

Or. en

Amendment 432

Petr Ježek, Louis Michel, Gérard Deprez, Angelika Mlinar, Cecilia Wikström, Maite

Pagazaurtundúa Ruiz, Nathalie Griesbeck

**Proposal for a directive
Article 26 – paragraph 2**

Text proposed by the Commission

2. The Commission shall, by [48 months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the impact and added value of this Directive on combating terrorism. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA.

Amendment

2. The Commission shall, by [48 months after the deadline for implementation of this Directive], **and every two years**, submit a report to the European Parliament and to the Council, assessing the impact **on fundamental rights, proportionality, the effectiveness** and added value of this Directive on combating terrorism. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA.

Or. en

Amendment 433

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

**Proposal for a directive
Article 26 – paragraph 2**

Text proposed by the Commission

2. The Commission shall, by [**48** months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the **impact and** added value of this Directive on combating terrorism. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA.

Amendment

2. The Commission shall, by [**12** months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the added value of this Directive on combating terrorism **and its impact on fundamental rights and freedoms and the rule of law**. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA **and any other relevant information regarding the exercise of powers under counter-terrorism laws related to the transposition and implementation of this Directive**.

Or. en

Amendment 434
Michał Boni, Carlos Coelho

Proposal for a directive
Article 26 – paragraph 2

Text proposed by the Commission

2. The Commission shall, by [48 months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the impact and added value of this Directive on combating terrorism. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA.

Amendment

2. The Commission shall, by [48 months after the deadline for implementation of this Directive], submit a report to the European Parliament and to the Council, assessing the impact and added value of this Directive on combating terrorism ***and its impact on fundamental rights and freedoms***. The Commission shall take into account the information provided by Member States under Decision 2005/671/JHA.

Or. en

Amendment 435
Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In light of the independent reports of the European Commission, Member States shall conduct parliamentary periodic reviews.

Or. en

Amendment 436
Soraya Post, Sajjad Karim, Julie Ward, Afzal Khan

Proposal for a directive
Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall regularly assess the implementation of the Directive with regard to any potential disproportionate impact on groups of the population and remedial procedures to correct discriminatory practices and report their findings to the European Parliament and Council.

Or. en

Amendment 437

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive

Article 26 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In light of the independent reports of the European Commission, Member States shall conduct parliamentary periodic reviews.

Or. en

Amendment 438

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Sunset Clause

This Directive shall expire after every five years, unless the Directive is prolonged for another five years by the Council and the Parliament upon a proposal of the Commission.

