

2015/0281(COD) - 15/03/2017 Final act

PURPOSE: to strengthen the legal framework in force in the EU on tackling terrorism.

LEGISLATIVE ACT: Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

CONTENT: in light of evolving terrorist threats and taking into account the cross-border nature of terrorism, the Directive establishes:

- minimum rules concerning the definition of: (i) criminal offences and sanctions in the area of terrorist offences, (ii) offences related to a terrorist group and offences related to terrorist activities;
- measures of protection of, and support and assistance to, victims of terrorism.

Terrorist offences: the Directive lists exhaustively a number of serious offences, such as the attacks upon a persons life, the manufacture or use of chemical, biological, radiological or nuclear weapons, as intentional acts which may be classified as terrorist offences when committed for a particular terrorist purpose, namely:

- seriously intimidating a population;
- unduly compelling a government or an international organisation to perform or abstain from performing any act;
- seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Offences related to terrorist activities: the Directive establishes that a criminal offence shall include:

- the distribution, whether online or offline, of a message with the intention of inciting a terrorist offense, for example by glorifying terrorist acts;
- soliciting and recruiting another person to commit a terrorist offence;
- providing or receiving training for terrorist purposes, for example, in the making or use of explosives, firearms or hazardous or noxious substances;
- travelling inside, outside or to the EU for purposes of terrorism, for example to participate in the activities of a terrorist group or to carry out a terrorist attack;
- the organisation and facilitation of such travel, including logistical or material support, such as ticket purchases or route planning;
- providing or collecting funds with the intention that they be used or in the knowledge that they be used to commit terrorist offences.

Penalties and sanctions should be provided for natural and legal persons being liable for such offences, which reflect the seriousness of such offences.

Online provocative content: Member States should take measures to (i) promptly remove illegal online content constituting a public provocation to commit a terrorist offence, that is hosted in their territory; (ii) obtain the removal of such content hosted outside their territory.

Measures to remove content and block access should be established through transparent procedures and provide adequate safeguards.

Rights of victims of terrorism: the Directive provides for a range of services to meet the special needs of victims of terrorism, such as the right to immediate access to professional support services providing medical and emotional and psychological support, legal or practical advice, and assistance with claims.

Member States shall ensure that victims of terrorism who are residents of a Member State other than that where the terrorist offence was committed have access to information regarding their rights, the available support services and compensation schemes in the Member State where the terrorist offence was committed.

Emergency response mechanisms have also been strengthened to assist victims of terrorism immediately after a terrorist attack.

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TRANSPOSITION: no later than 8.9.2018.