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*Plenary sitting*

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**A8-0228/2016**

12.7.2016

**\*\*\*I**  
**REPORT**

on the proposal for a directive of the European Parliament and of the Council  
on combating terrorism and replacing Council Framework Decision  
2002/475/JHA on combating terrorism  
(COM(2015)0625 – C8-0386/2015 – 2015/0281(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Monika Hohlmeier

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism**

**(COM(2015)0625 – C8-0386/2015 – 2015/0281(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2015)0625),
  - having regard to Article 294(2) and Articles 83(1) and 82(2)(c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0386/2015),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the United Nations Security Council Resolutions 2178(2014) of 24 September 2014 and 2249(2015) of 20 November 2015,
  - having regard to the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005 and its Additional Protocol of 19 May 2015,
  - having regard to the Financial Action Task Force (FATF) Recommendations,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0228/2016),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

**Draft legislative resolution**  
**Citation 4 a (new)**

*Draft legislative resolution*

*Amendment*

- ***having regard to the UN Security Council Resolutions 2195(2014), 2199(2015) and 2253(2015),***

## **Amendment 2**

**Draft legislative resolution**  
**Citation 4 b (new)**

*Draft legislative resolution*

*Amendment*

- ***having regard to UN Security Council Resolution 1373(2001),***

## **Amendment 3**

**Draft legislative resolution**  
**Citation 8 a (new)**

*Draft legislative resolution*

*Amendment*

- ***having regard to the Communiqué of the Nuclear Security Summit, Washington, of 1 April 2016,***

## **Amendment 4**

**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

*Amendment*

(1) The European Union is founded on the universal values of human dignity, freedom, equality and solidarity, respect for human rights and fundamental freedoms. It is based on the principle of democracy and the principle of the rule of law, principles which are common to the Member States.

(1) The European Union is founded on the universal values of human dignity, freedom, equality ***between women and men*** and solidarity, respect for human rights and fundamental freedoms. It is based on the principle of democracy and the principle of the rule of law, principles which are common to the Member States.

## Amendment 5

### Proposal for a directive

#### Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(3a) The Additional Protocol to the Council of Europe Convention on the prevention of terrorism adopted in May 2015 requires parties to that Convention to criminalise participation in an association or group for the purpose of terrorism, receiving training for terrorism, travelling or attempting to travel for terrorist purposes, providing or collecting funds for such travels and organising and facilitating such travels. The Union signed the Additional Protocol and the Convention on 22 October 2015.***

## Amendment 6

### Proposal for a directive

#### Recital 4

*Text proposed by the Commission*

*Amendment*

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on 13 November 2015. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad but who remain within Europe.

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on 13 November 2015 ***and in Brussels on 22 March 2016***. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad but who remain within Europe.

## **Amendment 7**

### **Proposal for a directive Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**(4a) Paragraph 6 of the UN Security Council Resolution (UNSCR) 2178(2014) requires all UN Member States to ensure that their domestic laws and regulations establish serious criminal offences to prosecute travel to a third country with the purpose of contributing to committing terrorist acts or providing or receiving training, as well as the funding, organisation or facilitation of such travel. In order to avoid prosecution gaps inside the Union, a harmonised implementation of UNSCR 2178(2014) is needed.**

## **Amendment 8**

### **Proposal for a directive Recital 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**(4b) The fight against terrorism remains primarily a matter for Member States. However, the terrorist attacks in Europe in 2015 and 2016 have highlighted the need for coordinated action on the part of the Member States to combat terrorism and address the threat which foreign fighters pose within the Union.**

## **Amendment 9**

### **Proposal for a directive Recital 4 c (new)**

*Text proposed by the Commission*

*Amendment*

**(4c) A harmonised classification of**



*criminal sanctions for terrorist crimes would offer a common legal framework which could be used as a reference for several Union agencies. An effective coordinating mechanism between Europol, Eurojust, SIS, OLAF and EJM should therefore be put in place.*

## Amendment 10

### Proposal for a directive Recital 4 d (new)

*Text proposed by the Commission*

*Amendment*

*(4d) Member States should strengthen the professionalism of security forces, law enforcement agencies and justice institutions. They should also ensure an effective oversight and accountability of such bodies, in conformity with international human rights law and the rule of law. This includes human rights training given to security forces, such as on how to respect human rights within the context of measures taken to counter violent extremism and terrorism.*

## Amendment 11

### Proposal for a directive Recital 5

*Text proposed by the Commission*

*Amendment*

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, *including* offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, so that it covers more comprehensively conduct related to in particular foreign terrorist fighters and terrorist financing. These

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, so that it covers more comprehensively conduct related to, in particular, foreign terrorist fighters, *the increasing misuse of the internet for*

forms of behaviour should be punishable also if committed through the Internet, including social media.

*terrorist purposes (e.g. for recruitment, propaganda and training) and terrorist financing. These forms of behaviour should be punishable if committed by any means, whether on- or offline, while respecting the principle of proportionality and necessity.*

## **Amendment 12**

### **Proposal for a directive Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*(5a) The threat of nuclear and radiological terrorism remains a significant challenge to international security. Countering this evolving threat demands strengthened international cooperation and increased support for the central role of the International Atomic Energy Agency, as well as stringent safety measures.*

## **Amendment 13**

### **Proposal for a directive Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*(6a) Measures designed to combat terrorism will not be fully effective until they are accompanied by an effective, dissuasive and coordinated set of criminal justice measures implemented in all Member States. By criminalising terrorist acts carried out abroad by terrorist organisations, Member States will equip themselves with the tools needed to address the terrorist radicalisation of citizens of the Union and the phenomenon of foreign fighters. Law enforcement and judicial authorities*

*should have the resources needed to prevent, detect and punish such acts. Their staff should receive ongoing effective training in dealing with terrorism-related crimes.*

#### **Amendment 14**

##### **Proposal for a directive Recital 6 b (new)**

*Text proposed by the Commission*

*Amendment*

*(6b) This Directive should not have the effect of altering the rights, obligations, and responsibilities of Member States and organisations under international law, including under international humanitarian law. Actions by armed forces during periods of armed conflict, which are governed by international humanitarian law within the meaning of those terms under that law, and, insofar as they are governed by other rules of international law, actions by the armed forces of a State in the exercise of their official duties are not governed by this Directive.*

#### **Amendment 15**

##### **Proposal for a directive Recital 6 c (new)**

*Text proposed by the Commission*

*Amendment*

*(6c) The provision of humanitarian assistance by impartial humanitarian organisations recognised by international law, including international humanitarian law, should not be considered as contributing to the criminal activities of a terrorist group, while taking into account the case law of the Court of*

## Amendment 16

### Proposal for a directive Recital 7

#### *Text proposed by the Commission*

(7) The **offences** related to public provocation to commit a terrorist offence act comprise, inter alia, the glorification and justification of terrorism or the dissemination of messages or images **including those related to the victims of terrorism as a way to gain publicity** for the terrorists cause or seriously intimidating the population, **provided that** such behaviour causes a danger that terrorist acts may be committed.

#### *Amendment*

(7) The **offences** related to public provocation to commit a terrorist offence act comprise, inter alia, the glorification and justification of terrorism or the dissemination of messages or images **on- and offline as a way to gather support** for a terrorist cause or seriously intimidating the population. Such behaviour **should be punishable when it** causes a danger **in a concrete case** that a terrorist **offence** may be committed.

## Amendment 17

### Proposal for a directive Recital 7 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**(7a) Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, Member States should ensure that the service provider is not liable for the information transmitted or stored in accordance with Directive 2000/31/EC of the European Parliament and of the Council<sup>1a</sup>.**

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<sup>1a</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular

*electronic commerce, in the Internal Market ('Directive on electronic commerce') (OJ L 178, 17.7.2000, p. 1).*

## **Amendment 18**

### **Proposal for a directive Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

***(7b) An effective means of combatting terrorism on the internet is to remove illegal terrorist content at source. In that context, this Directive is without prejudice to voluntary action taken by the internet industry to prevent the misuse of its services or to any support for such action by Member States, such as detecting and flagging illegal content. Member States should take all necessary measures to remove or to block access to web pages publicly inciting others to commit terrorist offences. Where such measures are taken, they should be in line with transparent procedures and subject to adequate safeguards under the control of independent authorities. Member States should use their best endeavours to cooperate with third countries in seeking to secure the removal of such content from servers within their territory. However, when removal of illegal content at its source is not possible, Member States should be able to put in place measures to block access from Union territory to web pages identified as containing or disseminating terrorist content. Member States should consider legal action against internet and social media companies and service providers which deliberately refuse to comply with a legal order to delete illegal content extolling terrorism from their internet platforms after being duly notified about such content. Any refusal should be punishable by effective, proportionate and***

*dissuasive sanctions. The right to judicial review should be guaranteed to the internet and social media companies and service providers.*

## Amendment 19

### Proposal for a directive

#### Recital 8

##### *Text proposed by the Commission*

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. ***Any act of facilitation of*** such travel should also be criminalised.

##### *Amendment*

(8) ***While it is not indispensable to criminalise the act of travelling as such,*** considering the seriousness of the threat and the need to, in particular, stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. ***Such act should be criminalised under specific conditions and only when the terrorist purpose of the travel is proven by inferring from objective circumstances. Facilitating or organising*** such travel should also be criminalised.

## Amendment 20

### Proposal for a directive

#### Recital 9

##### *Text proposed by the Commission*

(9) Criminalisation of ***the*** receiving training for terrorism complements the existing offence of providing training and specifically addresses the threats resulting from those actively preparing for the commission of terrorist offences, including those ultimately acting alone.

##### *Amendment*

(9) Criminalisation of ***wilfully*** receiving training for terrorism, ***including obtaining knowledge, documentation or practical skills, whether or not in the form of self-study,*** complements the existing offence of providing training and specifically addresses the threats resulting from those actively preparing for the

commission of terrorist offences, including those ultimately acting alone. ***It should therefore be criminalised.***

## **Amendment 21**

### **Proposal for a directive Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) Cyber attacks carried out for terrorist purposes or by a terrorist organisation should be punishable in Member States.***

## **Amendment 22**

### **Proposal for a directive Recital 10**

*Text proposed by the Commission*

*Amendment*

(10) ***Terrorist*** financing should be punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable.

(10) ***Without prejudice to Directive (EU) 2015/849 of the European Parliament and of the Council<sup>1a</sup>***, terrorist financing should be punishable in the Member States and cover ***not only the financing of terrorist acts, but also*** the financing of a terrorist group, as well as other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable

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***<sup>1a</sup> Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No***

*648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2016, p. 73).*

## **Amendment 23**

### **Proposal for a directive Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

*(10a) The increasing convergence and nexus between terrorism and organised crime and the links between criminal and terrorist groups constitute a growing security threat to the Union. Member States should, therefore, ensure that the financing and the support of terrorist crimes by means of organised crime is made punishable and that the links between organised crime and terrorist activities and terrorist financing are more explicitly taken into account by the authorities of the Member States involved in criminal proceedings.*

## **Amendment 24**

### **Proposal for a directive Recital 10 b (new)**

*Text proposed by the Commission*

*Amendment*

*(10b) Illicit trade in firearms, oil, drugs, cigarettes, counterfeit goods and artworks and other cultural objects, as well as trade in human beings, racketeering and extortion have become very lucrative ways for terrorist groups to obtain funding. In seeking to combat terrorist financing, therefore, the process by which terrorist organisations generate funding should*



*also be addressed.*

*While avoiding an undue administrative burden for economic actors, Member States should take the necessary measures to ensure that terrorist groups may not benefit from any trading in goods. Appropriate and proportionate due diligence, monitoring and reporting requirements could have a preventative effect by materially impairing the trading activities of organised criminal groups and terrorist groups and by helping to track and prosecute organised crime and other commercial activities of terrorist organisations more effectively. Where appropriate, Member States should provide for penalties for breaches of those requirements.*

## **Amendment 25**

### **Proposal for a directive Recital 10 c (new)**

*Text proposed by the Commission*

*Amendment*

*(10c) Financial investigations are fundamental to uncovering the facilitation of terrorist offences and the networks and structure of terrorist organisations. Such investigations can be very productive, particularly when tax and customs authorities, financial intelligence units and judicial authorities are involved at an early stage of the investigation. Member States should aim to make financial investigations a standard component of all counter-terrorist investigations and to share relevant financial information among competent authorities. In their efforts to prevent, investigate and combat terrorist financing, Member States should make utmost use of Europol's financial intelligence and counter-terrorist financing capabilities. They should also*

*endeavour to ensure a more efficient and coordinated approach, for instance by establishing specialised units at national level to deal with financial investigations linked to terrorism, which may have considerable added value and contribute substantially to securing successful prosecutions.*

## **Amendment 26**

### **Proposal for a directive Recital 11**

*Text proposed by the Commission*

(11) **Furthermore**, the provision of material support for terrorism through persons engaging in or acting as intermediaries in the supply or movement of services, assets and goods, including trade transactions involving the entry into or exit from the Union should be punishable in the Member States, as aiding and abetting terrorism or as terrorism financing if performed with the knowledge that these operations or the proceeds thereof are intended to be used, in full or in part, for terrorist purposes or will benefit terrorist groups.

*Amendment*

(11) The provision of material support for terrorism through persons engaging in or acting as intermediaries in the supply or movement of services, assets and goods, including trade transactions involving the entry into or exit from the Union, should be punishable in the Member States as aiding and abetting terrorism or as terrorism financing if performed with the **clear intention or** knowledge that these operations or the proceeds thereof are intended to be used, in full or in part, for terrorist purposes or will benefit terrorist groups.

## **Amendment 27**

### **Proposal for a directive Recital 14**

*Text proposed by the Commission*

(14) **Furthermore**, penalties should be provided for natural and legal persons having committed or being liable for such offences, which reflect the seriousness of such offences.

*Amendment*

(14) Penalties should be provided for natural and legal persons having committed or being liable for such offences, which reflect the seriousness of such offences.

## Amendment 28

### Proposal for a directive Recital 15

*Text proposed by the Commission*

(15) Jurisdictional rules should be established to ensure that **the** terrorist **offence** may be effectively prosecuted. In particular, it appears necessary to establish jurisdiction for the offences committed by the providers of training for terrorism, whatever their nationality, in view of the possible effects of such behaviours on the territory of the Union and of the close material connexion between the offences of providing and receiving training for terrorism.

*Amendment*

(15) Jurisdictional rules should be established to ensure that terrorist **offences** may be effectively prosecuted. In particular, it appears necessary to establish jurisdiction, for the offences committed by the providers of training for terrorism **of citizens of the Union and persons residing in the Union**, whatever the nationality **of the providers may be**, in view of the possible effects of such behaviours on the territory of the Union and of the close material connexion between the offences of providing and receiving training for terrorism. **Any prosecution of a third-country national should respect the agreements on extradition and on police and judicial cooperation in criminal matters with the third countries concerned.**

## Amendment 29

### Proposal for a directive Recital 15 a (new)

*Text proposed by the Commission*

*Amendment*

**(15a) Information relevant for the detection, prevention, investigation or prosecution of the offences referred to in this Directive often concerns more than one Member State and can require urgent action. In order to prevent and combat terrorism, a closer cross-border cooperation among the competent national authorities and Union agencies is needed with regard to expedient exchange of any relevant information from criminal and court records or other available sources on either radicalised or**

*violent extremist individuals who are suspects of a criminal offence or who are or have been subject to criminal proceedings or asset freezing for any of the offences referred to in this Directive, including those who have been denied admission to the territory of a Member State or who have been deported on suspicion of involvement in crimes as referred to in this Directive. The competent national and Union authorities should therefore exchange this information in an efficient and timely manner while respecting applicable data protection law. Furthermore, Member States and their competent authorities should increase their utilisation of available systems and databases, provided for by relevant agencies, both in quantitative and qualitative terms, to enhance their prevention and counter-terrorism capabilities. They should do so by sharing all relevant information and by conducting systematic strategic and operational analyses, in accordance with the applicable law and related safeguards.*

### **Amendment 30**

#### **Proposal for a directive Recital 15 b (new)**

*Text proposed by the Commission*

*Amendment*

*(15b) To ensure the success of investigations and prosecution of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, the competent authorities responsible for investigating and prosecuting such offences should have the opportunity to make use of effective investigative tools such as those used in combating organised crime or other serious crimes. Taking into account, inter alia, the principle of proportionality, the use of such tools, in accordance with*

*national law, should be targeted and proportionate to the nature and gravity of the offences under investigation.*

## **Amendment 31**

### **Proposal for a directive Recital 15 c (new)**

*Text proposed by the Commission*

*Amendment*

***(15c) Member States should strengthen the timely exchange of any available relevant information concerning persons travelling abroad for the purpose of terrorism. They should also systematically consider all cases involving the offences set out in this Directive as adequate, relevant and important within the meaning of Article 21 of Council Decision 2007/533/JHA<sup>1a</sup> to enter an alert in the Schengen Information System. Furthermore, Member States should, as a rule, consider all cases involving the offences set out in this Directive as relevant and necessary within the meaning of Article 9 of Directive (EU) 2016/681 of the European Parliament and of the Council<sup>1b</sup> for the purpose of sharing the results of processing PNR data with the other Member States concerned in accordance with that Directive.***

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<sup>1a</sup> ***Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).***

<sup>1b</sup> ***Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and***

*serious crime (OJ L 119, 4.5.2016, p. 132).*

## Amendment 32

### Proposal for a directive

#### Recital 15 d (new)

*Text proposed by the Commission*

*Amendment*

***(15d) The fact that terrorist organisations rely heavily upon various electronic tools, the internet and social media to communicate, promote, and incite terrorist acts, to recruit potential fighters, to collect funds, or to arrange for other support for their activities, creates challenges in investigations and prosecutions of terrorist offences. Member States should therefore cooperate with each other notably through Eurojust and Europol and with the Commission to ensure a coordinated approach in dealing with the gathering, sharing, and admissibility of electronic evidence.***

## Amendment 33

### Proposal for a directive

#### Recital 16

*Text proposed by the Commission*

*Amendment*

(16) Member State should adopt specific measures of protection, support and assistance responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the European Parliament and the Council<sup>28</sup>. Victims of terrorism are those defined in Article 1 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in **Article 3**. The measures to be taken by Member States should ensure that in the

(16) Member States ***should ensure that the status of the victims of terrorism is adequately recognised before, during and after criminal proceedings and*** should adopt specific measures of protection, support and assistance, ***with respectful and fair treatment of the victims***, responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the European Parliament and the Council<sup>28</sup>. Victims of terrorism are

event of a terrorist attack, the victims of terrorism will obtain emotional and psychological support, including trauma support *and counselling*, and any relevant legal, practical or financial information and advice.

those defined in Article 2 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in *this Directive*. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of terrorism will obtain emotional and psychological support, including trauma support, and any relevant legal, practical or financial information and advice *and adequate aid*. *Members States should encourage specific training for persons responsible for assisting victims of terrorist acts, as well as granting the necessary resources to that effect. Furthermore, each Member State should take into account the risks of intimidation of and retaliation against victims and persons who may give testimony in criminal proceedings relating to terrorist offences. Victims of terrorism should also be granted legal aid in all Members States where they are parties to criminal proceedings or other legal proceedings to obtain a decision on compensation.*

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<sup>28</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA *of 15 March 2001* (OJ L 315, 14.11.2012 p. 37).

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<sup>28</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 37).

## **Amendment 34**

### **Proposal for a directive Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

*(16a) Member States should set up and develop a one-stop shop for information and advice for victims of terrorism, not merely to meet victims' needs on*

*acquiring information and advice, but also to provide them with psychological first aid and referral possibilities, as well as with assistance and support in dealing with media attention that they receive.*

## **Amendment 35**

### **Proposal for a directive Recital 16 b (new)**

*Text proposed by the Commission*

*Amendment*

*(16b) Member States should, while fully respecting freedom of expression, exchange best practices on how to deal with the media and journalists in order to protect the private life of victims and their family members and to cooperate with specialised services providing assistance and support to victims to help them deal with the media attention they receive.*

## **Amendment 36**

### **Proposal for a directive Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

*(17a) Member States should cooperate with each other to ensure that access to information on the victims' rights, support services and compensation schemes is provided to all victims of terrorism. Moreover, Member States should ensure that victims of terrorism have long-term access to support services in their country of residence, even if the terrorist offence took place in another Member State.*



## Amendment 37

### Proposal for a directive Recital 17 b (new)

*Text proposed by the Commission*

*Amendment*

***(17b) Improved cooperation between Member States in combating terrorism should also involve intensive exchanges and cooperation between their judicial authorities and with Eurojust. The resources of the Eurojust Coordination Centre, which should play a crucial role in promoting joint actions on the part of Member States' judicial authorities as regards the collection of evidence, should be strengthened. More use should therefore be made of the joint investigation teams instrument, both among Member States and between Member States and third countries with which Eurojust has established cooperation agreements.***

## Amendment 38

### Proposal for a directive Recital 17 c (new)

*Text proposed by the Commission*

*Amendment*

***(17c) The prevention of radicalisation and recruitment of citizens of the Union by terrorist organisations requires a long-term, proactive and comprehensive approach, combining measures in the area of criminal justice with policies in the field of education, social inclusion and integration, as well as the provision of effective deradicalisation and exit programmes. Member States should share good practices on effective measures and projects in this field. Furthermore, Member States should share good practices on the use of effective, alternative measures within the judicial***

*approach to prevent citizens of the Union and third-country nationals legally residing in the Union from leaving the Union for terrorist purposes or to control their return to the Union from conflict zones. They should share such good practices not only with each other but also, where appropriate, with third countries, as well as with relevant Union agencies.*

## **Amendment 39**

### **Proposal for a directive Recital 17 d (new)**

*Text proposed by the Commission*

*Amendment*

*(17d) Member States should pursue their efforts to prevent terrorism by coordinating their strategies and sharing the information and experience at their disposal, by implementing good practices at both Union and national level and by updating national prevention policies in accordance with the Union strategy for combating radicalisation and recruitment to terrorism. The Commission should, where appropriate, provide support to national, regional and local authorities in developing prevention policies.*

## **Amendment 40**

### **Proposal for a directive Recital 18**

*Text proposed by the Commission*

*Amendment*

(18) Given that the objectives of this Directive cannot be sufficiently achieved by the Member States unilaterally and can therefore, *because of the need for European-wide harmonised rules*, be better achieved at the level of the Union,

(18) Given that the objectives of this Directive cannot be sufficiently achieved by the Member States unilaterally and can therefore, be better achieved at the level of the Union, the Union may adopt measures, in accordance with the principle of

the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.

subsidiarity, as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.

#### **Amendment 41**

##### **Proposal for a directive Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) The fight against terrorism is an essential and global effort that demands an international answer, thus obliging the Union to act in cooperation with third countries.***

#### **Amendment 42**

##### **Proposal for a directive Recital 19**

*Text proposed by the Commission*

*Amendment*

(19) This Directive respects the principles recognised by Article 2 of the Treaty on the European Union, respects fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression ***and information***, freedom of association and freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion

(19) This Directive ***and its implementation*** respect the principles recognised by Article 2 of the Treaty on the European Union, respect fundamental rights and freedoms and observe the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass, inter alia, the right to liberty and security, freedom of expression, ***including freedom of speech, freedom of information***, freedom of association and freedom of thought, conscience and religion, the general prohibition of discrimination in particular on grounds of

or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. ***This Directive has to be implemented in accordance with these rights and principles.***

race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence ***and the right to a fair trial, the outcome of the trial being determined by the individual circumstances of the case, and the principles recognised in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)***, as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC<sup>1a</sup>, ***recognising that exceptions can be made to the freedom of movement on the grounds of public policy or national security. Any limitation on the exercise of those rights and freedom is to be subject to the respect of the conditions enshrined in Article 52(1) of the Charter.***

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<sup>1a</sup> ***Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).***

## **Amendment 43**

### **Proposal for a directive Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

***(19a) This Directive should not have the effect of requiring Member States to take measures which would result in any form of discrimination.***

#### **Amendment 44**

**Proposal for a directive  
Recital 19 b (new)**

*Text proposed by the Commission*

*Amendment*

***(19b) Nothing in this Directive should be interpreted as being intended to reduce or restrict the Union acquis with regard to the procedural rights of suspects or accused persons in criminal proceedings, including Directive (EU) 2016/343 of the European Parliament and of the Council<sup>1a</sup>. Persons suspected of committing the offences laid down in this Directive should not bear the burden of proof.***

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***<sup>1a</sup> Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).***

#### **Amendment 45**

**Proposal for a directive  
Recital 19 c (new)**

*Text proposed by the Commission*

*Amendment*

***(19c) Nothing in this Directive should be***

*interpreted as being intended to reduce or restrict the dissemination of information for the expression of an opinion or for scientific, academic or reporting purposes, as well as the expression of polemic or controversial views in public debate on sensitive political questions.*

## Amendment 46

### Proposal for a directive Recital 20

#### *Text proposed by the Commission*

(20) The implementation of the criminalisation under this Directive should be proportional to the nature and circumstances of the offence, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

#### *Amendment*

(20) The implementation of the criminalisation under this Directive should be proportional to the nature and circumstances of the offence ***and of each case***, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

## Amendment 47

### Proposal for a directive Recital 21

#### *Text proposed by the Commission*

(21) ***The*** Directive ***should replace*** Framework Decision 2002/475/JHA<sup>29</sup> for the Member States bound by this Directive.

#### *Amendment*

(21) ***This*** Directive ***replaces*** Framework Decision 2002/475/JHA for the Member States bound by this Directive.

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<sup>29</sup> *As amended by Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA (OJ L 330, 9.12.2008, p. 21).*

## Amendment 48

### Proposal for a directive

## Recital 21 a (new)

*Text proposed by the Commission*

*Amendment*

***(21a) Sanctions in the area of terrorist offences, offences related to a terrorist group and offences related to terrorist activities should in no circumstances be used by Member States as a ground to circumvent their international obligations under the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967.***

## Amendment 49

### Proposal for a directive Article 1 – paragraph 1

*Text proposed by the Commission*

*Amendment*

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, as well as specific measures of protection of and assistance to victims of terrorism.

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, as well as specific measures of protection of and assistance ***and support*** to victims of terrorism.

## Amendment 50

### Proposal for a directive Article 2 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

- (da) "victim" means:***
- (i) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;***
  - (ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death;***

## Amendment 51

### Proposal for a directive

#### Article 3 – paragraph 1 – point b

*Text proposed by the Commission*

(b) ***unduly compelling*** a Government or international organisation to perform or abstain from performing any act,

*Amendment*

(b) ***using violence or the threat of violence to compel or seek to compel*** a government or international organisation to perform or abstain from performing any act,

## Amendment 52

### Proposal for a directive

#### Article 3 – paragraph 2 – point a

*Text proposed by the Commission*

(a) Attacks upon a persons' life which may cause death;

*Amendment*

(a) Attacks upon a persons' life which may cause death ***or injury***;

## Amendment 53

### Proposal for a directive

#### Article 3 – paragraph 2 – point b

*Text proposed by the Commission*

(b) attacks upon the physical integrity of a person;

*Amendment*

(b) attacks upon the physical ***and psychological*** integrity of a person;

## Amendment 54

### Proposal for a directive

#### Article 3 – paragraph 2 – point f

*Text proposed by the Commission*

(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear,

*Amendment*

(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of ***radiological***,



biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;

nuclear, biological or chemical weapons, as well as research into, and development of **nuclear**, biological and chemical weapons;

## Amendment 55

### Proposal for a directive

#### Article 3 – paragraph 2 – point g

*Text proposed by the Commission*

(g) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;

*Amendment*

(g) release, **or threatened release**, of dangerous substances, **including radiological or biological material**, or causing fires, floods or explosions, the effect of which is to endanger human life **or to cause widespread fear and alarm**;

## Amendment 56

### Proposal for a directive

#### Article 3 – paragraph 2 – point h

*Text proposed by the Commission*

(h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;

*Amendment*

(h) interfering with or disrupting the supply of water, power or any other fundamental natural resource **through a cyber- or any other form of attack** the effect of which is to endanger human life;

## Amendment 57

### Proposal for a directive

#### Article 3 – paragraph 2 – point h a (new)

*Text proposed by the Commission*

*Amendment*

**(ha) attacks against information systems as defined in Articles 3 to 7 of Directive 2013/40/EU of the European Parliament and of the Council<sup>1a</sup>.**

*<sup>1a</sup> Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA (OJ L 218, 14.8.2013, p. 8).*

## **Amendment 58**

### **Proposal for a directive Article 3 – paragraph 2 – point i**

*Text proposed by the Commission*

(i) threatening to commit any of the acts listed in points (a) to (h).

*Amendment*

(i) ***seriously*** threatening to commit any of the acts listed in points (a) to (h); ***such threat being established on the basis of objective, factual circumstances.***

## **Amendment 59**

### **Proposal for a directive Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Each Member State shall take the necessary measures to ensure that the following acts, when committed intentionally, are punishable as a criminal offence:

*Amendment*

Each Member State shall take the necessary measures to ensure that the following acts, when committed intentionally ***and unlawfully***, are punishable as a criminal offence:

## **Amendment 60**

### **Proposal for a directive Article 4 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal

*Amendment*

(b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal

activities of the terrorist group.

activities of the terrorist group, ***whether these activities take place within a Member State or a third country.***

## **Amendment 61**

### **Proposal for a directive Article 5**

#### *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, whether on- or offline,*** 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, advocating ***the commission of*** terrorist offences, causes a danger ***in a concrete case*** that one or more such offences may be committed, is punishable as a criminal offence when committed intentionally.

## **Amendment 62**

### **Proposal for a directive Article 5 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

#### ***Article 5a***

#### ***Aggravating circumstances***

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

## Amendment 63

### 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 64

### Proposal for a directive Article 8

*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 **training or** instruction, **including by obtaining knowledge, documentation 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, 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 65

### Proposal for a directive Article 9

*Text proposed by the Commission*

Travelling abroad for terrorism

*Amendment*

Travelling abroad for **the purpose of** 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.***

Member States shall take the necessary measures to ensure that ***any travel to a country or a Member State, either directly or by transiting through one or several Member States, is punishable as a criminal offence when committed intentionally, when it can be objectively demonstrated that it was made for the purpose of the commission of or contribution to a terrorist offence referred to in Article 3, or for the participation in the activities of a terrorist group as referred to in Article 4, with knowledge of the fact that such participation would contribute to the criminal activity of such a group, or for providing or receiving of training for terrorism referred to in Articles 7 and 8.***

#### **Amendment 66**

##### **Proposal for a directive Article 10 – Title**

*Text proposed by the Commission*

Organising or otherwise facilitating travelling abroad for terrorism

*Amendment*

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

#### **Amendment 67**

##### **Proposal for a directive Article 11**

*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

*Amendment*

1. Member States shall take the necessary measures to ensure that providing or collecting funds, by any means, directly or indirectly, with the intention that they be used, or ***in the knowledge*** that they are to be used, in full or in part, to commit ***or to contribute to***

and **12 to 14 or 16** is punishable as a criminal offence when committed intentionally.

any of the offences referred to in Articles 3 to 10 and 14 is punishable as a criminal offence when committed intentionally.

**2. Where the terrorist financing referred to in paragraph 1 concerns any of the offences laid down in Articles 3, 4 and 9, it shall not be necessary that the funds be in fact used, in full or in part, to commit or to contribute to any of those offences, nor shall it be required that the offender know for which specific act or acts the funds are to be used.**

**3. Member States shall take the necessary measures to ensure the freezing or seizure and confiscation of any funds and other assets used or allocated for the purpose of committing or attempting to commit any of the offences referred to in this Directive.**

## **Amendment 68**

### **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.

## **Amendment 69**

### **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

#### *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

intentionally.

committed intentionally.

## **Amendment 70**

### **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, ***possessing or using*** false administrative documents to committing a terrorist offence

## **Amendment 71**

### **Proposal for a directive Article 14**

*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, ***possessing or using*** false administrative documents with a view to committing one of the offences listed in points (a) to (***ha***) of Article 3(2) and point (b) of Article 4, ***as well as in Articles 9 and 10***, is punishable as a criminal offence when committed intentionally.

## **Amendment 72**

### **Proposal for a directive Article 14 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 14a***

#### ***Measures against illegal terrorist content on the internet***

***1. Member States shall take the necessary measures to ensure the prompt removal of illegal content publicly inciting others to commit a terrorist offence, as***

*referred to in Article 5, that is hosted in their territory. They shall also endeavour to obtain the removal of such content hosted outside of their territory. Where that is not feasible Member States may take the necessary measures to block the access to such content.*

*2. Those measures must be in line with transparent procedures and subject to adequate safeguards, in particular to ensure that the restriction is limited to what is necessary and proportionate and that users are informed of the reason for the restriction. Measures on removal and blocking shall be subject to judicial review.*

## Amendment 73

### Proposal for a directive Article 15

#### *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, nor shall it be necessary, *insofar as the offences referred to in Articles 5 to 10 and 12 to 14 are concerned*, to establish a link to *another specific act laid down in this directive.*

## Amendment 74

### Proposal for a directive Article 16

#### *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

#### *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.

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.

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.

to 7 and 11 to 14 is made punishable.

2. Each Member State shall take the necessary measures to ensure that inciting an offence referred to in Articles 3 **and 6** to 14 is made punishable.

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 75

### Proposal for a directive Article 18 – Title

*Text proposed by the Commission*

*Mitigating* circumstances

*Amendment*

*Particular* circumstances

## Amendment 76

### 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 **competent** authorities with information which they would not otherwise have been able to obtain, helping them to:

## Amendment 77

### 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

*Amendment*

(2) identify or bring to justice other

offenders;

offenders;

## Amendment 78

### Proposal for a directive Article 20 – 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 for in Directive 2014/42/EU<sup>1a</sup>.*

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*<sup>1a</sup> Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, str. 39).*

## Amendment 79

### Proposal for a directive Article 21 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

*(da) the offender is a citizen of the Union and provides training abroad to third-country nationals;*

## Amendment 80

### Proposal for a directive Article 21 – paragraph 1 – point f

*Text proposed by the Commission*

*Amendment*

(f) 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

(f) 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 Union **which is**

and based in that Member State.

based in that Member State, *including through seizure of an aircraft, ship or other means of transporting persons or goods, or where a third-country national receives training abroad with the intention of carrying out an attack within that Member State;*

## Amendment 81

### 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.*

## Amendment 82

### Proposal for a directive

#### Article 21 – paragraph 2 – introductory part

*Text proposed by the Commission*

*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 *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:

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:

## **Amendment 83**

### **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 Union agencies.*

## **Amendment 84**

### **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 out in this Directive may be present on its territory, the Member State concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in that information.*

**2.** *Upon being satisfied that the circumstances warrant it, 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.*

## **Amendment 85**

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

*Text proposed by the Commission*

*Amendment*

#### **Article 21b**

##### **Prevention**

- 1. Member States shall take appropriate measures to prevent the radicalisation and recruitment of citizens of the Union by terrorist organisations.**
- 2. Member States shall take appropriate action, including online, such as providing information and education, undertaking awareness-raising campaigns and developing alternative narratives to counter terrorist propaganda. Where appropriate, such action shall be taken in cooperation with private companies, relevant civil society organisations, local communities and other stakeholders. It shall aim to raise awareness and reduce the risk of radicalisation and recruitment by terrorist organisations.**
- 3. Member States shall promote regular training for staff likely to come into contact with persons vulnerable to radicalisation, including front-line police officers and prison guards, aimed at enabling them to identify signs of and to deal with radicalisation and recruitment by terrorist organisations.**

## **Amendment 86**

### **Proposal for a directive Article 21 c (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 21c**

***Obligation to exchange information  
concerning terrorist offences***

- 1. Each Member State shall take the necessary measures to ensure that its competent authorities transmit to the competent authorities of the Member State concerned any relevant information in cases where there are reasons to believe that the information could assist in the detection, prevention, investigation or prosecution of offences referred to in this Directive. Such information shall be transmitted in an effective and timely manner without any prior request being necessary.***
- 2. Each Member State shall take the necessary measures to ensure that its contact point designated under Article 2 of Decision 2005/671/JHA<sup>1a</sup> transmits to Europol and Eurojust the information referred to in that Decision in an effective and timely manner.***
- 3. Member States shall systematically issue an alert in the Schengen Information System for 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.***
- 4. Member States shall ensure that, with regard to persons identified in accordance with Article 6(2) of Directive (EU) 2016/681 in connection to the offences set out in this Directive, their passenger information unit systematically transmits the result of processing those data to the passenger information units of other Member States.***
- 5. 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.***
- 6. This Article is without prejudice to existing Union legislation on the***

*exchange of information.*

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*<sup>1a</sup> Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (OJ L 235, 29.9.2005, p. 22).*

## **Amendment 87**

### **Proposal for a directive Article 21 d (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 21d*

*Situation at the external borders of the  
Schengen area*

*Member States shall guarantee their  
border and coast guard services access to  
the relevant databases, in particular the  
Europol Information System.*

## **Amendment 88**

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

*Text proposed by the Commission*

*Amendment*

#### *Article 21e*

##### *Investigative tools*

*In accordance with national law and  
subject to appropriate legal safeguards,  
Member States shall take the necessary  
measures to ensure that effective  
investigative tools, such as those which  
are used in cases involving organised  
crime or other serious crime, are available  
to persons, units or services responsible  
for investigating or prosecuting the  
offences referred to in Articles 3 to 14.*

## **Amendment 89**

### **Proposal for a directive Article 21 f (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 21f*

***Measures to combat online radicalisation  
and incitement to terrorism***

***Member States shall 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  
shall be regularly updated.***

## **Amendment 90**

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

*Text proposed by the Commission*

*Amendment*

***1a. In accordance with Directive  
2012/29/EU, Member States shall ensure  
that measures are available to protect  
victims of terrorism and their family  
members. 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 psychological integrity of  
victims of terrorism, including during  
questioning and testifying.***

***In addition, Members States shall ensure  
that free legal aid is provided to victims of  
terrorism who are parties to criminal  
proceedings and, where appropriate, to  
other legal proceedings to obtain a  
decision on compensation.***



## Amendment 91

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

#### *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:

- (a) emotional and psychological support, such as trauma support and counselling;
- (b) provision of advice and information on any relevant legal, practical or financial matter.

#### *Amendment*

2. Member States shall ensure that specific services to assist and support victims of terrorism are in place, ***including through the availability of victim support organisations or experts***. 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. ***Member States shall establish a coordination centre to bring together those organisations and experts competent to provide information, support and practical services to the victims and to their families and relatives.*** The services shall be confidential, free of charge and easily accessible to all victims of terrorism. They shall include in particular:

- (-a) medical and physical treatment, including counter-measures for nuclear, biological or chemical attacks;***
- (a) emotional and psychological support, such as trauma support and counselling;
- (b) provision of advice and information on any relevant legal, practical or financial matter;
- (ba) support to victims in their return to their Member State of residence in cases where the attack took place in another Member State.***

## Amendment 92

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

*Text proposed by the Commission*

*Amendment*

**2a.** *Member States shall take the necessary measures in the framework of their emergency-response infrastructure to include victim support specialists in emergency planning and to facilitate and improve the process of identifying victims immediately in the aftermath of a terrorist attack, while taking into account the victims' needs. In particular, Member States shall develop and coordinate a common assistance mechanism to be deployed upon request. Member States should ensure on-site investigative support and establish a single website through which public information related to a terrorist attack in the Member State concerned can be accessed. They should also establish a private access website to inform victims and family members of their rights and any other information relevant to the attack.*

## Amendment 93

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

*Text proposed by the Commission*

*Amendment*

**3a.** *The Commission shall consider the need for all legislative provisions on the protection, support and rights of victims of terrorism to be set out and developed in a single legislative act on victims of terrorism.*

## **Amendment 94**

### **Proposal for a directive Article 23 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 23a*

##### *Fundamental rights and freedoms*

- 1. In transposing and implementing this Directive, Member States shall ensure that criminalisation is proportionate to the legitimate aims pursued and necessary in a democratic society, and shall exclude any form of arbitrariness or discrimination.*
- 2. This Directive shall not have the effect of altering the obligation of Member States to respect fundamental rights enshrined in Articles 2 and 6 of TEU and in the Charter as well as in the ECHR and international humanitarian law, and shall be implemented and interpreted in accordance with those rights and principles.*

## **Amendment 95**

### **Proposal for a directive Article 23 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 23b*

##### *Emergency situations and fundamental rights*

*In a 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 shall 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 96**

### **Proposal for a directive**

#### **Article 23 c (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 23c**

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

***This Directive shall not have the effect of requiring Member States to take measures inconsistent with fundamental principles relating to freedom of expression, in particular freedom of the press and the freedom of expression in other media and shall be without prejudice to national 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.***

## **Amendment 97**

### **Proposal for a directive**

#### **Article 23 d (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 23d**

- 1. This Directive shall not have the effect of requiring Member States to take measures inconsistent with their obligations under Union law with regards to the procedural rights of suspects or accused persons in criminal proceedings.***
- 2. Anyone whose rights and freedoms have been unduly violated through the***

*implementation of this Directive shall have the right to an effective remedy as enshrined in Article 47 of the Charter.*

## Amendment 98

### 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.

## Amendment 99

### 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 [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. *The report shall also cover the effectiveness of the actions that Member States have taken in terms of achieving the objective of this Directive. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions. Regular evaluation of the implementation of this Directive should include an assessment of a potential disproportionate impact of measures on certain groups of the population, and remedial action as regards discriminatory practices.*

## Amendment 100

### 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. ***The report shall also cover this Directive's impact on fundamental rights and freedoms, on the rule of law and on the level of protection and assistance provided to victims of terrorism.*** 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.***

## EXPLANATORY STATEMENT

Recent terrorist attacks on European soil and beyond, and most significantly the terrorist attacks in Paris on 13 November 2015, with more than 130 dead victims, have underscored the need to substantially boost our efforts to prevent and fight terrorism. Article 3 of the Charter guarantees the right of everybody to respect for his or her physical or mental integrity, which has been confirmed by the case law jurisdiction of the European Court of Justice repeatedly. If European citizens are no more able to feel safe in their country, the society's stability is in danger and has to be restored by all possible legal means.

With more than 5.000 EU nationals currently suspected of having joined the fighting in Iraq and Syria, the issue of so-called "foreign fighters" and their possible return to the EU is a very real one. Recently the EU Counter-Terrorism Coordinator, Gilles de Kerchove, stated that: "The threat posed by Europeans being radicalised, many of who are also travelling abroad to fight, is likely to persist in the coming years. An effective response to these issues requires a comprehensive approach and long term commitment."

In addition to that, so-called "lone wolves" can also cause a tremendous amount of havoc and terror. This type of potential offender poses a particular threat to public safety because lone-wolves often act anonymously in a quickly altering modus operandi. Their actions are less predictable than those of known terrorist groups, who often act after a certain pattern. With the rise of IS, Al Qaida and other extremist Islamist organisations and their very effective propaganda over the internet and other media, the number of lone-attackers has increased and is not expected to stop any time soon.

Europol recently concluded that "there is every reason to expect that ... a religiously inspired terrorist group will undertake a terrorist attack somewhere in Europe again, intended to cause mass casualties amongst the civilian population. This is in addition to the threat of lone actor attacks, which has not diminished."<sup>1</sup>

An additional, significantly serious challenge in the fight against terrorism is the growing convergence between terrorism and international organized crime. In fact, the distinction between the crimes of those two is more and more complicated and artificial as the nexus between terrorism and organised crime is increasing. In many cases terrorist organisations and organised crime networks cooperate or merge in order to benefit from each other's services, tools and other assets. In other cases the supporters of terrorist organisations are trained for and commit organised crimes on a large scale themselves for the financing of the terrorists actions (e.g. illegal organ harvesting and trafficking in combination with murder, trafficking in human beings, forced prostitution, sexual abuse of children and babies, enslavement and forced labour, extortion, racketeering, trafficking in drugs and counterfeit goods). It is therefore not sufficient to criminalize only the commission of a terrorist act neither is the condition of a direct link between the preparatory action or financing and the commission of a specific terrorist act useful for the effective prevention of terrorist attacks. If abetting or incitement to and aiding of terrorist attacks or the preparation of terrorist attacks by providing or receiving training, public provocation, recruitment, travelling abroad for terrorism purposes or the organisation/facilitation of such travel would not been criminalized, even with only an

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<sup>1</sup> Europol, Changes in modus operandi of Islamic State terrorist attacks, 18 January 2016.

indirect link to the commission of a specific terrorist offence, the networks of recruiters, decision-makers, contact-points and communication strategists would slip through the European and national law enforcements' and courts' investigations and judicial prosecution. The victims of this legal incapacity of acting would be the civil society within and outside of Europe, in war zones as well as in non-war zones. The danger of terrorist networks is not a theoretic, but a real one. Terrorist attacks leave deep wounds with the victims, their families and the regions where the attacks took place. Already now the cruelty of terrorist organisations and the brutal competition between them, forces dramatic numbers of migrants to flee terrorism in their country, putting themselves in a very vulnerable situation during their fleeing and often exposes them to criminal networks all over again.

The fight against terrorism requires a comprehensive, holistic approach of many different policy fields, including prevention, counter-radicalisation, de-radicalisation etc. The European Parliament and Council pointed out the need of this all-encompassing approach to fight terrorism in many occasions recently.<sup>1</sup> The criminal justice response is only a part of this comprehensive approach.

The fight against terrorism is a global fight that the EU cannot tackle and win by itself. The UN Security Council Resolution from 2014 puts legal obligations on all EU Member States to criminalize certain terrorist-related offences, such as the travelling for the purpose of the planning or perpetration of terrorist acts, the receipt of terrorist training, or the organisation, facilitation and financing of such terrorist travelling or training. This UNSCR has been translated into the Additional Protocol on foreign fighters in the Council of Europe.

#### Overall appraisal by the Rapporteur of the proposal

Overall, the Rapporteur is supportive of the proposal. The Rapporteur would like to point out, that the following elements in the proposal have already been part of the EU acquis since 2002 via Council Framework Decision on Combatting Terrorism (that has been amended in 2008):

The definitions of terrorist offences and offences related to a terrorist group have already been established in Framework Decision 2002/475/JHA (Article 1 and 2). The criminalization of terrorist financing has also already been foreseen in Article 2 Paragraph 2 letter b of Framework Decision 2002/475/JHA. Article 3 of Framework decision 2002/475/JHA criminalizes already aggravated theft, extortion and fraud to commit terrorist offences. Furthermore, Framework Decision 2002/475/JHA included provisions for the penalties for natural persons (Article 5 Framework Decision 2002/475/JHA), mitigating circumstances (Article 6 Framework Decision 2002/475/JHA), liability of legal persons (Article 7 Framework Decision 2002/475/JHA), minimum sanctions for legal persons (Article 8 Framework Decision 2002/475/JHA) and about prosecution and jurisdiction (Article 9 Framework Decision 2002/475/JHA).

By means of Article 3 of Framework Decision 2008/191/JHA the offences of “public provocation to commit a terrorist offence”, “recruitment for terrorism” and “providing

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<sup>1</sup> See for example: Parliament resolution of 25 November 2015 on Prevention of radicalisation and recruitment of European citizens by terrorist organisations (P8\_TA(2015)0410), European Parliament resolution of 11 February 2015 on anti-terrorism measures (P8\_TA(2015)0032), Parliament resolution of 9 July 2015 on the European Agenda on Security (P8\_TA(2015)0269). Council conclusions on Counter-Terrorism of 20 November 2015, Conclusions of the European Council of 12 February 2015, Riga joint statement of 29 and 30 January 2015.



training for terrorism” have been added to the offences relating to terrorist activities. Article 3 Paragraph 3 of Framework Decision 2008/191/JHA already established that for the offences related to a terrorist group or terrorist activities, it is not necessary that a terrorist offence is actually committed. Thereby it is also not necessary to establish a link to a specific terrorist offence. Furthermore, Article 4 of Framework Decision 2008/191/JHA broadened the scope of activities which should be criminalised in terms of aiding, abetting, inciting or attempting. Framework Decision 2008/191/JHA leaves it up to the Member States to criminalize the attempt to provide terrorist training and to recruit for terrorist purposes. Most Member States already penalize those activities. The provisions from the Framework Decisions have all been implemented by all Member States.<sup>1</sup>

The changing threat has been analysed, experienced and observed by international entities such as the UN, European Agencies and national law enforcement institutions. The operative part of UNSCR(2014)2178 has been adopted under Chapter VII of the UN Charter and in particular paragraphs 4 to 6, which have binding force. Thus, Member States are required to ensure that their domestic laws establish serious criminal offences sufficient to prosecute and penalize travelling, training, funding and other preparatory acts that are linked to terrorism. The Council of Europe has adopted the UN Resolution in an Additional Protocol. Rather than to let each Member State individually implement the UN Resolution in its national law, the Rapporteur sees an added EU value in the directive because it creates a harmonised fundament of criminal law in which the national legislation will be based, so that Member States' legal actions against terrorism are coherent, consistent and effective and prosecution gaps are avoided. Furthermore, by "Lisbonizing" the existing Council Framework Decision on Terrorism, it is subject to the Charter of Fundamental Rights, to the infringement powers of the European Commission and to the judicial control of the Court of Justice. An important principle of legality is that criminal legislation needs be precise and foreseeable. Therefore, it is very important that in the implementation and in the concrete application, necessity and proportionality are leading principles and that the seriousness and intention of the offence is clearly demonstrated and proved with as many concrete facts and circumstances as possible in each case.

It is of vital importance to update the EU legal framework on combatting terrorism and terrorist networks on the following points:

- 1) The receiving of training for terrorist purposes by perpetrators within or outside of Europe, whether in training camps or through the internet;
- 2) The travelling of so called “foreign fighters” to conflict zones for terrorist purposes and the organisation or otherwise facilitation of such travel;
- 3) The inclusion of the FATF recommendation No 5 concerning terrorist financing and the funding of preparatory actions which lead to an activity with a terrorist purpose;
- 4) The inclusion of the new types of offences in and via cyberspace, in particular the darknet;
- 5) Adaptation of the article about aiding, abetting, incitement and attempting to the new challenges;

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<sup>1</sup> See also the Commission report of 5 September 2014 on the implementation of Council Framework Decision 2008/919/JHA (COM(2014)554).

- 6) Establishment of jurisdiction for the offence of providing training for terrorism;
- 7) The reinforcement of the victims' rights and the enhancement of protection, assistance and support of victims of terrorism throughout the Union.

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism			
<b>References</b>	COM(2015)0625 – C8-0386/2015 – 2015/0281(COD)			
<b>Date submitted to Parliament</b>	2.12.2015			
<b>Committee responsible</b> Date announced in plenary	LIBE 18.1.2016			
<b>Committees asked for opinions</b> Date announced in plenary	JURI 18.1.2016	FEMM 18.1.2016		
<b>Not delivering opinions</b> Date of decision	JURI 28.1.2016	FEMM 28.1.2016		
<b>Rapporteurs</b> Date appointed	Monika Hohlmeier 11.1.2016			
<b>Discussed in committee</b>	16.2.2016	17.3.2016	21.4.2016	4.7.2016
<b>Date adopted</b>	4.7.2016			
<b>Result of final vote</b>	+: -: 0:	41 4 10		
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Gerard Batten, Michał Boni, Caterina Chinnici, Agustín Díaz de Mera García Consuegra, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Monika Flašíková Beňová, Mariya Gabriel, Kinga Gál, Nathalie Griesbeck, Sophia in 't Veld, Eva Joly, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Barbara Matera, Roberta Metsola, Claude Moraes, Alessandra Mussolini, Péter Niedermüller, Soraya Post, Judith Sargentini, Birgit Sippel, Branislav Škripek, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Harald Vilimsky, Udo Voigt, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský			
<b>Substitutes present for the final vote</b>	Marina Albiol Guzmán, Andrea Bocskor, Anna Maria Corazza Bildt, Gérard Deprez, Petr Ježek, Teresa Jiménez-Becerril Barrio, Marek Jurek, Miltiadis Kyrkos, Artis Pabriks, Kati Piri, Barbara Spinelli, Geoffrey Van Orden, Axel Voss			
<b>Substitutes under Rule 200(2) present for the final vote</b>	Janice Atkinson, Biljana Borzan, Eugen Freund, Iris Hoffmann			
<b>Date tabled</b>	12.7.2016			

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

41	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Petr Ježek, Cecilia Wikström
ECR	Marek Jurek, Timothy Kirkhope, Monica Macovei, Helga Stevens, Branislav Škripek, Geoffrey Van Orden
EFDD	Laura Ferrara, Kristina Winberg
PPE	Andrea Boeskor, Michał Boni, Anna Maria Corazza Bildt, Agustín Díaz de Mera García Consuegra, Mariya Gabriel, Kinga Gál, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Barbara Matera, Roberta Metsola, Alessandra Mussolini, Artis Pabriks, Traian Ungureanu, Axel Voss, Tomáš Zdechovský
S&D	Biljana Borzan, Caterina Chinnici, Tanja Fajon, Monika Flašíková Beňová, Iris Hoffmann, Sylvia-Yvonne Kaufmann, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Kati Piri, Soraya Post, Birgit Sippel

4	-
GUE/NGL	Marina Albiol Guzmán, Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat

10	0
ALDE	Sophia in 't Veld
EFDD	Gerard Batten
ENF	Janice Atkinson, Harald Vilimsky
NI	Udo Voigt
S&D	Eugen Freund
Verts/ALE	Jan Philipp Albrecht, Eva Joly, Judith Sargentini, Bodil Valero

### Key to symbols:

+ : in favour

- : against

0 : abstention