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B8-0127/2015

## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 123(2) of the Rules of Procedure

on anti-terrorism measures  
(2015/2530(RSP))

**Birgit Sippel, Jörg Leichtfried, Claude Moraes, Enrique Guerrero Salom,  
Juan Fernando López Aguilar, Miriam Dalli, Ana Gomes,  
Christine Revault D’Allonnes Bonnefoy, Viorica Dăncilă**  
on behalf of the S&D Group

**European Parliament resolution on anti-terrorism measures  
(2015/2530(RSP))**

*The European Parliament,*

- having regard to Articles 2, 3, 6, 7 and 21 of the Treaty on European Union (TEU) and to Articles 4, 16, 20, 67, 68, 70, 71, 72, 75, 82, 83, 84, 85, 86, 87 and 88 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to the Charter of Fundamental Rights of the European Union, in particular Articles 6, 7, 8, 10(1), 11, 12, 21, 47-50, 52 and 53 thereof,
- having regard to its resolution of 14 December 2011 on the EU Counter-Terrorism Policy: main achievements and future challenges<sup>1</sup>,
- having regard to its resolution of 10 October 2013 on alleged transportation and illegal detention of prisoners in European countries by the CIA<sup>2</sup>,
- having regard to Opinion 01/2014 of the Article 29 Data Protection Working Party on the application of necessity and proportionality concepts and data protection within the law enforcement sector,
- having regard to its resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012)<sup>3</sup>,
- having regard to its resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs<sup>4</sup>,
- having regard to 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<sup>5</sup>,
- having regard to its resolution of 17 December 2014 on renewing the EU Internal Security Strategy<sup>6</sup>,
- having regard to the Commission communication entitled 'The EU Justice Scoreboard – A tool to promote effective justice and growth' (COM(2013)0160),

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<sup>1</sup> OJ C 168 E, 14.6.2013, p. 45.

<sup>2</sup> Texts adopted P7\_TA(2013)0418.

<sup>3</sup> Texts adopted, P7\_TA(2014)0173.

<sup>4</sup> Texts adopted, P7\_TA(2014)0230.

<sup>5</sup> OJ L 315, 14.11.2012, p. 57.

<sup>6</sup> Texts adopted, P8\_TA(2014)0102.

- having regard to the Commission’s EU anti-corruption report of 3 February 2014,
  - having regard to the conclusions of the Foreign Affairs Council of 19 January 2015 on the fight against terrorism, in particular its decision to enhance the exchange of information with partner countries and to promote reinforced cooperation with Arab and Mediterranean countries, including a memorandum of understanding with the League of Arab States,
  - having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy, adopted on 25 June 2012,
  - having regard to the judgment of the Court of Justice of 8 April 2014 in Joined Cases C-293/12 and C-594/12, *Digital Rights Ireland Ltd and Seitlinger and others*, and to the opinion of its legal service on the interpretation of this judgment<sup>1</sup>,
  - having regard to United Nations Security Council Resolution 2178 (2014) of 24 September 2014,
  - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas terrorism, radicalisation and violent extremism are among the major threats to our security and our freedoms; whereas the European Union and its Member States have a common responsibility to protect EU citizens;
  - B. whereas respect for fundamental rights is an essential element in successful counter-terrorism policies;
  - C. whereas several severe terrorist attacks on European soil since 9/11, most recently in January 2015, have had a significant impact on the sense of security among EU citizens and residents;
  - D. whereas terrorist attacks globally, and the resulting loss of civilian lives, are of great concern inside the EU as well;
  - E. whereas nowadays the terrorist threat also includes state-supported and state-sponsored terrorism, economic terrorism, information terrorism and warfare, and cyber-attacks;
  - F. whereas the rise in racism, including anti-Semitism and Islamophobia, is further increasing the sense of insecurity among EU citizens;
  - G. whereas since 9/11 the EU has introduced 239 counter-terrorism measures: 26 action plans and strategy documents, 25 regulations, 15 directives, 11 framework decisions, 25 decisions, 1 joint action, 3 common positions, 4 resolutions, 111 Council conclusions, and 8 international agreements<sup>2</sup>;
  - H. whereas there is an urgent need for a uniform legal definition of the concept of ‘terrorism’ with a view to increasing legal certainty;

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<sup>1</sup> SJ-0890/14.

<sup>2</sup> See <http://ecile.eu/catalogue-eu-counter-terrorism-measures/>

- I. whereas there is an urgent need for a uniform legal definition of the concept of ‘profiling’, based on the relevant fundamental rights and data protection standards, with a view to reducing uncertainty as to which activities are prohibited and which are not;
- J. whereas, according to figures from the European Commission for the Efficiency of Justice (CEPEJ), there are considerable disparities in the level of investment by Member States in their criminal justice systems<sup>1</sup>;
1. Expresses its deep condolences to the victims of the recent terrorist attacks in Paris, in the Ile-de-France region and across the world, and to their families;
  2. Stresses that an essential dimension of the fight against terrorism must be the inclusion of policies to protect and support victims and their families; calls, therefore, on all the Member States to implement properly Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime;
  3. Strongly and categorically condemns all terrorist acts, the promotion of terrorism, the glorification of those involved in terrorism and the advocacy of extremist violent ideologies, wherever they take place or are advocated in the world; stresses that there is no freedom without security and no security without freedom;
  4. Reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any act of terrorism is criminal and unjustifiable regardless of the motivation, whenever and by whomever it is committed;
  5. Reaffirms its commitment to upholding citizens’ fundamental right to security and liberty;
  6. Reaffirms its commitment to upholding freedom of expression, fundamental rights, democracy, tolerance and the rule of law;
  7. Emphasises, in particular, the need for the EU and its Member States and partner countries to base their strategy for combating international terrorism on the rule of law and respect for fundamental rights, as enshrined in the European *acquis* on fundamental rights and in international human rights law; stresses, furthermore, that the EU’s external actions to combat international terrorism should be aimed at preventing, countering and prosecuting terrorism;
  8. Points out that often the perpetrators of terrorist attacks are already known to security authorities and have been the subject of investigations and supervision measures; expresses concern as to the extent to which existing data on these individuals could have been exchanged among security authorities and, where necessary, with colleagues from other Member States; calls on the Member States to improve the exchange of information relevant to countering terrorism, both among themselves and, where necessary, with third countries, making effective use of EU databases through greater

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<sup>1</sup> Study on the functioning of judicial systems in the Member States, available at [http://ec.europa.eu/justice/effective-justice/files/cepj\\_study\\_scoreboard\\_2014\\_en.pdf](http://ec.europa.eu/justice/effective-justice/files/cepj_study_scoreboard_2014_en.pdf)

collaboration with EU agencies;

9. Calls on the Member States to ensure full cooperation with specialised agencies, particularly Eurojust and Europol, in order to provide the best possible support for ongoing investigations of terrorist attacks in Europe; is concerned that Member States reportedly transfer only 50 % of their information regarding terrorism and organised crime to Europol and Eurojust;
10. Calls on the Commission and the Council to conduct a comprehensive evaluation of the EU's counter-terrorism and related measures, in particular as regards their implementation in law and in practice in the Member States and the degree to which they cooperate with EU agencies in this area, in particular Europol and Eurojust, and a corresponding assessment of the remaining gaps, making use of the procedure provided for in Article 70 TFEU, and to publish this evaluation together with the European Agenda on Security in May 2015; calls on the Commission also to assess the potential remaining gaps in respect of prosecution;
11. Calls for strong democratic and judicial oversight of counter-terrorism policies and intelligence work; points out that there must be a clear distinction between law enforcement and intelligence-gathering activities; stresses that measures to combat terrorism which in retrospect were not necessary, effective or proportionate need to be repealed, that violations of fundamental rights need to be investigated and redressed, and that new forms of democratic scrutiny need to be developed on the basis of the powers granted to the European Parliament and national parliaments by the Lisbon Treaty; insists on the inclusion of sunset or periodic reauthorisation clauses in such measures and agreements;
12. Considers it imperative to promote a harmonised approach across the EU with regard to new criminal offences relating to the worrying phenomenon of EU citizens travelling abroad for the purposes of training with and fighting for terrorist organisations;

#### **A comprehensive approach to anti-radicalisation and counter-terrorism**

13. Points out that relevant counter-terrorism legislation and related measures are already in place in every Member State:
  - passengers' passport data (the Advance Passenger Information System, or APIS) are already checked against databases of known criminal and inadmissible persons,
  - law enforcement authorities can access the phone and passenger data of suspects or even groups of suspects when they are linked to a concrete threat, and
  - the Schengen Information System provides for the discreet surveillance of individuals and their swift apprehension and extradition in the event that they represent a threat to security, intend to commit a crime or are suspected of having committed a crime;

calls for law enforcement authorities within the EU to use these possibilities to the full and to step up their cooperation, inter alia through the establishment of joint investigation teams and with the assistance of EU agencies such as Europol, Eurojust

and the European Police College (CEPOL);

14. Considers that combating trafficking in firearms should be a priority for the EU in fighting serious and organised international crime; considers, in particular, that cooperation needs to be strengthened further as regards information exchange mechanisms and the traceability and destruction of prohibited weapons; takes the view, furthermore, that the Common Position defining common rules governing control of exports of military technology and equipment (2008/944/CFSP) should be strictly adhered to by Member States; calls for a review of the Firearms Directive (Directive 91/477/EEC, as amended by Directive 2008/51/EC);
15. Calls for proper implementation of the Anti-Money Laundering Directives, so as to enable early identification of terrorist financing and criminal networks and organisations;
16. Points out that targeted checks can already be performed on individuals enjoying the right of free movement as they cross external borders, during a certain period of time, on certain routes or for certain border crossing points, according to the level of threat; insists that Member States should make full and better use of the existing Schengen framework and devote the necessary resources to it instead of attempting to reintroduce border controls beyond the existing possibilities;
17. Calls on the Commission to formally review the EU passenger name record proposal against the criteria set by the Court of Justice in its judgment concerning the Data Retention Directive; instructs its legal service to conduct a similar review within six weeks of the adoption of this resolution; urges the Member States and the EU institutions to review the systems for authorising civil private planes to enter the Schengen area;
18. Calls on the Commission to look into the dangers resulting from the adoption of ‘golden visa’ policies by several Member States, which facilitate the entry and establishment of criminal organisations and may be instrumentalised for terrorist purposes;
19. Stresses that measures limiting fundamental rights on the internet for counter-terrorism purposes need to be necessary and proportionate, in line with EU and Member State legislation, and in particular must be based on a proper definition of terrorism, which is currently lacking; emphasises, furthermore, that criminal content should be removed on the basis of judicial authorisation and not through private policing by internet service providers;
20. Rejects the banning of encryption as a tool to fight terrorism; reiterates its call to promote the encryption of communication in general, including email and SMS communication<sup>1</sup>; stresses that a ban on encryption would be detrimental to protecting personal data transferred via communication, commercial and financial networks, and government and critical infrastructure systems, opening them up to criminal and other interception;

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<sup>1</sup> See Parliament’s aforementioned resolution of 12 March 2014, paragraph 107.

21. Calls for the swift adoption of the data protection package, including through the adoption of a general approach in the Council that is consistent with the minimum standards laid down in Directive 95/46/EU;
22. Calls on the Member States to step up mutual judicial cooperation on the basis of the available EU instruments, such as the European Criminal Records Information System (ECRIS), the European Arrest Warrant and the European Investigation Order, while respecting proportionality and fundamental rights; calls on the Member States to agree swiftly to all measures proposed in accordance with the Roadmap on procedural rights, and to address decisions on pre-trial detention and prison conditions as a next step;
23. Stresses that it is widely accepted that prisons act as incubators for radicalisation and extremist views, and calls on the Member States to invest more capital and human resources in ensuring that their prison systems – and criminal justice systems in general – aim to rehabilitate offenders and help them to move away from crime and violent extremism and not to embrace them still further;
24. Highlights the fact that economic and social policy can help mitigate exclusion, segregation and the impact of rapid socio-economic change, which give rise to grievances that are often exploited by violent extremists; calls, therefore, for political solutions aimed at finding new ways to promote economic and social inclusion, integration and equality;
25. Calls on the Member States to invest in education schemes that promote respect for human dignity, tolerance and equal opportunities and reduce social discrimination from an early age; stresses that this includes training for teachers on social issues and diversity;
26. Warns that the lack of long-term prospects owing to poverty, unemployment and social exclusion may cause individuals to feel disempowered and even to turn to destructive self-empowering by joining jihadist organisations or far-right movements; calls on the Member States to step up their efforts to reduce poverty, provide employment opportunities and empower and respect individuals and communities;
27. Stresses that discrimination may reinforce patterns of radicalisation and violence; emphasises that equality and non-discrimination standards must be complemented by specific policy strategies which address all forms of racism, including anti-Semitism and Islamophobia, and hate speech; asks the Commission, therefore, to thoroughly examine the possible need for a revision of Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, in order to address more effectively the dissemination of severe forms of hate speech, especially against religious or other minorities in the EU;
28. Expresses its concern about the disproportionate effects on targeted communities of post-9/11 practices, in particular the use of racial profiling;
29. Stresses that introducing and reinforcing cooperation with relevant communities in individual Member States is vital, both in order to identify specific risks and as part of general deradicalisation strategies; stresses the need for strong investment in such

programmes; expresses its support for programmes that empower ethnic and religious minorities to help improve the social and economic status of their respective communities in the medium to long term, at both local and regional level; points out, in this connection, that radicalisation in the EU is not limited to specific ethnic or religious groups;

30. Underlines the need for more specialised measures to tackle the problem of EU citizens travelling to fight for terrorist organisations abroad; affirms that while prosecution can be pursued in some cases, other measures should be applied to prevent radicalisation, to disrupt the travel of European and other foreign fighters and to deal with returnees; calls on the Member States and the Commission to develop best practices based on those of Member States that have adopted successful strategies, action plans and programmes in this field;

### **External dimension**

31. Stresses that countering terrorism is a global challenge and that the EU, together with other major actors and regional partners, should be a driving force in addressing this threat worldwide;
32. Stresses the need for a coherent, consolidated and proactive common foreign policy with a strong focus on cooperation with third countries which have the potential to become valuable partners in countering terrorism;
33. Stresses that the EU should strengthen its political dialogue with various religious communities in order to dismantle the links between terrorism and religion that are currently dominating the public debate; reiterates that counter-terrorism must be more closely linked to issues of fragility, development and social inclusion;
34. Reaffirms that, within the framework of the common security and defence policy (CSDP), we need to agree upon and enforce a common approach to fighting terrorism at its ideological roots and to take a clear position on how to suppress terrorist financing; calls, therefore, for closer EU cooperation in delivering justice and security and addressing religious extremism throughout all EU external action, namely through the common foreign and security policy, the CSDP, development policy, humanitarian aid and trade policy, in a manner that is compatible with EU standards and human rights law;
35. Stresses the need to increase external capacity-building efforts, with a focus on preventing and countering radicalisation, and to make sure that this work is integrated into action plans and political dialogues involving the EU and its partner countries by establishing international cooperation, making use of existing programmes and capacity, and working with civil society actors in countries of interest on countering terrorist and radical propaganda via the internet and other means of communication;
36. Urges the EU and its Member States to improve the exchange of information at international level on illegal firearms;
37. Underlines the importance of incorporating strategies to prevent radicalisation and



violent extremism into traditional development cooperation tools and instruments, including education programmes, particularly in those states facing the greatest challenges as regards violent extremism;

38. Calls on the Commission and the Member States to assess the possibility of adopting sanctions against those states and governments responsible for financing terrorists and/or terrorist organisations;
39. Underlines the need for proper and timely procedures in respect of decisions to put an individual or a group on the EU terrorist list; insists on the introduction of proper judicial review of such decisions for affected individuals and organisations, so as to bring the procedure into line with the case law of the European Court of Justice;
40. Stresses that anti-terrorism measures should also focus on the potential for terrorist attacks on the assets of EU Member States outside the EU;
41. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.