



EUROPEAN PARLIAMENT

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Committee on Legal Affairs

2010/2311(INI)

13.4.2011

OPINION

of the Committee on Legal Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the EU Counter-Terrorism Policy: main achievements and future challenges
(2010/2311(INI))

Rapporteur: Luis de Grandes Pascual

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SUGGESTIONS

The Committee on Legal Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the Commission's Communication and reiterates that it must be linked to the EU's forthcoming internal security strategy;
2. Regrets that the opportunity was missed to explain how certain EU counter- terrorism instruments such as data retention, PNR and the Swift Agreement fit into the EU counter- terrorism strategy;
3. Considers the decision to deepen and develop the four main strands of the counter- terrorism strategy – prevent, protect, pursue and respond – to be a good one;
4. Warns that it is a mistake to label as 'Islamist terrorism' what should rather be described as 'radical Jihadist terrorism'; considers that making generalisations that discredit the whole of a legitimate religious belief is neither just nor proper;

Prevent

5. Is aware that all measures that lead to prosecution may at the same time be preventive measures and is therefore concerned about the delay in implementing Framework Decision 2002/475/JHA and calls on the Commission to assess the implementation of Framework Decision 2008/919/JHA; bearing in mind that within democratic societies there is no cause that legitimises terrorist actions, considers that preventive measures should not involve a priori stigmatisation, and that it is necessary to seek cooperation and dialogue with civil society in order to achieve social inclusion in EU Member States and projects with third countries;
6. Welcomes the fact that many Member States have added specific articles to their criminal codes condemning terrorist acts, which lay down more severe penalties for activities linked to terrorism; calls on the Member States to take the steps required to criminalise terrorist groups and their activities, one means to that end being exchanges of information under Council Framework Decision 2002/475/JHA;
7. Calls on the Commission and Council to encourage positive and negative conditionality in relation to national, regional and local governments, should they fail to contribute effectively to counter-terrorism; calls on the Commission to ascertain whether counter- terrorism measures are being implemented properly and to report regularly to Parliament and the Council on its findings;

Protect

8. Considers that terrorism is a phenomenon that is constantly evolving and should be met by a counter-terrorism policy that can address this fact; welcomes in this respect the measures adopted recently in the field of aviation safety on checking cargo; calls on the Commission to ensure that the processing of passenger name records both within the EU

and in third countries complies with EU data protection law and that the introduction of body scanners respects individual rights and does not cause any harm to health;

9. Considers also that the best possible balance must invariably be achieved between, on the one hand, the obligation incumbent on public authorities, at EU level and in Member States, to protect their citizens from injury and guarantee their security and, secondly, the need to safeguard their individual rights;

Pursue

10. Recalls Parliament's important role in preventing and combating terrorism and related activities, such as the financing of terrorism; would welcome the introduction of administrative measures in respect of the freezing of assets to prevent and combat terrorism and related activities; urges the Commission to clarify the role of certain counter-terrorism instruments (data retention, PNR, EU-US TFTP Agreement);
11. Calls in addition, as far as counter-terrorism measures are concerned, for the proportionality principle to be taken into account and the fundamental rights of citizens to be observed, bearing in mind that all such measures have to be in accordance with the law and the rule of law;

Respond

12. Welcomes the inclusion of victims of terrorism in the Commission's forthcoming legislative proposal to provide a comprehensive instrument on the protection of victims; endorses in this respect the petition from the International Congresses of the Victims of Terrorism; urges the Member States to adopt the laws necessary to provide victims with decent and adequate support, protection and assistance, as well as social recognition of their status as victims of terrorism;
13. Calls, by virtue of the subsidiarity principle, for the national parliaments to play an active role regarding the Area of Freedom, Security, and Justice, especially for the purposes of evaluation and implementation of Union policies, as provided for in Article 70 of the TFEU; considers that they should also be involved in the political monitoring of Europol and the evaluation of Eurojust activities, in accordance with Article 12(c) of the TEU;
14. Calls on the Commission, the High Representative of the Union for Foreign Affairs and Security Policy and the Council to quickly implement arrangements for the solidarity clause introduced by the Lisbon Treaty;
15. Calls for a more accurate assessment of the counter-terrorism measures already taken, extending also to fundamental rights and budgetary aspects.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	12.4.2011
Result of final vote	+: 21 -: 2 0: 0
Members present for the final vote	Sebastian Valentin Bodu, Christian Engström, Lidia Joanna Geringer de Oedenberg, Klaus-Heiner Lehne, Antonio López-Istúriz White, Antonio Masip Hidalgo, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner, Alexandra Thein, Diana Wallis, Rainer Wieland, Cecilia Wikström, Zbigniew Ziobro, Tadeusz Zwiefka
Substitute(s) present for the final vote	Piotr Borys, Sergio Gaetano Cofferati, Luis de Grandes Pascual, Sajjad Karim, Kurt Lechner, Eva Lichtenberger, Arlene McCarthy, Angelika Niebler
Substitute(s) under Rule 187(2) present for the final vote	Claudio Morganti