



EUROPEAN COMMISSION

*Brussels, 16.06.2016
C(2016) 3036 final*

*Mr Josef SALLER
President of the Bundesrat
Dr Karl Renner-Ring 3
A – 1017 WIEN*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the Commission proposal for a Directive on combating terrorism {COM(2015) 625 final}.

The Commission welcomes the Bundesrat's support for the general objectives of the proposal. Indeed, a more coherent and comprehensive criminal law framework allowing the relevant authorities to effectively investigate and prosecute terrorist offences ultimately preventing terrorist attacks is of utmost importance. The recent terrorist attacks in Brussels after a series of other terrorist attacks further highlighted the urgent character of this proposal.

The Commission also thanks the Bundesrat for its support for the specific provisions on the protection and support of the victims of terrorism addressing their very specific needs by providing immediate assistance including in particular trauma counselling.

While sharing the Bundesrat's views on the usefulness of witness protection programmes as an effective means in criminal justice, such a programme would, in the Commission's appraisal, go beyond the legal base provided by Treaties.

The Commission agrees with the Bundesrat's suggestion that more needs to be done to effectively tackle the issue of the looting of cultural artefacts as a source of terrorist financing. To the extent that for instance trade in such goods is carried out with a view to financing terrorist activities, this could constitute a criminal offence as this is clarified in recital 11 of the Commission's proposal.¹ Furthermore, as announced in its action plan to tackle terrorist financing, the Commission will consider a wider response to combatting

¹ Recital 11 reads as follows: "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".

terrorism financing via illicit trafficking in cultural goods.² This will include a possible legislative proposal against illicit trade in cultural goods or the introduction of a certification system for the import of cultural goods into the EU coupled with guidance to stakeholders such as museums and the art market.

The Council reached a general approach on the Commission's proposal on 11 March 2016 which echoes some of the Bundesrat's suggestions. This concerns in particular proposed clarifications in recital 11 of the proposed Directive which refer to the need to effectively combat the illicit trade in cultural goods.

The Commission hopes that these clarifications address the issues raised by the Bundesrat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*

² Action Plan for strengthening the fight against terrorist financing {COM(2016) 50 final}.