



EUROPEAN COMMISSION

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*Mr Milan ŠTĚCH
President of the Senát
Valdštejnské náměstí 17/4
CZ – 118 01 PRAGUE 1*

Dear President,

The Commission would like to thank the Senát for its Opinion on the Commission proposal for a Directive on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism {COM(2015) 625 final}.

The Commission welcomes the support of the Senát for the objectives of this proposal and agrees that it is important to ensure full accord of EU law with international commitments.

Both UN Security Council Resolution 2187(2014), as well as the Additional Protocol to the Council of Europe Convention, which the EU signed on 22 October 2015, require Member States to criminalise the travel and attempted travel for terrorist purposes, as well as funding, organising and facilitating such travel. The definition of crime should include travel to a country which is not the one of the traveller's nationality or residence.

The Council of Ministers of the EU adopted a general approach on 11 March 2016 agreeing on a narrower scope of the directive to cover only travel from the EU excluding travel to and within the EU.

Recent attacks and testimonies by Europol and Eurojust confirm that there is a significant terrorist threat, resulting not only from persons leaving the EU to conflict zones but also from those EU nationals coming back or third country nationals entering the EU as well as from those travelling within the EU. The Commission therefore proposed to include travel from a third country to a Member State and intra-EU travel for terrorist purposes as well.

The Victims' Rights Directive¹ provides general rights for victims of crime, which are made more specific to the needs of victims of terrorism in the Commission proposal. The proposal defines the "victims of terrorism" in line with the Victims' Rights Directive as anyone who has suffered harm as a direct cause of a terrorist offence as defined in Article 3 of the proposed

¹ Directive 2012/29/EU of the European Parliament and of the EU 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.

Directive, and family members of a person whose death was directly caused by a terrorist offence and who have suffered harm as a result of that person's death.

The Victims' Rights Directive, which Member States should have transposed by 16 November 2015, requires Member States to ensure that victims of crime have access to free support services before, during and for an appropriate time after criminal proceedings, the duration depending on their needs. The proposed Directive also requires free access to support services, both immediately after an attack, and as long as necessary after an attack, in accordance with the specific needs of the victim.

When it comes to the evaluation of concrete consequences associated with the obligation to provide free psychological assistance to all victims of terrorism, they will depend on the actual number of victims of terrorism in the relevant Member State – if any – and on the specific needs of each victim.

Finally, the Commission takes note of the importance that the Senát attaches to the prevention of radicalisation and recruitment, detection of the relevant persons at the external borders of the Union, the efficient exchange of relevant information as well as the development of the European Centre for Counter-Terrorism set up within Europol. In this regard, the Commission would like to refer to its Communication "Delivering on the European Agenda on Security to fight against terrorism and pave the way towards an effective and genuine Security Union" {COM(2016) 230 final} adopted on 20 April 2016 in which the Commission sets out measures already taken or to be taken in the areas of information exchange, prevention of radicalisation, disruption of terrorist networks and their financing, prosecution of terrorist offences as well as other flanking measures.

With the recently adopted Communication on supporting the prevention of radicalisation leading to violent extremism², the Commission has put forward an ambitious set of initiatives ranging from research and evidence-building to countering terrorist propaganda and hate speech online, addressing prison radicalisation, promoting inclusive education, and reaching out to young people.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senát and looks forward to continuing our political dialogue in the future.

Yours faithfully,

Věrá Jourová

Member of the commission

² COM (2016) 379 final of 14 June 2016.