



EUROPEAN COMMISSION

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*Mr Florin IORDACHE  
President of the  
Camera Deputaților  
Palace of the Parliament  
Str. Izvor nr. 2-4, sector 5  
RO – 050563 BUCHAREST*

*Dear President,*

*The Commission would like to thank the Camera Deputaților 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 Camera Deputaților for the objectives of this proposal to effectively prevent and prosecute crimes related to terrorism, while respecting fundamental rights and the principle of proportionality.*

*As set out in the European Agenda on Security,<sup>1</sup> the challenges posed by foreign terrorist fighters are addressed through a number of different measures, ranging from measures to prevent and counter radicalisation to criminal justice instruments. In its recently adopted Communication towards a Security Union, the Commission took stock of the delivery of the Agenda in this area and identified what action is still needed.<sup>2</sup>*

*The proposed Directive on combating terrorism is one part of the Commission's comprehensive response to terrorism.*

*With the recently adopted Communication on supporting the prevention of radicalisation leading to violent extremism<sup>3</sup> the Commission 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 reiterated the importance of all measures addressing radicalisation leading to violent extremism and terrorism being designed and implemented in full respect of fundamental rights and in defence of common values.*

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<sup>1</sup> COM (2015) 185 final of 28 April 2015.

<sup>2</sup> COM (2016) 230 final of 20 April 2016.

<sup>3</sup> COM (2016) 379 final of 14 June 2016.

*In supporting practitioners and other stakeholders in Member States in their efforts to prevent and counter radicalisation, the Commission relies on the Radicalisation Awareness Network and its recently established Centre of Excellence. The Centre of Excellence has identified best practices, provides guidance and practical support for the development and implementation of prevent strategies as well as targeted interventions. Such support measures include for instance rehabilitation programmes for convicted foreign terrorist fighters and facilitate more broadly the implementation of objectives set out in the Council Conclusions of November 2015 on the criminal justice response to radicalisation. In this context, Eurojust was tasked to monitor trends and developments also as regards the use of alternatives to prosecution and detention, and thus contribute to the further development of criminal policy with regard to foreign terrorist fighters. Support measures provided by the Centre of Excellence include also more broadly ways to address an increasing tendency of re-emerging forms of extremism and the resulting polarisation in society.*

*The Commission addresses the specific comments raised in the Opinion in the attached annex.*

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

*Yours faithfully,*

*Violeta Bulc*

*Member of the Commission*

## ANNEX

*Two of the key elements of the Commission's proposal concern the travel offence as well as a comprehensive terrorist financing offence.*

*The proposed Directive would require Member States to criminalise not only those travelling abroad for terrorist purposes, but also those travelling from a third country into and within the EU to prepare and perpetrate terrorist attacks. The criminalisation of such behaviour will ensure that national authorities can arrest and prosecute such persons; it will also facilitate cooperation between competent authorities in the EU.*

*The Commission would like to thank the Camera Deputaţilor for its support for a comprehensive offence of travelling abroad for terrorist purposes, covering not only the travel to a third country, but also the travel to and within the EU.*

*As the Camera Deputaţilor notes, terrorists often use evasive tactics to hide the origin, destination and purpose of their travel. The Commission has contributed to developing risk indicators to detect such travel and has proposed systematic checks at the external borders for everyone entering and exiting the EU, whether they are EU or non-EU citizens. The Commission has encouraged Member States to exchange more information and make better use of existing information systems in regard to persons suspected of terrorism or radicalisation. The Commission is looking into making existing EU information systems stronger and smarter, in particular by increasing their interoperability,<sup>4</sup> and will propose a review of the Schengen Information System to further improve its added value for law enforcement and counter-terrorism purposes.<sup>5</sup>*

*In addition, the need to enhance information exchange on radicalised people has been stressed both in the Communication towards a Security Union and the Communication on supporting the prevention of radicalisation leading to violent extremism which encourages Member States to proactively exchange all relevant information on released convicts suspected of radicalisation or known radical individuals, in order to ensure close monitoring of those representing a high risk.*

*The proposed provision of terrorist financing covers a broad range of activities and purposes to ensure that support to terrorist activities is effectively criminalised.*

*Framework Decision 2002/475/JHA, as amended by Framework Decision 2008/919/JHA, already criminalised public provocation to commit a terrorist offence, recruitment for terrorism and the providing of training for terrorist purposes. The proposal for a Directive introduces a new offence of receiving training for terrorist purposes. These offences can be committed through the internet and social media. Accordingly, the Commission does not consider it necessary to introduce additional offences relating to the perpetration of terrorist offences through the internet.*

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<sup>4</sup> COM(2016) 205 final of 6 April 2016.

<sup>5</sup> COM(2016) 379 final of 14 June 2016.

*The Commission would like to point out that the EU has taken several measures to reduce the risks related to the use of the internet for terrorist purposes. The EU Internet Forum, launched in December 2015, brings together representatives from Member States, Europol, internet companies and civil society partners with two key objectives: to work together in reducing accessibility to terrorist content online, and to empower civil society partners to increase the volume of positive, alternative narratives online. In addressing that first objective, an EU Internet Referral Unit has been established at Europol. In just under a year since its inception, it has referred over 7000 pieces of terrorist content to the companies which in the vast majority of cases have swiftly removed them.*

*As announced in the recent Communication towards a Security Union, work is underway to develop a Joint Referral Platform to improve the speed and volume of referrals, and prevent removed material from being re-uploaded elsewhere. Furthermore, the Commission has committed EUR 10 million for a Civil Society Empowerment Programme to help equip civil society partners with the necessary technical skills and training.*

*The newly introduced offence of receiving training for terrorist purposes will provide law enforcement and prosecutors with additional tools to tackle the threats resulting from potential perpetrators, including those ultimately acting alone, by offering the possibility to investigate and prosecute training activities having the potential to lead to the commission of terrorist offences. The receiving of training for terrorism may take place in person, for example by attending a training camp run by a terrorist association or group, or through various electronic media, including through the internet. However, and in line with the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism, the mere fact of visiting websites containing information or receiving communications, which could be used for training for terrorism, is not enough to commit the crime of receiving training for terrorism. The perpetrator must normally take an active part in the training. Member States may, however, choose to criminalise forms of “self-study” in their domestic law.*

*Furthermore, the purpose of the receiving of training for terrorism must be to carry out or to contribute to the commission of a terrorist offence, as defined in Article 3, and the perpetrator must have the intention to do so. The participation in otherwise lawful activities, such as taking a chemistry course at university, taking flying lessons or receiving military training provided by a State, may also be considered as unlawfully committing the criminal offence of receiving training for terrorism, if it can be demonstrated that the person receiving the training has the required criminal intent to use the training thus acquired to commit a terrorist offence.*

*The Commission agrees with the Camera Deputaţilor that the tools to counter terrorism need to be constantly adapted to the evolving terrorist threat. The Council of the European Union, in its general approach of 11 March 2016, proposed to expand the definition of terrorist offences to cover certain cases of illegal data or system interference. The Commission can support the objective of this proposal.*