



Romanian Parliament
Senate

Bucharest, 17 February 2016

OPINION

of the ROMANIAN SENATE

regarding the *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism*
COM(2015) 625 final

The Romanian Senate examined *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on combating terrorism and replacing Council Framework Decision 2002/475/JHA on combating terrorism - COM(2015) 625 final* - according to the provisions of the Treaty of Lisbon (Protocol no. 2).

Taking into account the joint report of February 11, 2016 of the permanent Committee for European Affairs and the permanent Committee for Constitutionality, Civil Liberties and Monitoring of Enforcement of Judgments of the European Court of Human Rights, **the Plenum of the Senate**, during its session of February 15, 2016, decided as follows:

- I. Romania supports the objectives of this proposal and considers necessary to establish comprehensive measures to take account of the evolving terrorist threat and the need for appropriate tools to facilitate investigation and prosecution of all terrorist relevant modes of operation, avoiding significant gaps in criminal justice response.
- II. **This proposal for a Directive respects the principles of subsidiarity and proportionality.**
- III. **The following are noted:**
 1. The importance of replacing Framework Decision 2002/475 / JHA on combating terrorism
 - a. the application of new standards and international obligations of the EU;
 - b. the more effectively addressing of the terrorist threat, thereby enhancing the EU's security and safety of its citizens;
 - c. the establishment of an updated EU legislation establishing minimum rules concerning the following definition:
 - terrorist offenses,
 - offenses related to a terrorist group or terrorist activities,
 - penalties applicable in this field;

2. Introducing and defining new offenses:
 - a. receiving training for terrorism,
 - b. travel abroad for terrorist purposes,
 - c. organizing or facilitating travel abroad for terrorist purposes;
3. Definition and criminalization of offenses linked to terrorist activities;
4. Provisions on support and protection rights of victims of terrorism.

IV. The following are considered crucial:

1. Achieving a fair balance between ensuring fundamental rights and freedoms, and security of citizens.
2. Clarification of the definitions referred to
 - a. Article (5) - *Public provocation to commit a terrorist offence*;
 - b. Article (8) - *Receiving of training*;
 - c. Article (9) - *Travelling abroad for terrorism*.

V. The following are considered necessary and important:

1. Clarification of the status of family members of victims of terrorist crimes and providing qualified support services for them.
2. Adoption of specific measures to respond better to the needs of victims of terrorism would generate significant added value.
3. Criminalization of the following activities:
 - a. the attempted recruitment and training,
 - b. travelling abroad in order to participate in the activities of a terrorist group,
 - c. financing various terrorist offenses defined in the draft directive.

VI. The following are recommended:

1. The inclusion of provisions on the rights of victims that require adding the relevant provision as a legal basis. Article 82 (2) TFEU allows Parliament and the Council, which act in accordance with the ordinary legislative procedure, to establish minimum standards on the rights of the victims of crimes;
2. Extension of the transposition deadline to 18 months, given the lack of impact assessments;
3. Conducting the first assessment report of the implementation at 24 months after the deadline for transposition.

President of the Senate



Călin POPESCU-TĂRICEANU