



## EUROPEAN COMMISSION

*Brussels, 04.05.2016  
C(2016) 2705 final*

*Dear President,*

*The Commission would like to thank the Senat for its Opinion on the 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 Senat for the objectives of this proposal and agrees that in achieving this, it is crucial to ensure a fair balance between fundamental rights and security.*

*Concerning the transposition of the Directive by Member States, the Commission proposed a period of 12 months. The Commission takes note of the position of the Senat, which calls for a longer period but underlines that a period of 12 months was proposed given the urgency to address the offences defined in this Directive.*

*The Commission would like to provide a number of additional clarifications regarding its proposal. Like the Senat, the Commission considered it necessary to adopt measures to address the specific needs of the victims of terrorism and therefore based its proposal also on Article 82(2) of the Treaty on the Functioning of the European Union (TFEU). The Commission agrees with the view of the Senat that family members of the surviving victims of terrorism should have access to support services too.*

*As to the criminalisation of terrorist activities, the proposed offence of travelling abroad for terrorist purposes includes travel to participate in the activities of a terrorist group. The Commission also considered it necessary, like the Senat, to have a comprehensive definition of terrorist financing.*

*The Commission did not propose to criminalise attempted provocation (article 5 of the proposal), because the offence of provocation only requires that the offender intends to incite another person to commit terrorist offences. The Commission did not propose to criminalise the attempt to receive training (article 8 of the proposal), as this was considered to be disproportionate and largely covered by other parts of Directive.*

*Mr Călin POPESCU-TĂRICEANU  
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*The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Dimitris Avramopoulos  
Member of the Commission*