

# PARLIAMENT OF ROMANIA

## CHAMBER OF DEPUTIES

### DECISION

**adopting the opinion on the Communication from the Commission to the European Parliament, the European Council and the Council '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**

pursuant to the provisions of Articles 67 and 148 of the Romanian Constitution, republished, of Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and of Rules 160 to 185 of the Rules of Procedures of the Chamber of Deputies, republished,

**the Chamber of Deputies hereby adopts this Decision:**

Sole Article - Having regard to Opinion No 4c-19/1099, adopted by the Committee for European Affairs at its meeting of 28 September 2016, the Chamber of Deputies:

1. Maintains the observations and recommendations made in its opinion on the Communication 'European Agenda on Security' - COM(2015)185.

2. Maintains the observations and recommendations made in its opinion on 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.

3. Maintains the observations and recommendations made in its opinion on the Communication 'Action Plan for strengthening the fight against terrorism financing' - COM(2016)50.

4. Recognises the added value of the European Commission initiative and hence of the proposed objective of assessing the stage of delivery of the European Agenda on Security in relation to specific operational issues and identifying where there are implementation gaps and identifying what action is still needed to remove with these gaps and develop new standing cooperation structures between operational services responsible for combating terrorism, in order to draw together the work of Europol, Eurojust, intelligence services, police forces and judicial authorities.

Appreciates that, by setting out a roadmap towards an operational and effective Security Union increasing the collective capacity to tackle the terrorist threat, the Communication is one of the most useful actions of the European Commission.

5. Recognises that one major obstacle to greater EU added value in the field of counter terrorism policies was the limits on the EU's legal competences in matters related to national security and the activities of intelligence services; stresses, however, that this fact is due to the primary law of the Union and a debate on this subject can be launched only in the context of revision of the treaties. For example, the proposal to develop new standing cooperation structures between operational services responsible for combating terrorism in order to draw together the work of Europol, Eurojust,

intelligence services, police forces and judicial authorities must be analysed in the light of the provisions of the treaties:

- under Article 4 of the Treaty on European Union (TEU), national security is the exclusive competence of the Member States;

- Article 73 of the Treaty on the Functioning of the European Union (TFEU) leaves it to Member States to organise between themselves and under their responsibility such forms of cooperation and coordination as they deem appropriate between the competent departments of their administrations responsible for safeguarding national security.

Observes that although the founding of an EU intelligence agency would represent substantial progress in terms of political integration, in the current context it would most likely not address the legal, political and practical challenges.

6. Appreciates the measures proposed to improve the Schengen Information System (SIS), use common risk indicators and guidance prepared by Frontex, improve the integrated management of external frontiers, including by creating a European Border and Coast Guard, improve the Schengen Borders Code and improve hotspots through integrated and systematic security controls, with the support of Frontex and Europol, facilitating identification of infiltrated individuals.

7. Notes that the EU has developed a number of large-scale databases, such as SIS II, a decentralised system for the exchange of information for the prevention and investigation of infringements as a result of the Prüm Decision, and has founded agencies in the field of home affairs.

8. Stresses that, since the start of 2016, Romania has been applying the common risk factors during controls at borders, that it has fully implemented the Prüm framework and is systematically and consistently using Interpol's Stolen and Lost Travel Documents database.

With regard to the proposals to modify the legal framework of SIS, Romania considers it necessary to adopt modifications to the legal framework of SIS II to permit the direct entry of alerts by the security services.

9. Supports the focus on means of constantly improving and developing cross-border operational cooperation between national authorities, for example the joint investigation teams (JIT) coordinated by Eurojust and Europol.

Recalls that it has consistently supported joint investigation teams (JIT) as one of the most effective instruments of cross-border operational cooperation at EU level and supports the more frequent use of these teams and systematic collaboration with the relevant agencies.

10. Supports the need for special control and greater democratic responsibility as regards the exercise of Europol's present competences and those of the newly founded European Counter Terrorism Centre, including as regards activities involving classified information.

11. Observes that some of the proposals included in the Communication, such as the operational action plans for the counter-terrorism field, have already been the subject of consultations at the level of the EU Council and were not approved by the Member States.

12. Appreciates the necessity of avoiding duplication between the measures it is planned to undertake in the coming period and those already existing. For example, with regard to the problem

of radicalisation, since 2014 there has already been a revised EU Strategy for combating radicalisation and recruitment for terrorist purposes and guidelines on the subject, with many of the actions currently being implemented.

13. Recalls its proposal, made when examining the European Agenda on Security, to establish a classification of types of extremism/terrorism present in Europe, which would help to avoid a degree of confusion when preparing programmes and action plans, because the necessary measures are not identical for combating different types of extremism/terrorism.

14. Welcomes the measures intended to fight terrorist propaganda and expresses its concern that no EU institutions and no Member State confronted with the risk of radicalisation has so far succeeded in developing a strategy and tactics to counter jihadist propaganda, despite having material, human and technical resources and expertise in the communications field that are superior to those of the opposing side. Warns that a lasting failure in shaping the conceptions of citizens exposed to radicalization would cause considerable damage to the whole counter-radicalisation framework.

15. Stresses the importance of the success of complex and long-term deradicalisation actions, including through education and youth outreach, to demonstrate that the social reintegration of vulnerable persons exposed to radicalisation is possible.

16. Considers that, both in the current activity of authorities engaged in combating terrorism and in the legislation of the Member States and the EU, it would be necessary to introduce an interpretation of legitimate defence that serves the fundamental aim, namely to save lives by permitting the specialised anti-terrorist bodies to take rapid - and if necessary preventive - action on the basis of reasonable suspicion; according to the same logic, information from the counter-terrorism field should be used in emergencies and should not be confused with the information with which justice systems operate, being exempt from the obligation to possess probative value in legal proceedings. In other words, respect for the quality of the judicial process should not constrain or delay actions to counter terrorist conspiracies or acts on the ground; this would avoid the introduction of states of emergency affecting areas unrelated to countering terrorist activities and causing tensions in society.

17. Recalls its opinion, expressed when examining the European Agenda on Security, that the phenomenon of 'home-grown terrorists' cannot be mitigated if the errors of the welfare system, the education system and the law enforcement system are not inventoried and evaluated by Member States, possibly with support from the relevant EU institutions.

18. Welcomes the European Commission's proposal which states that all foreign fighters who return to their countries should be identified and interviewed to assess the level of risk they pose, and those considered dangerous should be returned; also welcomes the proposal that information about foreign fighters who return to their countries should be systematically shared with the European Counter Terrorism Centre in Europol and with the Member States through SIS; recalls, however, that it has repeatedly argued that a permissive treatment of foreign fighters is not justified where there is reasonable suspicion that they committed horrors, barbarities, acts of extreme cruelty, massively documented on the part of Daesh/ISIL; therefore insists that all these 'foreign fighters', who are essentially 'home-grown terrorists', should be kept under surveillance throughout the process of clarification of their situation, evidence of their deeds should be gathered, and they

should be subject to the legal obligation of full cooperation with state authorities (failing which the period of surveillance will be extended) and included in deradicalisation programmes during surveillance, with refusal having the direct consequence of extending the surveillance period.

19. Welcomes the Commission's approach according to which the main actors in the fight against radicalisation are at local level with the involvement of 'interlocutors at local level who have sufficient influence and are appropriately trained to pass counter-radicalisation messages and present alternative models to those spread by radical preachers and by organised crime groups', and it recommends extending this concept to the combating of terrorism by identifying individuals radicalised within the community, by members of the community, through ongoing cooperation of the members of the community with law enforcement agencies; calls on the Commission to propose a formula in line with EU principles and values, to identify community members to cooperate with the authorities. Stresses that the actions of 'lone wolves' who kill, including without firearms or explosives, can often be prevented only with community support.

20. Agrees with the European Commission that, concerning terrorist access to firearms and explosives, the biggest problem is illegal weapons and that the sourcing of contraband weapons from neighbouring regions remains a major problem; stresses that channels of cooperation between organised crime organisations and terrorist organisations have been set up and invites the European Commission to propose stronger measures to restrict the capacity of organised crime to act; deplores the tolerance of the law enforcement bodies in the Member States that can no longer control the activity of organised crime organisations and warns that inertia will lead to loss of control both over terrorist organisations and over terrorists; reiterates that the rule of law means not only ensuring high standards of democracy and civil liberties, but also of law enforcement.

21. Agrees with the European Commission that 'while strong cybersecurity measures should be the first line of defence, we also need to ensure effective investigation and prosecution of crime targeting or exploiting those systems' but points out that, in terms of cyber risk, there are huge differences between the capacity of terrorist networks and that of hostile states. Stresses, therefore, that improvement in protection against the cyber attacks of hostile states implicitly leads to suppression of possible attacks from terrorist organisations; recommends to the European Commission that proper priorities be set in the field of cyber security by focusing on measures to improve protection systems and countermeasures in the area of hostile states.

Notes the need for preparation and adoption in Romania of complete and up-to-date cyber security legislation, which will also create the legal framework for implementing the National Cyber Alert System, serving to prevent and address risks and threats to cyber security.

Considers that private sector involvement and encouragement of real public-private dialogue is of paramount importance and supports government support measures for technology transfer and research and development cooperation on cyber security solutions, but also tax incentives to create a solid cyber security industry in Romania.

22. With regard to the external dimension, it welcomes diplomatic efforts in relation to states of interest and the idea of a counter-terrorism partnership with the Mediterranean countries; reiterates, however, the previously expressed opinion that non-cooperation or reluctance to cooperate on the part of these states would have diplomatic and political consequences that would lead to the reconfiguration of relations between these states and the European Union.

23. Accepts the European Commission's intention 'to further disrupt the sources of revenue of terrorist organisations' and recommends complementing those actions with severe sanctions against states, organisations and individuals that culpably contribute in any way to the financing of terrorism; reiterates its previously expressed view that substantial progress in restricting the capacity of terrorist organisations to act will be made only when no geopolitical or international policy consideration or economic calculation prevails over the desire to combat terrorism.

In this context, congratulates the Commission on its intention to relax the restrictions of the Stability and Growth Pact to allow exceptional budgetary expenditures directly related to fighting terrorism.

24. Stresses that Romania has been and remains at the forefront of the fight against terrorism, in terms both of prevention and of the fight itself, since it is an active supporter of cooperation with all EU institutions, its Member States and international organisations with the objective of liquidating this scourge.

*This Decision was adopted by the Chamber of Deputies at its sitting of 4 October 2016, in compliance with Article 76(2) of the Romanian Constitution, republished.*

**PRESIDENT**

**CHAMBER OF DEPUTIES**

Bucharest, 4 October 2016.

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