



2015/0281(COD)

8.4.2016

AMENDMENTS

56 - 246

Draft report
Monika Hohlmeier
(PE577.046v01-00)

Combating terrorism and replacing Council Framework Decision
2002/475/JHA on combating terrorism

Proposal for a directive
(COM(2015)0625 – C8-0386/2015 – 2015/0281(COD))

Amendment 56
Monika Hohlmeier

Draft legislative resolution
Citation 4 a (new)

Draft legislative resolution

Amendment

- having regard to the UN Security Council Resolutions 2195 (2014), 2199 (2015) and 2253 (2015)

Or. en

Justification

UNSCR 2199 (2015) and 2254 (2015) make reference to the fact that terrorist organisations are generating income by trading in various goods, resources and other objects, including through transnational sale. The Security Council repeatedly condemned any engagement in direct or indirect trade with them (UNSCR 2170 (2014) and 2199 (2015)) and stresses the need to prevent and combat terrorist financing from the proceeds of organised crime.

Amendment 57
Monika Hohlmeier

Draft legislative resolution
Citation 4 b (new)

Draft legislative resolution

Amendment

- having regard to UN Security Council Resolution 1373 (2001)

Or. en

Justification

In this Resolution the UN Security Council already decided, inter alia, that all states shall take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other states by exchange of information, and that they shall afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts. It called upon all states to find ways of intensifying and accelerating the exchange of operational information. The Security Council recalled its decision in Resolution 2178 (2014).

Amendment 58
Geoffrey Van Orden, Timothy Kirkhope

Draft legislative resolution
Citation 8 a (new)

Draft legislative resolution

Amendment

*- having regard to the Communiqué of the
Nuclear Security Summit, Washington, 1
April 2016*

Or. en

Amendment 59
Iratxe García Pérez, Teresa Jiménez-Becerril Barrio
on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a directive
Recital 1

Text proposed by the Commission

Amendment

(1) The European Union is founded on the universal values of human dignity, freedom, equality and solidarity, respect for human rights and fundamental freedoms. It is based on the principle of democracy and the principle of the rule of law, principles which are common to the Member States.

(1) The European Union is founded on the universal values of human dignity, freedom, equality *between women and men* and solidarity, respect for human rights and fundamental freedoms. It is based on the principle of democracy and the principle of the rule of law, principles which are common to the Member States.

Or. en

Justification

Article 2 and 3 of the TEU.

Amendment 60
Marine Le Pen, Gilles Lebreton, Lorenzo Fontana, Harald Vilimsky, Janice Atkinson

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Acts of terrorism constitute one of the most serious violations of the universal values of human dignity, freedom, equality and solidarity, enjoyment of human rights and fundamental freedoms on which the European Union is founded. It also represents one of the most serious attacks on democracy and the rule of law, principles which are common to the Member States and on which the European Union is based.

Amendment

(2) Acts of terrorism constitute one of the most serious violations *of security and* of the universal values of human dignity, freedom, equality and solidarity, enjoyment of human rights and fundamental freedoms on which the European Union is founded. It also represents one of the most serious attacks on democracy and the rule of law, principles which are common to the Member States and on which the European Union is based.

Or. fr

Amendment 61
Maite Pagazaurtundúa Ruiz

Proposal for a directive
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) The fight against terrorism and prevention of radicalisation and recruitment of European citizens by terrorist organisations are concepts that necessarily need to go hand in hand because of their complex nature.

Or. en

Amendment 62
Monika Hohlmeier

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The United Nations (UN), Interpol

and Europol have been reporting for years on the increasing convergence between organised crime and terrorism. Europol's latest Terrorism Situation and Trend Report concludes that the overall threat by terrorists to the security of citizens of the Union and interests is likely to increase and has been particularly exacerbated by the conflict in Syria and Iraq, while the nexus between terrorism and organised crime and the links between criminal and terrorist groups constitute an increased security threat to the Union. Member States should, therefore, ensure that the financing and the support of terrorist crimes by means of organised crime is made punishable and that the interlinks of organised crime and terrorist activities and terrorist financing are considered more strongly by authorities of the Member States involved in criminal proceedings.

Or. en

Amendment 63
Michał Boni, Kinga Gál, Carlos Coelho

Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The UN Security Council Resolution (UNSCR) 2178 (2014) on threats to international peace and security caused by terrorist acts adopted on 24 September 2014 sets out a set of measures to combat the phenomenon of the Foreign Terrorist Fighters and requires to establish in the national laws of the Member States of the UN penalisation as serious criminal offences: travel or attempted travel to a third country with the purpose of contributing to the commission of terrorist acts or to providing or receiving of

training; the funding of such travel and the organisation or facilitation of such travel.

Or. en

Amendment 64

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Punitive sanctions should be complemented by long-term policies to prevent the radicalisation and recruitment of citizens of the Union by terrorist organisations. Strategies on social inclusion, education, employment and housing and policies tackling discrimination and exclusion to stop vulnerable individuals joining violent extremist organisations are crucial to countering terrorism.

Or. en

Amendment 65

Michał Boni, Kinga Gál, Carlos Coelho

Proposal for a directive

Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) An Additional Protocol to the Council of Europe Convention on the prevention of terrorism adopted in May 2015 introduced a requirement of criminalisation of participation in an association or group for the purpose of terrorism, receiving training for terrorism, travelling or attempting to

travel for terrorist purposes, providing or collecting funds for such travels and organising and facilitating such travels. The Union signed the Additional Protocol as well as the Convention on 22 October 2015.

Or. en

Amendment 66
Cornelia Ernst, Kostas Chrysogonos

Proposal for a directive
Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) Member States should share good practices on the setting-up of de-radicalisation structures to prevent citizens of the Union and third-country nationals legally residing in the Union from leaving the Union or to control their return to it and their judicial approach in this regard notably through Eurojust. They should share such good practices not only among each other but also with third countries which have already acquired experience and achieved positive results in this area.

Or. en

Amendment 67
Marine Le Pen, Gilles Lebreton, Lorenzo Fontana, Harald Vilimsky, Janice Atkinson

Proposal for a directive
Recital 4

Text proposed by the Commission

Amendment

(4) The terrorist threat has grown and rapidly evolved in recent years.
Individuals referred to as "foreign terrorist

(4) The terrorist threat has grown and rapidly evolved in recent years. **Islamists** referred to as "foreign terrorist fighters"

fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on 13 November 2015. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad but who remain within Europe.

travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on 13 November 2015. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad but who remain within Europe. ***The Schengen system, exemplified by the lack of checks at national borders, has also helped to exacerbate the terrorist threat.***

Or. fr

Amendment 68

Timothy Kirkhope, Daniel Dalton, Jussi Halla-aho, Angel Dzhambazki, Helga Stevens, Monica Macovei, Geoffrey Van Orden, Branislav Škripek

Proposal for a directive Recital 4

Text proposed by the Commission

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on 13 November 2015. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad but who remain within Europe.

Amendment

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on 13 November 2015 ***and in Brussels on the 22nd of March 2016.*** In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad but who remain within Europe.

Or. en

Amendment 69
Brice Hortefeux

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on 13 November 2015. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad but who remain within Europe.

Amendment

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters ***who are nationals of Member States or third countries and who sometimes have dual nationality*** have been linked to several recent attacks or plots, including the attacks in Paris on 13 November 2015 ***and in Brussels on 22 March 2016***. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad ***or in Europe*** but who remain within Europe.

Or. fr

Amendment 70
Michał Boni, Kinga Gál, Carlos Coelho

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on

Amendment

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on

13 November 2015. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad *but who remain within Europe*.

13 November 2015 *and in Brussels on 22 March 2016*. In addition, the European Union and its Member States face increased threats from individuals *residing in the EU but* inspired or instructed by terrorist groups *from* abroad, *or by returning foreign terrorist fighters*.

Or. en

Amendment 71

Caterina Chinnici, Marju Lauristin, Ana Gomes, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. *Foreign terrorist fighters have been linked to several recent attacks or plots, including the attacks in Paris on 13 November 2015*. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad *but who remain* within Europe.

Amendment

(4) The terrorist threat has grown and rapidly evolved in recent years. Individuals referred to as "foreign terrorist fighters" travel abroad for terrorism purposes. Returning foreign terrorist fighters pose a heightened security threat to all EU Member States. In addition, the European Union and its Member States face increased threats from individuals inspired or instructed by terrorist groups abroad *and* within Europe.

Or. en

Amendment 72

Caterina Chinnici, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Considering that the internet is being used for terrorist propaganda and recruitment, Member States should take appropriate measures for flagging illegal content on the internet and facilitating the detection of such content, and cooperate with each other, with Europol and other relevant Union agencies, as well as with civil society organisations active in this field.

Or. en

Amendment 73

Maite Pagazaurtundúa Ruiz

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) A harmonised classification of criminal sanctions in terrorist crimes would offer a common legal framework which could be used as a reference to several Union agencies. To that effect, effective coordinating mechanism between Europol, Eurojust, SIS, OLAF and EJN should be put in place.

Or. en

Amendment 74

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Member States should strengthen the

professionalism of security forces, law enforcement agencies and justice institutions; and ensure effective oversight and accountability of such bodies, in conformity with international human rights law and the rule of law. This includes human rights training to security forces including on how to respect human rights within the context of measures taken to counter violent extremism and terrorism.

Or. en

Amendment 75
Monika Hohlmeier

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Certain forms of internet use can be conducive to radicalisation, enabling fanatics throughout the world to connect with each other and recruit vulnerable individuals without any physical contact whatsoever and in a manner that is difficult to trace. The internet generates specific challenges given its global and cross-border nature, thus giving rise to legal gaps and jurisdictional conflicts. Every Member State should set up a special unit tasked with detecting and signalling illegal content on the internet and with facilitating the detection, blocking and removal of such content. The creation by Europol of the Internet Referral Unit (IRU), responsible for detecting illegal content and supporting Member States in this regard, while fully respecting the fundamental rights of all parties involved, represents a significant step forward in this regard. Member States' units should also cooperate with the Union counter terrorism coordinator

and the European Counter Terrorist Centre within Europol, as well as with civil society organisations active in this field. Member States should enforce cooperation with each other and with the relevant Union agencies on these matters.

Or. en

Amendment 76

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Member States should strengthen the professionalism of security forces, law enforcement agencies and justice institutions; and ensure effective oversight and accountability of such bodies, in conformity with international human rights law and the rule of law. This includes human rights training to security forces including on how to respect human rights within the context of measures taken to counter violent extremism and terrorism.

Or. en

Amendment 77

Rachida Dati, Brice Hortefeux

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The fight against terrorism remains primarily a Member State matter. However, the terrorist attacks in Europe in 2015 and 2016 have highlighted the

need for coordinated action on the part of the EU Member States to combat terrorism and address the threat which foreign fighters pose within the EU.

Or. fr

Amendment 78
Ana Gomes

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Considering that the internet is being used for terrorist propaganda and recruitment, Member State should take appropriate measures for flagging illegal content on the internet and facilitating the detection of such content, and cooperate with each other, with Europol, namely by providing information on suspicious individuals or organisations to Europol's databases SIENA and EIS and to the EU Counter-Terrorism Coordinator, and other relevant Union agencies, as well as with civil society organisations active in this field.

Or. en

Amendment 79
Maite Pagazaurtundúa Ruiz

Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) A greater coordination between Europol and Eurojust as a complement of the mandatory exchange of information between several intelligence agencies of

the Member States, aiming at improving the collaboration and trust between them.

Or. en

Amendment 80
Maite Pagazaurtundúa Ruiz

Proposal for a directive
Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) Is urgent to strengthen the EU INTCEN to turn it into a true European Intelligence Agency that possess enough instruments and resources to act effectively in a European scale.

Or. en

Amendment 81
Laura Agea, Laura Ferrara, Ignazio Corrao

Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, including offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, so that it covers more comprehensively conduct related to in particular foreign terrorist fighters and terrorist financing. These forms of behaviour should be punishable also if committed through the Internet, including social media.

(Does not affect the English version.)

Amendment 82

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, including offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, so that it covers more comprehensively conduct related to in particular foreign terrorist fighters and terrorist financing. ***These forms of behaviour should be punishable also if committed through the Internet, including social media.***

Amendment

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, including offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, so that it covers more comprehensively conduct related to in particular foreign terrorist fighters and terrorist financing.

Amendment 83

Caterina Chinnici, Tanja Fajon, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, ***including*** offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, ***so that it covers more comprehensively conduct***

Amendment

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, ***while respecting the principle of proportionality, with regard to***

related to in particular foreign terrorist fighters and terrorist financing. These forms of behaviour should be punishable also if committed through the Internet, including social media.

the legitimate aims pursued and to the necessity of criminalisation in a democratic society.

Or. en

Amendment 84

Ana Gomes

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, ***including*** offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, ***so that it covers more comprehensively conduct related to in particular foreign terrorist fighters and terrorist financing. These forms of behaviour should be punishable also if committed through the Internet, including social media.***

Amendment

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, ***while respecting the principle of proportionality, with regard to the legitimate aims pursued and to the necessity of criminalisation and fighting impunity in a democratic society.***

Or. en

Amendment 85

Emilian Pavel

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under

Amendment

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under

international law, the definition of terrorist offences, including offences related to a terrorist group and offences related to terrorist activities, *should be further approximated* in all Member States, so that it covers *more comprehensively* conduct related to in particular foreign terrorist fighters and terrorist financing. These forms of behaviour *should* be punishable also if committed through the Internet, including social media.

international law, the definition of terrorist offences, including offences related to a terrorist group and offences related to terrorist activities, *must be harmonised* in all Member States so that it covers *in a more comprehensive way, the* conduct related to in particular, *but not only,* foreign terrorist fighters and terrorist financing, *including virtual currencies*. These forms of behaviour *must* be punishable also if committed through the Internet, including social media.

Or. en

Amendment 86

Sophia in 't Veld, Kaja Kallas, Fredrick Federley

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, including offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, so that it covers more comprehensively conduct related to in particular foreign terrorist fighters and terrorist financing. *These forms of behaviour should be punishable also if committed through the Internet, including social media.*

Amendment

(5) Taking account of the evolution of terrorist threats and legal obligations to the Union and Member States under international law, the definition of terrorist offences, including offences related to a terrorist group and offences related to terrorist activities, should be further approximated in all Member States, so that it covers more comprehensively conduct related to in particular foreign terrorist fighters and terrorist financing.

Or. en

Amendment 87

Geoffrey Van Orden, Timothy Kirkhope

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The threat of nuclear and radiological terrorism remains one of the greatest challenges to international security and this threat is constantly evolving. Countering the threat demands strengthened international cooperation and increased support particularly for the central role of the International Atomic Energy Agency (IAEA).

Or. en

Amendment 88
Rachida Dati, Brice Hortefeux

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The internet poses specific challenges by virtue of its global and cross-border nature, which can give rise to legal vacuums and jurisdictional conflicts and make it possible for recruiters and radicalised individuals to communicate remotely and easily from all corners of the world without the need to cross physical borders, establish a base or seek sanctuary in a particular country.

Or. fr

Amendment 89
Caterina Chinnici, Marju Lauristin, Tanja Fajon, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Nothing in this directive shall have the effect of altering the rights, obligations and responsibilities of the Member States, humanitarian organisations and individuals under international law. The activities of parties to armed conflict, which are governed by international humanitarian law within the meaning of these terms under that law, and, inasmuch as they are governed by other rules of international law, are not governed by this Directive. Humanitarian activities carried out by impartial humanitarian organisations internationally recognised should not be considered as contributing to the criminal activities of terrorist groups.

Or. en

Amendment 90
Rachida Dati, Brice Hortefeux

Proposal for a directive
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Certain forms of internet use, and the use of certain applications which provide the basis for other forms of communication, are conducive to radicalisation and to the development and organisation of terrorist networks, enabling fanatics throughout the world to connect with each other and recruit vulnerable individuals without any need for physical contact and in a manner that is difficult to trace.

Or. fr

Amendment 91
Rachida Dati, Brice Hortefeux

Proposal for a directive
Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) Each Member State should set up a special unit tasked with flagging illegal content on the internet and with facilitating the detection and removal of such content, on the basis of cooperation with the Internet Referral Unit set up within Europol. The framing, in a manner consistent with fundamental rights and freedom of expression, of an effective strategy for the detection and removal of illegal content which acts as an incitement to violence is essential, as is the dissemination of effective arguments to counter terrorist propaganda.

Or. fr

Amendment 92
Rachida Dati

Proposal for a directive
Recital 5 d (new)

Text proposed by the Commission

Amendment

(5d) Internet and social media companies and service providers have a legal responsibility to cooperate with Member State authorities by deleting any illegal content that propagates violent extremism, as quickly as possible and in a manner entirely consistent with the rule of law and fundamental rights, including freedom of expression. Member States should consider legal action, including criminal prosecutions, against internet and social media companies and service providers which refuse to comply with an

administrative or judicial request to delete from their internet platforms illegal content or content extolling terrorism. The refusal or deliberate failure by internet platforms to cooperate, thus allowing such illegal content to circulate, should be regarded as an act of complicity that can be equated to criminal intent or neglect and in such cases those responsible should be brought to justice.

Or. fr

Amendment 93

Caterina Chinnici, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The offences related to terrorist activities are of a very serious nature as they have the potential to lead to the commission of terrorist offences and enable terrorists and terrorist groups to maintain and further develop their criminal activities, *justifying the criminalisation of such conduct.*

Amendment

(6) The offences related to terrorist activities are of a very serious nature as they have the potential to lead to the commission of terrorist offences and enable terrorists and terrorist groups to maintain and further develop their criminal activities.

Or. en

Amendment 94

Geoffrey Van Orden, Timothy Kirkhope

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The provision of bona fide humanitarian assistance by impartial and independent humanitarian non-governmental organisations recognised by

international law such as the International Committee of the Red Cross (ICRC) should not be considered as contributing to the criminal activities of a terrorist group. However, as established by the case-law of the Court of Justice of the European Union (Note 1a), the applicability of international humanitarian law to a situation of armed conflict and to acts committed in that context does not exclude the application of laws on the prevention of terrorism to such "armed conflicts".

Note 1a: Judgement of the General Court (Sixth Chamber, extended composition) of 16 October 2014, Liberation Tigers of Tamil Eelam (LTTE) v Council of the European Union. Joint cases T-208/11 and T-508/11.

Or. en

Justification

Clarifies the sense of the final phrase.

Amendment 95

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The provision of humanitarian assistance by impartial humanitarian organisations recognised by international humanitarian law such as the International Committee of the Red Cross (ICRC) should not be considered as contributing to the criminal activities of a terrorist group.

Or. en

Amendment 96
Rachida Dati, Brice Hortefeux

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Measures designed to combat terrorism will not be fully effective until they are accompanied by an effective, dissuasive and coordinated set of criminal justice measures implemented in all Member States. By criminalising terrorist acts carried out abroad with terrorist organisations, Member States will equip themselves with the tools needed to address the terrorist radicalisation of EU citizens and the phenomenon of foreign fighters. Law enforcement and judicial authorities should have the resources needed to prevent, detect and punish such acts. Their staff should receive ongoing effective training in dealing with terrorism-related crimes.

Or. fr

Amendment 97
Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The criminalisation of offences covered by this Directive must be contingent on observance of the principle of materiality, which requires conduct to have an external manifestation if it is to be deemed damaging or a threat to the interest being protected.

Amendment 98
Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) This Directive covers acts which are considered by all Member States as serious infringements of their criminal laws committed by individuals whose objectives constitute a threat to their democratic societies respecting the rule of law and the civilisation upon which these societies are founded. It has to be understood in this sense and cannot be construed so as to argue that the conduct of those who have acted in the interest of preserving or restoring these democratic values, as was notably the case in some Member States during the Second World War, could now be considered as "terrorist" acts. Nor can it be construed so as to incriminate on terrorist grounds persons exercising their fundamental right to manifest their opinions, even if in the course of the exercise of such right they commit offences, or persons or groups conducting attacks against the military and military infrastructure of dictatorial regimes. Similarly, incitement to attacks against the military infrastructure of dictatorial regimes, and glorification of such attacks, should not be covered by this Directive.

Or. en

Amendment 99
Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos, Malin Björk

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) The offenses related to public provocation to commit a terrorist offence act comprise, inter alia, the glorification and justification of terrorism or the dissemination of messages or images including those related to the victims of terrorism as a way to gain publicity for the terrorists cause or seriously intimidating the population, provided that such behaviour causes a danger that terrorist acts may be committed.

deleted

Or. en

Amendment 100
Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) The offenses related to public provocation to commit a terrorist offence act comprise, inter alia, the glorification and justification of terrorism or the dissemination of messages or images including those related to the victims of terrorism as a way to gain publicity for the terrorists cause or seriously intimidating the population, provided that such behaviour causes a danger that terrorist acts may be committed.

deleted

Or. en

Amendment 101
Victor Boştinaru

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) The offenses related to public provocation to commit a terrorist offence act comprise, inter alia, the glorification and justification of terrorism or the dissemination of messages or images including those related to the victims of terrorism as a way to gain publicity for the terrorists cause or seriously intimidating the population, provided that such behaviour causes a danger that terrorist acts may be committed.

Amendment

(7) The offenses related to public provocation to commit a terrorist offence act comprise, inter alia, the glorification and justification of terrorism or the dissemination of messages or images including those related to the victims of terrorism as a way to gain publicity for the terrorists cause or seriously intimidating the population, provided that such behaviour causes a danger that terrorist acts may be committed. **Websites containing public incitements to commit criminal acts of terrorism should be penalised accordingly.**

Or. ro

Amendment 102

Caterina Chinnici, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) The offenses related to public provocation to commit a terrorist offence act comprise, inter alia, the **glorification and** justification of terrorism or the dissemination of messages **or images including those related to the victims of terrorism** as a way to gain publicity for the terrorists cause or seriously intimidating the population, provided that such behaviour causes a danger that terrorist acts may be committed.

Amendment

(7) The offenses related to public provocation to commit a terrorist offence act **may** comprise, inter alia, the justification of terrorism or the dissemination of messages as a way to gain publicity for the terrorists cause or seriously intimidating the population, provided that such behaviour causes a danger that terrorist acts may be committed. **To strengthen action against public provocation to commit a terrorist offence, Member States may take measures to remove webpages publicly inciting to commit terrorist offences. Such**

measures should be taken after adequate control by the judicial authority, in order to guarantee their proportionality and the full respect of fundamental rights and procedural safeguards.

Or. en

Amendment 103

Ana Gomes

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) The offenses related to public provocation to commit a terrorist offence act comprise, inter alia, the glorification and justification of terrorism or the dissemination of messages or images including those related to the victims of terrorism as a way to gain publicity for the terrorists cause or seriously intimidating the population, provided that such behaviour causes a danger that terrorist acts may be committed.

Amendment

(7) The offenses related to public provocation to commit a terrorist offence act *may* comprise, inter alia, the glorification and justification of terrorism or the dissemination of messages or images including those related to the victims of terrorism as a way to gain publicity for the terrorists cause or seriously intimidating the population, provided that such behaviour causes a danger that terrorist acts may be committed. ***To strengthen action against public provocation to commit a terrorist offence, Member States may take measures to remove webpages publicly inciting to commit terrorist offences. Such measures should be taken after adequate control by the judicial authority, in order to guarantee their proportionality and the full respect of fundamental rights and procedural safeguards.***

Or. en

Amendment 104

Monika Hohlmeier

**Proposal for a directive
Recital 7 a (new)**

Text proposed by the Commission

Amendment

(7a) The most effective means of combatting terrorism on the Internet is to remove illegal terror content at source. Member States should use their best endeavours to cooperate with third countries in seeking to secure the removal of such content from servers within their territory. However when removal of illegal terror content at its source is not possible, Member States may put in place measures to block access from the Union's territory to Internet pages identified as containing or disseminating terrorist content.

The measures undertaken by Member States in accordance with this Directive in order to remove or, where appropriate, block websites could be based on various types of public action, such as legislative, non-legislative, judicial or other. In that context, this Directive is without prejudice to voluntary action taken by the Internet industry to prevent the misuse of its services or to any support for such action by Member States.

Member States should ensure that mechanisms to remove or block access to terror content take account of the rights of Internet Services Providers and of the end users and comply with existing legal and judicial procedures.

Or. en

**Amendment 105
Petr Ježek, Maite Pagazaurtundúa Ruiz**

**Proposal for a directive
Recital 7 a (new)**

Text proposed by the Commission

Amendment

(7a) Where an information society service is provided that consists of the transmission in a communication network of information provided by a recipient of the service, or the provision of access to a communication network, Member States shall ensure that the service provider is not liable for the information transmitted, on condition that the provider does not initiate the transmission, does not select the receiver of the transmission, and does not select or modify the information contained in the transmission.

Or. en

Amendment 106

Cornelia Ernst, Marina Albiol Guzmán, Barbara Spinelli, Kostas Chrysogonos, Malin Björk

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Any act of facilitation of such travel should also be criminalised.

deleted

Or. en

Amendment 107

Caterina Chinnici, Marju Lauristin, Ana Gomes, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for ***terrorist purposes, being not only*** the commission of terrorist offences and providing or receiving training ***but also to participate in the activities of a terrorist group. Any act of*** facilitation of such travel should also be criminalised.

Amendment

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for the commission of terrorist offences and providing or receiving training. ***The act of travelling should be criminalised only when the terrorist purpose of the travel is proven by objective circumstances and*** facilitation of such travel should also be criminalised.

Or. en

Amendment 108

Timothy Kirkhope, Jussi Halla-aho, Angel Dzhambazki, Monica Macovei, Branislav Škripek

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Any act of facilitation of such travel should also be criminalised.

Amendment

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Any act of facilitation of such travel should also be criminalised. ***Member States should seek to create white lists for persons travelling for the purpose of providing humanitarian assistance.***

Or. en

Amendment 109

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Any act *of* facilitation of such travel should also be criminalised.

Amendment

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Any act ***involving the organisation or intentional*** facilitation of such travel should also be criminalised.

Or. it

Amendment 110

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Any act of facilitation of such travel should also be criminalised.

Amendment

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Any act of facilitation of such travel should also be criminalised. ***The act of travelling should be criminalised under very specific conditions and only when the intention of doing so for a terrorist purpose is proven by inferring from objective, factual circumstances.***

Amendment 111
Michal Boni, Carlos Coelho

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Any act of facilitation of such travel should also be criminalised.

Amendment

(8) Considering the seriousness of the threat and the need to in particular stem the flow of foreign terrorist fighters, it is necessary to criminalise the travelling abroad for terrorist purposes, being not only the commission of terrorist offences and providing or receiving training but also to participate in the activities of a terrorist group. Any act of facilitation of such travel should also be criminalised. ***Introduced rules and regulations in that matter should respect human rights obligation and should exclude any form of discrimination, as well as respect the principle of proportionality.***

Amendment 112
Birgit Sippel, Caterina Chinnici

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The criminalisation under this Directive is limited to the travel to countries outside the Union as the destination where the person concerned intends to engage in terrorist activities and offences. The travel to the State of destination may be direct or by transiting other States en route.

Amendment 113
Alessandra Mussolini

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The Risk Analysis for 2016 published by Frontex stated that the Paris attacks of 13 November 2015 demonstrated that irregular migratory flows could be used by terrorists to enter the EU and pointed to a risk of terrorist infiltration by land and sea.

Or. it

Amendment 114
Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive
Recital 9

Text proposed by the Commission

Amendment

(9) Criminalisation of the receiving training for terrorism complements the existing offence of providing training and specifically addresses the threats resulting from those actively preparing for the commission of terrorist offences, including those ultimately acting alone.

(9) Criminalisation of the receiving training for terrorism complements the existing offence of providing training and specifically addresses the threats resulting from those actively preparing for the commission of terrorist offences, including those ultimately acting alone. ***This criminalisation should only cover active participation in the training; the mere fact of visiting websites containing information or receiving communications should not be covered.***

Or. en

Amendment 115
Victor Boştinaru

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) Criminalisation of the receiving training for terrorism complements the existing offence of providing training and specifically addresses the threats resulting from those actively preparing for the commission of terrorist offences, including those ultimately acting alone.

Amendment

(9) Criminalisation of the receiving training for terrorism, ***including the acquisition of*** documentation, complements the existing offence of providing training and specifically addresses the threats resulting from those actively preparing for the commission of terrorist offences, including those ultimately acting alone.

Or. ro

Amendment 116
Victor Boştinaru

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Cybernetic attacks carried out for terrorist purposes or by a terrorist organisation should be punishable in the Member States.

Or. ro

Amendment 117
Victor Boştinaru

Proposal for a directive
Recital 10

Text proposed by the Commission

Amendment

(10) Terrorist financing should be

(10) Terrorist financing should be

punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as *other offences related to terrorist* activities such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable.

punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as *the provision of funding for all preparatory activities for a terrorist attack*, such as the recruitment and training, or travel for terrorist purposes, *in the European Union or elsewhere*, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable.

Or. ro

Amendment 118

Caterina Chinnici, Birgit Sippel, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Terrorist financing should be punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as *other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable.*

Amendment

(10) *In a coherent manner with Directive 2015/849/EU on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, terrorism funding* should be punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as *travels for terrorist purposes. Any physical or legal person sanctioned for terrorism financing shall be allowed to challenge the relevant decision rapidly and effectively before an independent authority.*

Or. en

Amendment 119

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Terrorist financing should be punishable in the Member States and cover the financing of terrorist acts, the financing of **a** terrorist **group**, as well as other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable.

Amendment

(10) ***Without prejudice to Directive 2015/849/EU of the European Parliament and of the Council^{1a}***, terrorist financing should be punishable in the Member States and cover ***not only*** the financing of terrorist acts ***but also*** the financing of ***terrorist organisations and individual terrorists even in the absence of a link to a specific terrorist act or acts***, as well as other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable. ***Sanctions should be reviewed by an independent oversight body and any sanctions should be linked to a specific criminal offence, to avoid arbitrary decisions on the basis of national, religious, ethnical, or racial criteria.***

^{1a} ***Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).***

Or. en

Amendment 120

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Terrorist financing should be punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable.

Amendment

(10) Terrorist financing should be punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable. ***Sanctions should be reviewed by an independent oversight body and any sanctions should be linked to a specific criminal offence, to avoid arbitrary decisions on the basis of national, religious, ethnical, or racial criteria.***

Or. en

Amendment 121
Soraya Post, Sajjad Karim, Julie Ward, Afzal Khan

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Terrorist financing should be punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable.

Amendment

(10) Terrorist financing should be punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable. ***Sanctions should be reviewed***

by an independent oversight body and any sanctions should be linked to a specific criminal offence, to avoid arbitrary decisions on the basis of national, religious, ethnical, or racial criteria.

Or. en

Amendment 122

Ana Gomes

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) Terrorist financing should be punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as *other offences related to terrorist activities, such as the recruitment and training, or travel for terrorist purposes, with a view to disrupting the support structures facilitating the commission of terrorist offences. Aiding and abetting or attempting terrorist financing should also be punishable.*

Amendment

(10) *In a coherent manner with Directive 2015/849/EU on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, terrorism funding* should be punishable in the Member States and cover the financing of terrorist acts, the financing of a terrorist group, as well as *the financing of any action enabling terrorist offences. Any physical or legal person sanctioned for terrorism financing shall be allowed to challenge the relevant decision rapidly and effectively before an independent authority.*

Or. en

Amendment 123

Maite Pagazaurtundúa Ruiz

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) *Given the increased convergence between organised crime and terrorism, fighting against organised crime networks*

should be part of any strategy in the fight against the financing of terrorism. Illicit trade in firearms, oil, drugs, cigarettes and counterfeit goods, trade in human beings, racketeering and extortion have become very lucrative ways for terrorist groups to obtain funding, generating around 110 billion euros every year (without trade in counterfeit goods). The attackers for both terrorist attacks in Paris in 2015 (Charlie Hebdo and Bataclan) had criminal records related to illicit trade in drugs and counterfeit goods.

Or. en

Amendment 124
Monika Hohlmeier

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Financial investigations may be fundamental in uncovering the facilitation of terrorist offences and the networks and schemes of terrorist organisations. Such investigations may be very productive, particularly when tax and customs authorities, financial intelligence units (FIUs) and judicial authorities are involved at an early stage of the investigation. Efforts conducted by the Member States aimed at preventing, investigating and combatting terrorist financing should make full use of Europol's financial intelligence and counter terrorist financing capabilities, including the Terrorist Financing Tracking Program (TFTP), FIU.Net, and teams responsible for operational support to Member States within anti-money laundering and asset recovery. Member States should endeavour to ensure a more

efficient and coordinated approach aiming at establishing specialised units at national level to deal with financial investigations, including those related to the misuse of virtual currencies, into terrorism. Such a centralisation of expertise may have considerable added value and contribute substantially to securing successful prosecutions.

Or. en

Amendment 125

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Financial investigations may be fundamental in uncovering the facilitation of terrorist offences and the networks and schemes of terrorist organisations. Such investigations may be very productive, particularly when tax and customs authorities, financial intelligence units (FIUs) and judicial authorities are involved at an early stage of the investigation. Member States should endeavour to ensure a more efficient and coordinated approach aiming at establishing specialised units at national level to deal with financial investigations into terrorism. Such a centralisation of expertise may have considerable added value and contribute substantially to securing successful prosecutions. In addition, cooperation between FIUs through the FIU.net platform should be strengthened.

Or. en

Amendment 126
Ana Gomes

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Given the convergence or collaboration between organised crime and terrorist groups, fighting against organised crime should be part of any strategy in the fight against the financing of terrorism.

Or. en

Amendment 127
Caterina Chinnici, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Kati Piri

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) Given the convergence between organised crime and terrorist groups, fighting against organised crime should be part of any strategy in the fight against the financing of terrorism.

Or. en

Amendment 128
Monika Hohlmeier

Proposal for a directive
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) The trade in goods in the fields of organised crime or other commercial

activities have become a lucrative source of funding for terrorist organisations. Due diligence, monitoring and reporting requirements incumbent on private economic actors engaged in the trading in goods whose trading is considered to be vulnerable to terrorist financing take early effect at the transactional stages. They have a preventative effect by materially impairing the trading activities of organised criminal groups and terrorist groups as a source of terrorist financing. Reporting duties to competent bodies of the Member States and a coordinated cooperation between authorities at national and EU-level are suitable to generate additional knowledge to help tracking and prosecuting organised crime and other commercial activities of terrorist organisations more effectively.

Or. en

Amendment 129
Ana Gomes

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) **Furthermore**, the provision of material support for terrorism through persons engaging in or acting as intermediaries in the supply or movement of services, assets and goods, including trade transactions involving the entry into or exit from the Union **should be punishable in the Member States, as aiding and abetting terrorism** or as terrorism financing if performed with the knowledge that these operations or the proceeds thereof are intended to be used, in full or in part, for terrorist purposes or will benefit terrorist groups.

Amendment

(11) The provision of material support for terrorism through persons engaging in or acting as intermediaries in the supply or movement of services, assets and goods, including trade transactions involving the entry into or exit from the Union, **as aiding and abetting terrorism, smuggling of cultural heritage items**, or as terrorism financing if performed with the knowledge that these operations or the proceeds thereof are intended to be used, in full or in part, for terrorist purposes or will benefit terrorist groups.

Amendment 130

Caterina Chinnici, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) **Furthermore**, the provision of material support for terrorism through persons engaging in or acting as intermediaries in the supply or movement of services, assets and goods, including trade transactions involving the entry into or exit from the Union should be punishable in the Member States, **as aiding and abetting terrorism or as terrorism financing** if performed with the **knowledge that these operations or the proceeds thereof are intended to be used, in full or in part, for terrorist purposes or will benefit** terrorist groups.

Amendment

(11) The provision of material support for terrorism through persons engaging in or acting as intermediaries in the supply or movement of services, assets and goods, including trade transactions involving the entry into or exit from the Union, **including smuggling of cultural heritage items**, should be punishable in the Member States, if performed with the **intent of benefiting** terrorist groups.

Amendment 131

Monika Hohlmeier

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The provision of material concrete support and assistance for terrorists by supplying of goods and engaging in other commercial trade transactions and the further development of the criminalisation of terrorist financing in relation to those activities should be taken in parallel with due diligence, monitoring and reporting requirements applicable to

private economic actors engaged in trading in designated goods whose trading is considered to be vulnerable to terrorist financing.

Or. en

Justification

In relation to the proposal for a new Article 23 a

Amendment 132

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo, Piernicola Pedicini, Dario Tamburrano

Proposal for a directive

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In seeking to halt terrorist financing Member States should also address the processes that generate funding for terrorist organisations, such as the trafficking of arms, oil and artworks. Member States should not allow arms to be sold to countries that fund terrorist organisations, but should instead invest in increasing their own energy independence, including through the use of renewable energies, so as to cut off the flow of resources to terrorists and to governments which, through complicity or connivance, aid and abet them.

Or. it

Amendment 133

Monika Hohlmeier

Proposal for a directive

Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) Furthermore the development of malware to be exclusively used for the purpose of terrorist or serious criminal activities or to the benefit of terrorist groups should be punishable in the Member States.

Or. en

Amendment 134

Cornelia Ernst, Marina Albiol Guzmán, Barbara Spinelli, Kostas Chrysogonos

Proposal for a directive

Recital 12

Text proposed by the Commission

Amendment

(12) The attempt to travel abroad for terrorist purposes, should be punishable, as well as the attempt to provide training and recruitment for terrorism.

(12) The attempt to provide training and recruitment for terrorism should be punishable.

Or. en

Amendment 135

Emilian Pavel

Proposal for a directive

Recital 12

Text proposed by the Commission

Amendment

(12) The attempt to travel abroad for terrorist purposes, should be punishable, as well as the attempt to provide training and recruitment for terrorism.

(12) The attempt to travel abroad for terrorist purposes, should be punishable, as well as the attempt to provide training, recruitment, money and value for terrorism.

Or. en

Amendment 136
Victor Boştinaru

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The attempt to travel **abroad** for terrorist purposes, should be punishable, as well as the attempt to provide training and recruitment for terrorism.

Amendment

(12) The attempt to travel **outside or inside the Union** for terrorist purposes, should be punishable, as well as the attempt to provide training, **funding** and recruitment for terrorism.

Or. ro

Amendment 137
Caterina Chinnici, Marju Lauristin, Ana Gomes, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) The attempt to travel **abroad for terrorist purposes, should be punishable, as well as the attempt to provide training and recruitment for terrorism.**

Amendment

(12) **Member States may punish** the attempt to travel **outside the Union when such a travel results, from objectives circumstances, to be unequivocally directed to commit terrorist acts or receiving or providing training for terrorist purposes.**

Or. en

Amendment 138
Michał Boni, Carlos Coelho

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) With regard to the criminal offences

Amendment

(13) With regard to the criminal offences

provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission *may* be inferred from objective, factual circumstances.

provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission *should* be inferred from objective, factual circumstances.

Or. en

Amendment 139

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) With regard to the criminal offences provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission may be inferred from *objective, factual circumstances*.

Amendment

(13) With regard to the criminal offences provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission may be inferred from *the fact that it has an external manifestation*.

Or. it

Amendment 140

Caterina Chinnici, Birgit Sippel, Ana Gomes, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) With regard to the criminal offences provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission *may* be inferred from objective, factual circumstances.

Amendment

(13) With regard to the criminal offences provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission *should* be inferred from objective, factual circumstances.

Amendment 141
Sophia in 't Veld, Kaja Kallas, Fredrick Federley

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) With regard to the criminal offences provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission **may be inferred from** objective, factual circumstances.

Amendment

(13) With regard to the criminal offences provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission **should be based on** objective, factual circumstances.

Or. en

Amendment 142
Cornelia Ernst, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) With regard to the criminal offences provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission **may be** inferred from objective, factual circumstances.

Amendment

(13) With regard to the criminal offences provided for in this Directive, the notion of intention must apply to all the elements constituting those offences. The intentional nature of an act or omission **should be** inferred from objective, factual circumstances.

Or. en

Amendment 143
Birgit Sippel, Caterina Chinnici

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) For the offences related to terrorism as set out in this Directive to be punishable, there should always be a link between these offences and a terrorist group or terrorist offence.

Or. en

Amendment 144

Caterina Chinnici, Marju Lauristin, Ana Gomes, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Recital 14

Text proposed by the Commission

Amendment

(14) ***Furthermore***, penalties should be provided for natural and legal persons having committed or being liable for such offences, which reflect the seriousness of such offences.

(14) Penalties should be provided for natural and legal persons having committed or being liable for such offences, which reflect the seriousness of such offences.

Or. en

Amendment 145

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Prompt and effective sharing of relevant information and data Member States obtained from EU-wide databases is an effective tool in anti-terrorism investigations. Member States should therefore take the steps required in order

to make judicial and police cooperation compulsory within the EU, using the dedicated structures and channels put in place by the relevant European agencies.

Or. it

Amendment 146

Caterina Chinnici, Marju Lauristin, Ana Gomes, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) Jurisdictional rules should be established to ensure that *the* terrorist offence may be effectively prosecuted. In particular, it appears necessary to establish jurisdiction for the offences committed by the providers of training for terrorism, whatever their nationality, in view of the possible effects of such behaviours on the territory of the Union and of the close material connexion between the offences of providing and receiving training for terrorism.

Amendment

(15) Jurisdictional rules should be established to ensure that terrorist offences of cross-border nature may be effectively prosecuted.

Or. en

Amendment 147

Emilian Pavel

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) Jurisdictional rules should be established to ensure that the terrorist offence may be effectively prosecuted. In particular, it appears necessary to establish jurisdiction for the offences committed by

Amendment

(15) Jurisdictional rules should be established to ensure that the terrorist offence may be effectively prosecuted *and convicted*. In particular, it appears necessary to establish jurisdiction for the

the providers of training for terrorism, whatever their nationality, in view of the possible effects of such behaviours on the territory of the Union and of the close material connexion between the offences of providing and receiving training for terrorism.

offences committed by the providers of training for terrorism, whatever their nationality, in view of the possible effects of such behaviours on the territory of the Union and of the close material connexion between the offences of providing and receiving training for terrorism.

Or. en

Amendment 148

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Member States should provide for sentence reductions or protection programmes for any members of terrorist organisations who disassociate themselves from those organisations and seek to ensure that their criminal activities do not lead any further or give practical assistance to police and judicial authorities in gathering evidence leading to the identification or capture of other members of the organisations.

Or. it

Amendment 149

Barbara Matera

Proposal for a directive

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Furthermore, National Authorities should ensure that all suspects under custody in their Member States be put into a regime of isolation from other inmates.

This regime would support efforts to prevent radicalisation in prisons.

Or. en

Justification

Terrorists or suspects for terrorism or similar behaviour should be put in complete isolation from other inmates. Visits from outside must be strictly monitored as well as all contacts with the outside world. Although this regime might look exaggerate, it would contribute in the fight against radicalization in the prisons and in avoiding that high rank criminals would instruct people outside. This rigorous imprisonment regime has demonstrated its added value in the fight against Italian Mafia in the last twenty years and should be taken into account as best practice.

Amendment 150

Soraya Post, Sajjad Karim, Julie Ward, Afzal Khan

Proposal for a directive

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) In order to prevent and combat terrorism, a closer cross-border cooperation among the competent national and European authorities is needed with regard to expedient exchange of any relevant information from criminal records or other available sources and in particular on individuals who are or have been subject to criminal proceedings or asset freezing.

Or. en

Amendment 151

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The Internet plays an essential role in promoting values of peace, tolerance and solidarity as well as promoting and protecting Human Rights and Fundamental Freedoms within and outside the European Union.

Or. en

Amendment 152

Caterina Chinnici, Marju Lauristin, Ana Gomes, Tanja Fajon, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) To ensure the success of investigations and prosecution of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, those responsible for investigating and prosecuting such offences shall have the possibility to make use of effective investigative tools such as those used in combating organised crime and other serious crimes. Such tools should be proportionate to the nature and gravity of the offences under investigation. In order to ensure the respect of the fundamental rights and freedom and the presumption of innocence and effective procedural safeguards, the use of such investigative tools should always be subject to the control of a judicial authority, and mass surveillance should never be allowed. Every individual should dispose of effective remedies to challenge any violation of his fundamental rights.

Or. en

Amendment 153
Maite Pagazaurtundúa Ruiz

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Terrorist crimes can be considered as crimes against humanity, as they are considered to be the most serious crimes under international humanitarian law and are already regarded under secondary legislation as non-lapsable actions. Therefore, terrorist offences should not be subject to any statute of limitations.

Or. en

Amendment 154
Monika Hohlmeier

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Considering that terrorist organisations rely heavily upon various electronic tools, the internet and social media to communicate, promote, and incite terrorist acts, to recruit potential fighters, to collect funds, or to arrange for other support for their activities, the issues related to electronic evidence create challenges in investigations and prosecutions of terrorist offences. Member States should therefore cooperate among each other, notably through Eurojust and Europol, to ensure a coordinated approach for the development of any measure that may prove efficient in dealing with the gathering, sharing, and admissibility of electronic evidence.

Amendment 155
Jeroen Lenaers

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) whereas, with a view to preventing and combating terrorism, closer cross-border cooperation is needed between the competent national and European authorities, so that relevant information from criminal records or other sources can be exchanged rapidly concerning radicalised persons, particularly persons who have been prosecuted or whose assets have been frozen; whereas, in order to prevent and combat terrorism, it is also necessary for national and European authorities and third countries to exchange accurate and adequate information about persons who have been denied admission to the territory of a Member State or third country or been deported on suspicion of involvement in crimes as referred to in this Directive.

Or. nl

Amendment 156
Caterina Chinnici, Marju Lauristin, Ana Gomes, Emilian Pavel, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Kati Piri

Proposal for a directive
Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) In order to prevent and combat terrorism, a closer cross-border cooperation among the competent national authorities is needed with regard to timely exchange of relevant

information from court records or other available sources on detainees and persons who are or have been subject to criminal proceedings or assets freezing.

Or. en

Amendment 157

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 15 b (new)

Text proposed by the Commission

Amendment

(15b) In order to prevent and combat terrorism, a closer cross-border cooperation among the competent national and European authorities is needed with regard to expedient exchange of any relevant information from criminal records or other available sources on individuals who are suspects of a criminal offence or have been subject to criminal proceedings or asset freezing. This provision is without prejudice to the [Data Protection Directive (Directive (EU) 2016/... of the European Parliament and of the Council of ...on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA)].

Or. en

Amendment 158

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

**Proposal for a directive
Recital 15 b (new)**

Text proposed by the Commission

Amendment

(15b) Member States should support programmes to prevent radicalisation, involving measures such as information campaigns and the development of alternative narratives to counter terrorist propaganda, and should involve civil society groups, relevant local communities and other stakeholders in devising strategies to guard against radicalisation, recruitment and violent extremism.

Or. it

**Amendment 159
Monika Hohlmeier**

**Proposal for a directive
Recital 15 b (new)**

Text proposed by the Commission

Amendment

(15b) Member States have various existing information sharing mechanisms and analysis files at their disposal which are provided by Interpol as well as by Europol and other authorities and agencies of the Union. Member States and their law enforcement authorities should increase their utilisation of these systems and databases, both in quantitative and qualitative terms, to enhance their prevention and counter-terrorism capabilities by sharing and retrieving information and by conducting systematic strategic and operational analyses in accordance with applicable legal requirements and limits.

Or. en

Amendment 160

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) Member States should cooperate among each other, notably through Eurojust, to ensure a coordinated approach for the development of necessary, proportionate and effective measures in dealing with the gathering, sharing, and admissibility of electronic evidence, in compliance with the [Data Protection Directive (Directive (EU) 2016/... of the European Parliament and of the Council of ...on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA)].

Or. en

Amendment 161

Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive

Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) The European institutions and Member States should introduce economic and social policies geared to fostering integration and combating poverty, social exclusion and all other factors that can fuel radicalism and extremism.

Amendment 162
Monika Hohlmeier

Proposal for a directive
Recital 15 c (new)

Text proposed by the Commission

Amendment

(15c) A Eurojust report of November 20141a notes that the challenges of gathering and analysis of electronic evidence are twofold:

(1) Dealing with the abuse of encryption and anonymity especially in relation to attribution (e.g. the growing sophistication and wider use of anonymisers, proxy servers, Tor and other anonymity networks, satellite links and foreign 3G networks make it difficult to associate an IP address with criminal activity).

(2) Dealing with the legal and technical obstacles in relation to data being stored in the cloud.

Or. en

Amendment 163
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(16) Member ***State*** should adopt specific measures of protection, support and assistance responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the

(16) Member ***States should ensure that the position of the victims of terrorism is adequately recognised before, during and after criminal proceedings and*** should adopt specific measures of protection, support and assistance, ***with respectful and***

European Parliament and the Council²⁸. Victims of terrorism are those defined in Article 1 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in Article 3. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of terrorism will obtain emotional and psychological support, including trauma support **and counselling**, and any relevant legal, practical or financial information and advice.

²⁸ Directive 2012/29/EU of the European Parliament and of the 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 of 15 March 2001(OJ L 315, 14.11.2012 p. 37).

fair treatment of the victim, responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the European Parliament and the Council²⁸. Victims of terrorism are those defined in Article 1 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in Article 3. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of terrorism will obtain emotional and psychological support, including trauma support, ***counselling in combination with providing realistic fear management programs if needed***, and any relevant legal, practical or financial information and advice.

²⁸ Directive 2012/29/EU of the European Parliament and of the 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 of 15 March 2001(OJ L 315, 14.11.2012 p. 37).

Or. en

Amendment 164

Caterina Chinnici, Marju Lauristin, Ana Gomes, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Member State should adopt ***specific*** measures of protection, support and assistance responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the

Amendment

(16) Member State should adopt measures of protection, support and assistance responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the European

European Parliament and the Council²⁸. Victims of terrorism are those defined in Article 1 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in Article 3. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of terrorism will obtain emotional and psychological support, including trauma support and counselling, and any relevant legal, practical or financial information and advice.

²⁸ Directive 2012/29/EU of the European Parliament and of the 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 of 15 March 2001(OJ L 315, 14.11.2012 p. 37).

Parliament and the Council²⁸. Victims of terrorism are those defined in Article 2 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in Article 3. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of terrorism will obtain emotional and psychological support, including trauma support and counselling, and any relevant legal, practical or financial information and advice.

²⁸ Directive 2012/29/EU of the European Parliament and of the 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 of 15 March 2001(OJ L 315, 14.11.2012 p. 37).

Or. en

Amendment 165
Michał Boni, Carlos Coelho

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) Member State should adopt specific measures of protection, support and assistance responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the European Parliament and the Council²⁸. Victims of terrorism are those defined in Article 1 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in Article 3. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of

Amendment

(16) Member State should adopt specific measures of protection, support and assistance responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the European Parliament and the Council²⁸. Victims of terrorism are those defined in Article 1 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in Article 3. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of

terrorism will obtain emotional and psychological support, including trauma support and counselling, and any relevant legal, practical or financial information **and advice**.

²⁸ Directive 2012/29/EU of the European Parliament and of the 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 of 15 March 2001(OJ L 315, 14.11.2012 p. 37).

terrorism will obtain emotional and psychological support, including trauma support and counselling, and any relevant legal, practical or financial information, **advice or adequate aid**.

²⁸ Directive 2012/29/EU of the European Parliament and of the 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 of 15 March 2001(OJ L 315, 14.11.2012 p. 37).

Or. en

Amendment 166

Axel Voss

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) Member State should adopt specific measures of protection, support and assistance responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the European Parliament and the Council²⁸. Victims of terrorism are those defined in Article 1 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in Article 3. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of terrorism will obtain emotional and psychological support, including trauma support and counselling, and any relevant legal, practical or financial information and advice.

Amendment

(16) Member State should adopt specific measures of protection, support and assistance responding to the specific needs of victims of terrorism, further qualifying and deepening the rights already contained in the Directive 2012/29/EU of the European Parliament and the Council²⁸. Victims of terrorism are those defined in Article 1 of the Directive 2012/29/EU, in relation to terrorist offences as referred to in Article 3. The measures to be taken by Member States should ensure that in the event of a terrorist attack, the victims of terrorism will obtain emotional and psychological support, including trauma support and counselling, and any relevant legal, practical or financial information and advice. **Furthermore, each member States shall take into account the risks of intimidation and retaliation to victims**

and, generally speaking, to persons who may give testimony in criminal proceedings relating to terrorist offences.

²⁸ Directive 2012/29/EU of the European Parliament and of the 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 of 15 March 2001(OJ L 315, 14.11.2012 p. 37).

²⁸ Directive 2012/29/EU of the European Parliament and of the 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 of 15 March 2001(OJ L 315, 14.11.2012 p. 37).

Or. en

Amendment 167
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Member States affected by terrorism should set up the creation and development of a one-stop shop for information and advice for victims of terrorism, not merely to meet victims' needs on acquiring information and advice, but also to provide victims with psychological first aid and referral possibilities, and where appropriate to play a central role in communicating with press.

Or. en

Amendment 168
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) Member States need, in full respect of freedom of expression, engage with media and journalists to adopt measures of auto-regulation in the aftermath of a terror attack in order to guarantee the protection of the private life of victims and their family members and in addition recognise the value of cooperating with specialised services for victims assistance and support in helping victims to deal with the media attention they receive.

Or. en

Amendment 169
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 16 c (new)

Text proposed by the Commission

Amendment

(16c) Member States should adopt appropriate measures to avoid, in the matter of possible, an attack on the private life of the victim and the family members, in particular related to investigative activity and during legal procedures.

Or. en

Amendment 170
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 16 d (new)

Text proposed by the Commission

Amendment

(16d) Given that the recent deadly militant

attacks in Brussels fuels concern that terror groups such as Islamic State could eventually target nuclear plants and develop radioactive "dirty bombs" while underlining that much of the world's plutonium and enriched uranium remains vulnerable to theft, Member States should impose safety measures to protect citizens against biochemical terror attacks.

Or. en

Amendment 171
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 16 e (new)

Text proposed by the Commission

Amendment

(16e) Victims of terrorism have suffered attacks that are intended ultimately to harm society or a larger group they represent. They therefore need special attention, support and social recognition due to the particular nature of the crime that has been committed against them.

Or. en

Amendment 172
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 16 f (new)

Text proposed by the Commission

Amendment

(16f) Victim support groups encompass the needs of victims, amongst their legal support, into four necessities: the right to justice, dignity, truth and memory, by which the later stands for rebuking terrorism unconditionally.

Amendment 173
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 16 g (new)

Text proposed by the Commission

Amendment

(16g) Member States should encourage specific training for persons responsible for assisting victims or terrorist acts, as well as granting the necessary resources to that effect.

Amendment 174
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 16 h (new)

Text proposed by the Commission

Amendment

(16h) In a considerable number of cases the victim is also the most important witness in the trial and needs to be protected from possible retaliatory or threatening behaviour from the offender; therefore the need for security should be extended to include prevention of repeat or secondary victimisation.

Amendment 175
Caterina Chinnici, Marju Lauristin, Ana Gomes, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Member States should co-operate among each-other to ensure that access to information about the victims' rights, ***about available*** support services and ***about accessible*** compensation schemes is provided to all victims of terrorism. Moreover the Member States should ensure that victims of terrorism have access to a long-term support services in the country of their residence, even if the terrorist offence took place in another EU country.

Amendment

(17) Member States should co-operate among each-other to ensure that access to information about the victims' rights, support services and compensation schemes is provided to all victims of terrorism. Moreover the Member States should ensure that victims of terrorism have access to a long-term support services in the country of their residence, even if the terrorist offence took place in another EU country.

Or. en

Amendment 176
Ana Gomes

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Repressive measures should be complemented by long-term policies to prevent the radicalisation and recruitment by terrorist organisations. Strategies on social inclusion, education, local support for families and policies tackling discrimination and exclusion to stop vulnerable individuals joining violent extremist organisations, as well as the provision of effective exit-programmes and exit-strategies, are crucial to countering terrorism and to promote deradicalisation.

Or. en

Amendment 177

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) A comprehensive policy to prevent the radicalisation and recruitment of citizens of the Union by terrorist organisations can only be successfully put in place if accompanied by long-term proactive de-radicalisation processes in the judicial sphere. Strategies on social inclusion, education, employment and housing and policies tackling discrimination and exclusion to stop vulnerable individuals joining violent extremist organisations are crucial to countering terrorism. Member States should therefore share good practices on the setting-up of de-radicalisation structures and their judicial approach in this regard notably through Eurojust. They should share such good practices not only among each other but also with third countries which have already acquired experience and achieved positive results in this area.

Or. en

Amendment 178

Caterina Chinnici, Marju Lauristin, Juan Fernando López Aguilar, Emilian Pavel, Christine Revault D'Allonnes Bonnefoy, Kati Piri

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Repressive measures should be complemented by long-term policies to prevent the radicalisation and recruitment by terrorist organisations. Strategies on

social inclusion, education, and policies tackling discrimination and exclusion to stop vulnerable individuals joining violent extremist organisations, as well as the provision of effective exit-programmes and exit-strategies, are crucial to countering terrorism.

Or. en

Amendment 179

Soraya Post, Sajjad Karim, Julie Ward, Afzal Khan

Proposal for a directive

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Punitive sanctions should be complemented by long-term policies to prevent the radicalisation and recruitment of citizens of the Union by terrorist organisations. Strategies on social inclusion, education, employment and housing and policies tackling discrimination and exclusion to stop vulnerable individuals joining violent extremist organisations are crucial to countering terrorism. Member States should also share good practices on the setting-up of de-radicalisation structures to prevent citizens of the Union and third-country nationals legally residing in the Union from leaving the Union or to control their return to it and their judicial approach in this regard notably through Eurojust. They should share such good practices not only among each other but also with third countries which have already acquired experience and achieved positive results in this area.

Or. en

Amendment 180

Kashetu Kyenge

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Punitive sanctions should be complemented by long-term policies to prevent the radicalisation and recruitment of citizens of the Union by terrorist organisations. Strategies on social inclusion, education, employment and housing and policies tackling discrimination and exclusion to stop vulnerable individuals joining violent extremist organisations are crucial to countering terrorism. Member States should also share good practices on the setting-up of de-radicalisation structures to prevent citizens of the Union and third-country nationals legally residing in the Union from leaving the Union or to control their return to it and their judicial approach in this regard notably through Eurojust. They should share such good practices not only among each other but also with third countries which have already acquired experience and achieved positive results in this area.

Or. en

Amendment 181
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Member States should assure that, if the victim does not reside in the Member State where the act of terrorism took place, this Member State should cooperate with the Member State of residence in order to facilitate assistance for the

victim.

Or. en

Amendment 182
Rachida Dati, Brice Hortefeux

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Improved cooperation between Member States in combating terrorism must also involve intensive exchanges and cooperation between their judicial authorities and with Eurojust. The resources of Eurojust's Coordination Centre, which should play a critical role in promoting joint actions on the part of Member States' judicial authorities as regards the collection of evidence, should be strengthened. More use should therefore be made of the Joint Investigation Teams instrument, both among Member States and between Member States and third countries with which Eurojust has established cooperation agreements.

Or. fr

Amendment 183
Rachida Dati, Brice Hortefeux

Proposal for a directive
Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) Member States should ensure that all foreign fighters are placed under judicial supervision and, where necessary, in administrative detention upon their

return to Europe, until such time as the legal proceedings required have been initiated.

Or. fr

Amendment 184

Marine Le Pen, Gilles Lebreton, Harald Vilimsky, Janice Atkinson

Proposal for a directive

Recital 18

Text proposed by the Commission

Amendment

(18) Given that the objectives of this Directive cannot be sufficiently achieved by the Member States unilaterally and can therefore, because of the need for European-wide harmonised rules, be better achieved at the level of the Union, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.

deleted

Or. fr

Amendment 185

Caterina Chinnici, Marju Lauristin, Ana Gomes, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Recital 18

Text proposed by the Commission

Amendment

(18) Given that the objectives of this Directive cannot be sufficiently achieved by the Member States unilaterally and can therefore, *because of the need for European-wide harmonised rules*, be

(18) Given that the objectives of this Directive cannot be sufficiently achieved by the Member States unilaterally and can therefore, be better achieved at the level of the Union, the Union may adopt measures,

better achieved at the level of the Union, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.

in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article 5, this Directive does not go beyond what is necessary in order to achieve those objectives.

Or. en

Amendment 186
Maite Pagazaurtundúa Ruiz

Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The fight against terrorism is an integral and global reaching effort that demands an international answer, thus giving the Union the obligation to act in cooperation with third countries.

Or. en

Amendment 187
Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

(19) This Directive ***respects the*** principles ***recognised by*** Article 2 of the Treaty on the European Union, respects fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in

(19) This Directive ***is without prejudice to fundamental rights and fundamental legal principles as enshrined in*** Article 2 of the Treaty on the European Union, respects fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental

Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression and information, freedom of association and freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be implemented in accordance with these rights and principles.

Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression and information, freedom of association and freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be implemented in accordance with these rights and principles.

Or. en

Amendment 188

Iratxe García Pérez, Teresa Jiménez-Becerril Barrio

on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) This Directive respects the principles recognised by Article 2 of the Treaty on the European Union, respects fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression and

Amendment

(19) This Directive respects the principles recognised by Article 2 of the Treaty on the European Union, respects fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression and

information, freedom of association and freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be implemented in accordance with these rights and principles.

information, freedom of association and freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, **gender, sexual orientation**, ethnic or social origin, genetic features, language, **disability**, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be implemented in accordance with these rights and principles.

Or. en

Amendment 189

Timothy Kirkhope, Daniel Dalton, Jussi Halla-aho, Angel Dzhambazki, Monica Macovei, Geoffrey Van Orden, Branislav Škripek

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) This Directive respects the principles recognised by Article 2 of the Treaty on the European Union, respects fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression **and** information, freedom of association and freedom of thought conscience and religion, the general prohibition of

Amendment

(19) This Directive respects the principles recognised by Article 2 of the Treaty on the European Union, respects fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression, **freedom of speech, freedom of** information, freedom of association and freedom of thought conscience and religion, the

discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be implemented in accordance with these rights and principles.

general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence **and the right to a fair trial, the outcome of which is determined on the individual circumstances of the case**, as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be implemented in accordance with these rights and principles.

Or. en

Amendment 190

Caterina Chinnici, Birgit Sippel, Marju Lauristin, Ana Gomes, Tanja Fajon, Emilian Pavel, Juan Fernando López Aguilar, Liisa Jaakonsaari, Kati Piri

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) This Directive **respects the principles recognised by Article 2** of the Treaty on the European Union, **respects** fundamental rights and freedoms and **observes** the principles recognised **in particular** by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression and information, freedom of association and freedom of thought conscience and religion, the general prohibition of

Amendment

(19) This Directive, **in accordance with Article 2 and 6** of the Treaty on the European Union, **the European Convention for the protection of human rights and fundamental freedoms, and other relevant obligations under international law, should not have the effect of requiring Member States to take measures arbitrarily or unnecessarily limiting** fundamental rights and freedoms and the principles recognised by the Charter of Fundamental Rights of the European Union, including those set out in

discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be implemented in accordance with these rights and principles.

Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression and information, freedom of association and freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be ***interpreted and*** implemented in accordance with these rights and principles.

Or. en

Amendment 191
Geoffrey Van Orden, Timothy Kirkhope

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) This Directive respects the principles recognised by Article 2 of the Treaty on the European Union, respects fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression ***and*** information, freedom of association and

Amendment

(19) This Directive respects the principles recognised by Article 2 of the Treaty on the European Union, respects fundamental rights and freedoms and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass inter alia the right to liberty and security, freedom of expression, ***freedom of speech, freedom of*** information,

freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be implemented in accordance with these rights and principles.

freedom of association and freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence ***and the right to a fair trial, the outcome of which is determined by the individual circumstances of the case***, as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC, ***recognising that exceptions may be made on the grounds of public policy or national security***. This Directive has to be implemented in accordance with these rights and principles.

Or. en

Amendment 192

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 19

Text proposed by the Commission

(19) This Directive ***respects*** the principles recognised ***by Article 2*** of the Treaty on the European Union, ***respects*** fundamental rights and freedoms and ***observes*** the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI thereof which encompass *inter alia* the right to liberty and

Amendment

(19) This Directive ***should respect*** the principles recognised, ***inter alia, by Articles 2 and 6*** of the Treaty on the European Union, ***should respect*** fundamental rights and freedoms and ***should observe*** the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including those set out in Chapters II, III, V and VI

security, freedom of expression and information, freedom of association and freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be **implemented** in accordance with these rights and principles.

thereof which encompass inter alia the right to liberty and security, freedom of expression and information, freedom of **assembly and** association and freedom of thought conscience and religion, the general prohibition of discrimination in particular on grounds of race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, the right to respect for private and family life and the right to protection of personal data, the principle of legality and proportionality of criminal offences and penalties, covering also the requirement of precision, clarity and foreseeability in criminal law, the presumption of innocence, **should respect the principles recognised in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and in the International Covenant on Civil and Political Rights (ICCPR)**, as well as freedom of movement as set forth in Article 21(1) of the Treaty on the Functioning of the European Union and Directive 2004/38/EC. This Directive has to be **interpreted** in accordance with these rights and principles.

Or. en

Amendment 193
Birgit Sippel, Caterina Chinnici

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Nothing in this Directive should be interpreted as being intended to reduce or restrict the Union acquis on procedural rights.

Or. en

Amendment 194

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Nothing in this Directive should be interpreted as being intended to reduce or restrict the dissemination of information for scientific, academic, journalistic or reporting purposes. The expression of radical, polemic or controversial views in the public debate on sensitive political questions falls outside the scope of this Directive and in particular of the definition of public provocation to commit terrorist offences.

Or. en

Amendment 195

Iratxe García Pérez, Teresa Jiménez-Becerril Barrio

on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a directive

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) The implementation of this Directive should be accompanied by simultaneous measures, support programmes and awareness-raising campaigns in order to prevent radicalisation, with special focus on women and girls that should be included as they are increasingly being radicalised and recruited by terrorist organisations. Particular attention should also be given to the active role of women in both prevention and deradicalisation process;

Justification

European Parliament resolution of 25 November 2015 on the prevention of radicalisation and recruitment of European citizens by terrorist organisations.

Amendment 196

Caterina Chinnici, Ana Gomes, Marju Lauristin, Juan Fernando López Aguilar, Liisa Jaakonsaari, Kati Piri

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) The implementation of *the criminalisation under* this Directive should be proportional to the nature and circumstances of *the offence*, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

Amendment

(20) The implementation of this Directive should be proportional to the nature and circumstances of *each case*, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

Amendment 197

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) The implementation of *the criminalisation under* this Directive should be proportional to the nature and circumstances of *the offence*, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

Amendment

(20) The implementation of this Directive should be proportional to the nature and circumstances of *each case*, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

Amendment 198

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) The implementation of *the criminalisation under* this Directive should be proportional to the nature and circumstances of *the offence*, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

Amendment

(20) The implementation of this Directive should be proportional to the nature and circumstances of *each case*, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

Amendment 199

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) The implementation of the criminalisation under this Directive should be proportional to the nature and circumstances of the offence, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

Amendment

(20) The implementation of the criminalisation under this Directive should be proportional to the nature and circumstances of the offence *and of each case*, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discrimination.

Amendment 200

Cornelia Ernst, Barbara Spinelli, Kostas Chrysogonos, Malin Björk

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) The Internet plays an essential role in promoting values of peace, tolerance and solidarity as well as promoting and protecting Human Rights and Fundamental Freedoms within and outside the European Union.

Or. en

Amendment 201

Caterina Chinnici, Marju Lauristin, Ana Gomes, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) The Directive should replace Framework Decision 2002/475/JHA²⁹ for the Member States bound by this Directive.

(21) This Directive replaces Framework Decision 2002/475/JHA²⁹.

²⁹ As amended by Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA (OJ L 330, 9.12.2008, p. 21).

²⁹ As amended by Council Framework Decision 2008/919/JHA of 28 November 2008 amending Framework Decision 2002/475/JHA (OJ L 330, 9.12.2008, p. 21).

Or. en

Amendment 202

Sophia in 't Veld, Fredrick Federley

Proposal for a directive
Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) Sanctions in the area of terrorist offences, offences related to a terrorist group and offences related to terrorist activities should in no circumstances be used by Member States as a ground to circumvent their international obligations under the Geneva Convention Relating to the Status of Refugees of 28 July 1951, as supplemented by the New York Protocol of 31 January 1967.

Or. en

Amendment 203
Kashetu Kyenge

Proposal for a directive
Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) In the implementation of this Directive, Member States should ensure that criminalisation is proportionate to the legitimate aims pursued and necessary in a democratic society. This Directive should not result in arbitrary decisions or in discriminatory policies and practices based on perceived nationality, religion, ethnic or racial origin. This Directive should not have the effect of requiring Member States to take measures in contradiction of their obligation to respect fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union nor the effect of altering the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 2 and 6 of the Treaty on European Union.

Or. en

Amendment 204
Kashetu Kyenge

Proposal for a directive
Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) This Directive should not have the effect of requiring Member States to take measures which could result in direct or indirect discrimination or which would be based on religious practice and ethnic criteria.

Or. en

Amendment 205
Caterina Chinnici, Ana Gomes, Marju Lauristin, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Kati Piri

Proposal for a directive
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, as well as specific measures of protection of and assistance to victims of terrorism.

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of terrorist offences, offences related to a terrorist group and offences related to terrorist activities, as well as specific measures of protection of and assistance ***and support*** to victims of terrorism.

Or. en

Amendment 206
Sirpa Pietikäinen, Liisa Jaakonsaari, Merja Kyllönen, Henna Virkkunen

Proposal for a directive
Article 1 a (new)

Article 1 a

Human rights and fundamental principles

1. Member States shall ensure that the implementation of this Directive is carried out while respecting human rights obligations, in particular the freedom of movement, freedom of expression and information, freedom of association and freedom of thought, conscience and religion as set forth in the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and other obligations under international law.

2. Member States are not required to take measures in contradiction of constitutional rules relating to freedom of the press and freedom of expression in other media governing the rights and responsibilities of, and the procedural guarantees for, the press or other media where these rules relate to the determination or limitation of liability.

3. The establishment, implementation and application of the criminalisation under this Directive should furthermore be subject to the principle of proportionality, with respect to the legitimate aims pursued and to their necessity in a democratic society, and should exclude any form of arbitrariness or discriminatory or racist treatment.

4. Nothing in this Directive shall affect rights, obligations and responsibilities of a Member State and individuals under international law, including international humanitarian law. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by

that law, are not governed by this Directive, and the activities undertaken by military forces of a Member State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Directive.

Or. en

Justification

The reference to the Charter of Fundamental Rights of the European Union (as foreseen in Recital 19) is not enough to answer these concerns. Also human rights and fundamental rights based on other international instruments and obligations have to be taken into account, especially ECHR. Moreover, it would be an important signal from the EU that we must ensure a proper balance between far-reaching criminalisations and investigation measures, on one hand, and human rights, on the other. Especially when some of the proposed offences would so closely relate to fundamental freedoms of a person (such as one's right to travel vs. Article 9 or freedom of expression vs. Article 5). It is also good to remember that complex questions of humanitarian law and international law are closely linked to the subject matter.

Amendment 207

Emilian Pavel

Proposal for a directive

Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) "funds" means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit,

Amendment

(a) "funds" means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit, **and virtual currencies,**

Or. en

Amendment 208

Caterina Chinnici, Birgit Sippel, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) "terrorist group" shall mean: a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences

Amendment

(c) "terrorist group" shall mean: a structured group of more than two persons, established over a **significant** period of time and acting in concert to commit **various** terrorist offences

Or. en

Amendment 209

Emilian Pavel

Proposal for a directive

Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) "terrorist group" shall mean: a structured group of **more than two** persons, established over a period of time and acting in concert to commit terrorist offences

Amendment

(c) "terrorist group" shall mean: a structured group of **two or more** persons, established over a period of time and acting in concert to commit terrorist offences

Or. en

Amendment 210

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined

Amendment

(d) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined

roles for its members, continuity of its membership *or a developed structure*.

roles for its members *or* continuity of its membership.

Or. en

Amendment 211
Cornelia Ernst

Proposal for a directive
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, *continuity of its membership or a developed structure*.

Amendment

(d) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members.

Or. en

Amendment 212
Caterina Chinnici, Birgit Sippel, Marju Lauristin, Emilian Pavel, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive
Article 2 – paragraph 1 – point d

Text proposed by the Commission

(d) "Structured group" shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

Amendment

(d) "Structured group" shall mean a group that *have the purpose and the potential of committing various terrorist offences, that* is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

Or. en

Amendment 213
Axel Voss

Proposal for a directive
Article 2 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) "Victim" means:

(i) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;

(ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death;

Or. en

Amendment 214
Axel Voss

Proposal for a directive
Article 2 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) "Family members" means the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim:

Or. en

Amendment 215
Cornelia Ernst, Barbara Spinelli

Proposal for a directive
Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. Each Member State shall take the necessary measures to ensure that the intentional acts referred to in paragraph 2, as defined as offences under national law, which, given their nature or context, may seriously damage a country or an international organisation are defined as terrorist offences where committed with the aim of one or more of the following:

Amendment

1. Each Member State shall take the necessary measures to ensure that the intentional acts referred to in paragraph 2, ***when posing a real threat to life or of serious injury***, as defined as offences under national law, which, given their nature or context, may seriously damage a country or an international organisation are defined as terrorist offences where committed with the aim of one or more of the following:

Or. en

Amendment 216
Emilian Pavel

Proposal for a directive
Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) seriously intimidating a population;

Amendment

(a) seriously intimidating a ***group of people or*** population;

Or. en

Amendment 217
Ana Gomes

Proposal for a directive
Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) ***unduly compelling*** a Government or international organisation to perform or abstain from performing any act,

Amendment

(b) ***using violence or the threat of violence to illegally compel*** a Government or international organisation to perform or abstain from performing any act,

Or. en

Amendment 218

Michał Boni, Carlos Coelho

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) ***unduly compelling*** a Government or international organisation to perform or abstain from performing any act,

Amendment

(b) ***using violence or the threat of violence to compel or seek to compel*** a Government or international organisation to perform or abstain from performing any act,

Or. en

Amendment 219

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) ***unduly compelling*** a Government or international organisation to perform or abstain from performing any act,

Amendment

(b) ***using violence or the threat of violence to compel or seek to compel*** a Government or international organisation to perform or abstain from performing any act,

Or. en

Amendment 220

Caterina Chinnici, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) ***unduly compelling*** a Government or international organisation to perform or abstain from performing any act,

Amendment

(b) ***using violence or the threat of violence to compel*** a Government or international organisation to perform or abstain from performing any act,

Amendment 221

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) *unduly compelling* a Government or international organisation to perform or abstain from performing any act,

Amendment

(b) *using violence or the threat of violence to compel or seek to compel* a government *of a Member State* or international organisation to perform or abstain from performing any act,

Or. en

Amendment 222

Sophia in 't Veld, Fredrick Federley

Proposal for a directive

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) *unduly compelling* a Government or international organisation to perform or abstain from performing any act,

Amendment

(b) *using violence or the threat of violence to compel or seek to compel* a Government or international organisation to perform or abstain from performing any act,

Or. en

Amendment 223

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) seriously destabilising or destroying the

Amendment

(c) seriously destabilising or destroying the

fundamental political, constitutional, economic or social structures of a *country* or an international organisation.

fundamental political, constitutional, economic or social structures of a *Member State* or an international organisation.

Or. en

Amendment 224
Emilian Pavel

Proposal for a directive
Article 3 – paragraph 1 – point c

Text proposed by the Commission

(c) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Amendment

(c) seriously destabilising or destroying *or attempting to destabilise and/or destroy* the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Or. en

Amendment 225
Teresa Jiménez-Becerril Barrio

Proposal for a directive
Article 3 – paragraph 2 – point a

Text proposed by the Commission

(a) Attacks upon a persons' life which may cause death;

Amendment

(a) Attacks upon a persons' life which may cause death *or injury*;

Or. en

Amendment 226
Iratxe García Pérez, Teresa Jiménez-Becerril Barrio
on behalf of the Committee on Women's Rights and Gender Equality

Proposal for a directive
Article 3 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) attacks upon the physical integrity of a person;

(b) attacks upon the physical integrity of a person, ***including rape, sexual assault, trafficking and slavery of women and girls which often leads to death, and manipulation of women and girls in order to mislead them to travel to conflict areas outside the Union or joining terroristic activities;***

Or. en

Justification

Rape and sexual assault constitute a grave violation of the physical integrity of a person. If committed with one or more of the aims enumerated in Article 3, paragraph 1, they should fulfil the criterion of a terrorist offence.

Amendment 227

Emilian Pavel

Proposal for a directive

Article 3 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) attacks upon the physical integrity of a person;

(b) attacks upon the physical ***and psychological*** integrity of a person;

Or. en

Amendment 228

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 3 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including

(d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including

an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life *or result in major economic loss*;

an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life;

Or. en

Amendment 229

Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos

Proposal for a directive

Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property *likely to endanger* human life *or result in major economic loss*;

Amendment

(d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property *endangering* human life;

Or. en

Amendment 230

Victor Boştinaru

Proposal for a directive

Article 3 – paragraph 2 – point f

Text proposed by the Commission

(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;

Amendment

(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of *radiological*, nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;

Or. ro

Amendment 231
Emilian Pavel

Proposal for a directive
Article 3 – paragraph 2 – point f

Text proposed by the Commission

(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;

Amendment

(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of **nuclear**, biological and chemical weapons;

Or. en

Amendment 232
Geoffrey Van Orden, Timothy Kirkhope

Proposal for a directive
Article 3 – paragraph 2 – point g

Text proposed by the Commission

(g) release of dangerous substances, or causing fires, floods or explosions the effect of which is to endanger human life;

Amendment

(g) release, **or threatened release**, of dangerous substances, **including radiological or biological material**, or causing fires, floods or explosions, the effect of which is to endanger human life **or to cause widespread fear and alarm**;

Or. en

Amendment 233
Victor Boştinaru

Proposal for a directive
Article 3 – paragraph 2 – point h

Text proposed by the Commission

(h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;

Amendment

(h) interfering with or disrupting the supply of water, power or any other fundamental natural resource ***through cybernetic or other forms of attack*** the effect of which is to endanger human life;

Or. ro

Amendment 234
Emilian Pavel

Proposal for a directive
Article 3 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) cyber-attacks such as hostile actions directed against network and information systems, which are either critical infrastructures and whose incapacitation or destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof, or other network and information systems that are essential for the functioning of other infrastructures of the state (e.g. air, rail, or road transportation infrastructure, energy, gas, oil or water supply systems, medical services, financial and banking system, etc.)

Or. en

Amendment 235
Laura Agea, Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a directive
Article 3 – paragraph 2 – point i

Text proposed by the Commission

(i) threatening to commit any of the acts

Amendment

(i) ***seriously*** threatening to commit any of

listed in points (a) to (h).

the acts listed in points (a) to (h), *as evidenced by objective and factual circumstances*.

Or. it

Amendment 236

Caterina Chinnici, Birgit Sippel, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 3 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) threatening to commit any of the acts listed in points (a) to (**h**).

(i) *seriously* threatening to commit any of the acts listed in points (a) to (**c**).

Or. en

Amendment 237

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 3 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) threatening to commit any of the acts listed in points (a) to (h).

(i) *seriously* threatening to commit any of the acts listed in points (a) to (h), *on the basis of objective, factual circumstances*.

Or. en

Amendment 238

Cornelia Ernst, Barbara Spinelli

Proposal for a directive

Article 3 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) threatening to commit any of the acts listed in points (a) to (h).

(i) *seriously* threatening to commit any of the acts listed in points (a) to (h), *where*

the threat has been accompanied by physical manifestations of the threat.

Or. en

Justification

In many national laws, mere verbal threats are not criminal, unless they are accompanied by certain externalized physical acts, which demonstrate the seriousness of carrying out the threat.

Amendment 239

Axel Voss

Proposal for a directive

Article 3 – paragraph 2 – point i a (new)

Text proposed by the Commission

Amendment

(ia) attacks against information systems as defined in articles 3 to 7 of Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA.

Or. en

Amendment 240

Cornelia Ernst, Barbara Spinelli, Kostas Chrysogonos

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Nothing in the present Directive should be construed to affect in any way other rights, obligations and responsibilities Member States and individuals have under international law, including international humanitarian law and international criminal law.

Amendment 241

Caterina Chinnici, Birgit Sippel, Ana Gomes, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Each Member State shall take the necessary measures to ensure that the following acts, when committed intentionally, are punishable as a criminal offence:

Amendment

I. Each Member State shall take the necessary measures to ensure that the following acts, when committed intentionally **and unlawfully**, are punishable as a criminal offence:

Amendment 242

Caterina Chinnici, Birgit Sippel, Marju Lauristin, Juan Fernando López Aguilar, Kati Piri

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) participating in the activities of a terrorist group, ***including by supplying information or material resources, or by funding its activities in any way***, with knowledge of the fact that such participation will contribute to the ***criminal*** activities of the ***terrorist*** group.

Amendment

(b) participating in the activities of a terrorist group, with knowledge of the fact that such participation will ***significantly*** contribute to the ***terrorist*** activities of the group.

Amendment 243

Geoffrey Van Orden, Timothy Kirkhope

Proposal for a directive
Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group.

Amendment

(b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the terrorist group, ***whether these activities take place within a Member State or another country.***

Or. en

Justification

It is equally unacceptable for terrorist sympathisers to use the sanctuary of a Member State while actively supporting terrorism in another country.

Amendment 244
Cornelia Ernst, Barbara Spinelli, Marina Albiol Guzmán

Proposal for a directive
Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities ***in any way***, with knowledge ***of the fact that such*** participation will contribute to the ***criminal activities*** of the terrorist group.

Amendment

(b) ***voluntarily*** participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities, ***provided such participation has a close proximity to the commission of the principal offence, and*** with knowledge ***and intention that this*** participation will contribute ***in a meaningful way*** to the ***terrorist offences*** of the terrorist group.

Or. en

Justification

Mere "knowledge" is not enough to establish a criminal offence, also a qualified and defined moral element is needed. Also, the term knowledge is too vague.

Amendment 245

Caterina Chinnici, Birgit Sippel, Tanja Fajon, Marju Lauristin, Juan Fernando López Aguilar, Christine Revault D'Allonnes Bonnefoy, Kati Piri

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The provision of humanitarian activities by internationally recognised humanitarian organizations shall not be considered as contributing to the criminal activities of the terrorist groups.

Or. en

Amendment 246

Eva Joly, Jan Philipp Albrecht, Jean Lambert

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the provision of humanitarian assistance by impartial humanitarian organisations recognised by international humanitarian law shall not be considered as participating in the activities of a terrorist group.

Or. en