

Commission's proposals in the framework of the third pillar

Caption: An example of initiatives taken by the Commission in the field of police and judicial cooperation in criminal matters. Steps leading to their adoption were accelerated as a result of the terrorist attacks carried out in New York and Washington on 11 September 2001.

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Europe must have common instruments to tackle terrorism

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The European Commission is calling for greater harmonisation and closer cooperation in combating terrorism and crime. With the adoption today of two proposals for framework decisions on the fight against terrorism and the European arrest warrant, the Commission is getting down to the business of setting up genuine European cooperation in criminal matters on the basis of automatic mutual recognition between the Member States' judicial authorities.

"Terrorist acts are committed by international gangs with bases in several countries, exploiting loopholes in the law created by the geographical limits on investigators and often enjoying substantial financial and logistical resources", said António Vitorino, the Commissioner responsible for Justice and Home Affairs. "Terrorists take advantage of differences in legal treatment between States, in particular where the offence is not treated as such by national law, and that is where we have to begin", he added.

The current situation differs widely from one Member State to another. In most of them, there are no specific rules on terrorism and terrorist acts are punished as offences under the ordinary law. Six Member States (Germany, Italy, France, Spain, Portugal and the United Kingdom) have specific legislation on terrorism, in which the words "terrorism" or "terrorist" are used explicitly.

Two proposals were adopted today:

- First, a **common definition of acts of terrorism and penalties on a commensurate scale**. There is a list of offences treated as acts of terrorism where they are committed intentionally by individuals or groups against one or more countries or their institutions or population in order to threaten them and seriously undermine or even destroy their political, economic or social structures. It is proposed that such acts incur prison sentences ranging from a minimum of 2 years for the less serious offences to a minimum of 20 years for the most serious offences provided for by the proposal.
- Second, a **proposal to replace the traditional extradition procedures by a system of surrendering persons sought between judicial authorities on the basis of a European arrest warrant**. This proposal proceeds from the principle of mutual recognition of judgments established by the Tampere European Council as the cornerstone of judicial cooperation. The underlying idea is that where the judicial authority in one Member State asks for the surrender of a person sought for an offence incurring at least four months' imprisonment, either having been convicted or still being prosecuted, the decision must be recognised and executed throughout the EU. To simplify and accelerate procedures as far as can be, a time-limit of three months is proposed. The principle of double criminal liability and the exception in favour of nationals are abolished. The proposal seeks to facilitate, wherever possible, the execution of the sentence in the country of arrest where that is where the person is most likely to be reintegrated into society.