

(Acts adopted pursuant to Title V of the Treaty on European Union)

**COUNCIL COMMON POSITION
of 27 December 2001
on combating terrorism**

(2001/930/CFSP)

THE COUNCIL OF THE EUROPEAN UNION

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Article 1

Whereas:

(1) At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.

The wilful provision or collection, by any means, directly or indirectly, of funds by citizens or within the territory of each of the Member States of the European Union with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts shall be criminalized.

(2) On 28 September 2001, the United Nations Security Council adopted resolution 1373(2001), reaffirming that terrorist acts constitute a threat to peace and security and setting out measures aimed at combating terrorism and in particular the fight against the financing of terrorism and the provision of safe havens for terrorists.

Article 2

Funds and other financial assets or economic resources of:

(3) On 8 October 2001, the Council reaffirmed the determination of the EU and its Member States to play their full part, in a coordinated manner, in the global coalition against terrorism, under the aegis of the United Nations. The Council also reiterated the Union's determination to attack the sources which fund terrorism, in close cooperation with the United States.

- persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts;
- entities owned or controlled, directly or indirectly, by such persons; and
- persons and entities acting on behalf of or under the direction of such persons and entities,

including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities, shall be frozen.

(4) On 19 October 2001, the European Council declared that it is determined to combat terrorism in every form throughout the world and that it will continue its efforts to strengthen the coalition of the international community to combat terrorism in every shape and form, for example by the increased cooperation between the operational services responsible for combating terrorism: Europol, Eurojust, the intelligence services, police forces and judicial authorities.

Article 3

Funds, financial assets or economic resources or financial or other related services shall not be made available, directly or indirectly, for the benefit of:

(5) Action has already been taken to implement some of the measures listed below.

- persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts;
- entities owned or controlled, directly or indirectly, by such persons; and
- persons and entities acting on behalf of or under the direction of such persons.

(6) Under these extraordinary circumstances, action by the Community is needed in order to implement some of the measures listed below,

Article 4

Measures shall be taken to suppress any form of support, active or passive, to entities or persons involved in terrorist acts, including measures aimed at suppressing the recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

Article 5

Steps shall be taken to prevent the commission of terrorist acts, including by the provision of early warning among Member States or between Member States and third States by exchange of information.

Article 6

Safe haven shall be denied to those who finance, plan, support, or commit terrorist acts, or provide safe havens.

Article 7

Persons who finance, plan, facilitate or commit terrorist acts shall be prevented from using the territories of the Member States of the European Union for those purposes against Member States or third States or their citizens.

Article 8

Persons who participate in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts shall be brought to justice; such terrorist acts shall be established as serious criminal offences in laws and regulations of Member States and the punishment shall duly reflect the seriousness of such terrorist acts.

Article 9

Member States shall afford one another, as well as third States, the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts in accordance with international and domestic law, including assistance in obtaining evidence in the possession of a Member State or a third State which is necessary for the proceedings.

Article 10

The movement of terrorists or terrorist groups shall be prevented by effective border controls and controls on the issuing of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 11

Steps shall be taken to intensify and accelerate the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel

documents; traffic in arms, explosives or sensitive materials; use of communication technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups.

Article 12

Information shall be exchanged among Member States or between Member States and third States in accordance with international and national law, and cooperation shall be enhanced among Member States or between Member States and third States on administrative and judicial matters to prevent the commission of terrorist acts.

Article 13

Cooperation among Member States or between Member States and third States, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of terrorist acts shall be enhanced.

Article 14

Member States shall become parties as soon as possible to the relevant international conventions and protocols relating to terrorism listed in the Annex.

Article 15

Member States shall increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and United Nations Security Council Resolutions 1269(1999) and 1368(2001).

Article 16

Appropriate measures shall be taken in accordance with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 17

Steps shall be taken in accordance with international law to ensure that refugee status is not abused by the perpetrators, organisers or facilitators of terrorist acts and that claims of political motivation are not recognised as grounds for refusing requests for the extradition of alleged terrorists. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 18

This Common Position shall take effect on the date of its adoption.

Article 19

This Common Position shall be published in the Official Journal.

Done at Brussels, 27 December 2001.

For the Council

The President

L. MICHEL

*ANNEX***List of international conventions and protocols relating to terrorism referred to in Article 14**

1. Convention on Offences and Certain Other Offences Committed on Board Aircraft — Tokyo 14.9.1963
 2. Convention for the Unlawful Seizure of Aircraft — The Hague 16.12.1970
 3. Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft — Montreal 23.9.1971
 4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Personnel — New York 14.12.1973
 5. European Convention for the Suppression of Terrorism — Strasbourg 27.1.1977
 6. Convention Against the Taking of Hostages — New York 17.12.1979
 7. Convention on the Physical Protection of Nuclear Materials — Vienna 3.3.1980
 8. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, complementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft — Montreal 24.2.1988
 9. Convention for the Suppression of unlawful Acts Against the Safety of Maritime Navigation — Rome 10.3.1988
 10. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf — Rome 10.3.1988
 11. Convention on the Marking of Plastic Explosives for the Purpose of Detection — Montreal 1.3.1991
 12. UN Convention for the Suppression of Terrorist Bombings — New York 15.12.1997
 13. UN Convention for the Suppression of Financing of Terrorism — New York, 9.12.1999
-