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Identification of procedure

Reference	CNS/2001/0228
Title	Combating terrorism: specific restrictive measures against certain persons and entities
Legal basis	CE060;CE301;CE308
Number of TEC dossier	T07501
Subject(s)	7.30.07- action to combat organized crime 7.30.11- action to combat terrorism
Stage reached	Procedure terminated

Stages in the procedure

Events	Documents: references		Dates of publication	
	<i>Source reference</i>	<i>Equivalent references</i>	<i>of document</i>	<i>in Official Journal</i>
Initial proposal	CE COM(2001)0569	C5-0455/2001	01/10/2001	C025 29-JAN-02 474(E)
EP opinion 1st reading	PE T5-0502/2001		04/10/2001	C087 11-APR-02 155 213(E)
Modified proposal	CE COM(2001)0713		30/11/2001	C075 26-MAR-02 303(E)
Council reconsultation/2nd reading of budget	CSL 4765/3/2001	C5-0665/2001	07/12/2001	
EP opinion 1st reading	PE T5-0693/2001		13/12/2001	
Final act	LEX 2001E0930		27/12/2001	L344 28-DEC-01 090 092
Final act	LEX 2001E0931		27/12/2001	L344 28-DEC-01 093 096
Final act	LEX 2001R2580		27/12/2001	L344 28-DEC-01 070 075
Final act	LEX 2001D0228		27/12/2001	L344 28-DEC-01 083 084

Forecasts

Agents in procedure - European Parliament

Committee**Rapporteur****Political group**Citizens' freedoms and rights, justice
(responsible)*Economic, monetary affairs*
(opinion)*Foreign affairs, human rights,
security, defence* (opinion)

Agents in procedure - European Commission and Council of the Union

European Commission DG External relations**DG****Council of the Union** General Affairs

02/05/2002 - SUPPLEMENTARY FINAL ACT

PURPOSE : to establish an updated list of groups or terrorist entities who should have their financial assets frozen in accordance with Council Regulation 2580/2001/EC.

COMMUNITY MEASURE : 2002/334/EC: Council Decision of 2 May 2002 implementing

Article 2(3) of Regulation 2580/2001/EC on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2001/927/EC.

CONTENT : having regard to Council Regulation 2580/2001/EC on specific restrictive measures directed against certain persons and entities with a view

to combating terrorism, and in particular Article 2(3) thereof, and taking account of Council Decision 2001/927/EC establishing the list provided for in

Article 2(3) of Council Regulation 2580/2001/EC on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, the Council published an initial list of names of persons

and entities (refer to the previous text). The council specified that the list

would be quickly followed up by further lists.

This is the second such list. This updated version constitutes the second stage in the implementation of the Regulation.

The second list includes the names of persons and organisations already present in the first list such as the Hamas (terrorist branch) or the Palestinian Islamic Jihad (PIJ) as well as additional names of persons and entities such as the Kurdistan Workers' Party (PKK), the United Self-Defense

Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia), the Shining

Path (SL) (Sendero Luminoso).

ENTRY INTO FORCE : Council Decision 2001/927/EC is hereby repealed and replaced by this decision. It shall enter into force on 3 May 2002.

30/12/2001 - FINAL DECISION

PURPOSE : to apply specific measures to combat terrorism.

COMMUNITY MEASURE : Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism.

CONTENT : 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. On 28 September 2001, the United Nations Security Council adopted a Resolution 1373(2001) laying out wide-ranging strategies to combat

terrorism and in particular the fight against the financing of terrorism. Member States have transmitted to the European Union the information necessary

to implement some of these additional measures. Action by the Community is necessary as far as the application of forms of police and judicial co-operation in criminal matters is concerned.

For the purposes of this common position, "persons, groups and entities involved in terrorist acts" shall mean: persons who commit, or attempt to commit, terrorist acts or who participate in, or facilitate, the commission of

terrorist acts; groups and entities owned or controlled directly or indirectly

by such persons; and persons, groups and entities acting on behalf of, or under the direction of, such persons, groups and entities, including funds derived or generated from property owned or controlled directly or indirectly

by such persons and associated persons, groups and entities.

The common position describes a terrorist act as one of the following intentional acts, which, given its nature or its context, may seriously damage

a country or an international organisation, as defined as an offence under national law, where committed with the aim of seriously intimidating a population, or unduly compelling a Government or an international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

The common position sets out, in particular, acts which should be classed as a punishable offence:

- attacks upon a person's life which may cause death;
 - attacks upon the physical integrity of a person;
 - kidnapping or hostage taking;
 - 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;
 - seizure of aircraft, ships or other means of public or goods transport;
 - 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;
 - release of dangerous substances, or causing fires, explosions or floods
- the

effect of which is to endanger human life;

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

- directing a terrorist group;

- 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 group.

It should be noted that even the threat to commit one of these crimes shall be

considered as a terrorist act.

The common position equally describes a terrorist group as a structured group

of more than two persons, established over a period of time and acting in concert to commit terrorist acts.

The list in the Annex shall be drawn up on the basis of precise information or

material in the relevant file which indicates that a decision has been taken

by a competent authority in respect of the persons, groups and entities concerned, irrespective of whether it concerns the instigation of investigations or prosecution for a terrorist act, an attempt to perpetrate,

participate in or facilitate such an act based on serious and credible evidence or clues, or condemnation for such deeds.

The names of the persons of and entities on the list in the Annex shall be reviewed at regular intervals and at least once every six months to ensure that there are grounds for keeping them on the list.

A list of persons, groups and entities shall be included in the Annex, such as

ETA, CIRA (Continuity Irish Republican Army), terrorist wing of Hamas, Palestinian Islamic Jihad (PIJ), the IRA and the Ulster Defence Association

/Ulster Freedom Fighters (UDA/UFF).

It is provided that the European Community, acting within the limits of the

powers conferred on it by the Treaty establishing the European Community, shall ensure that funds, financial assets or economic resources or financial

or other related services will not be made available, directly or indirectly,

for the benefit of persons, groups and entities listed in the Annex.

Member States shall, through police and judicial co-operation in criminal matters within the framework of Title VI of the Treaty of the European

Union,

afford each other the widest possible assistance in preventing and combating

terrorist acts. To that end, they shall, with respect to enquiries and proceedings conducted by their authorities in respect of any persons, groups

and entities listed in the Annex, fully exploit, upon request, their existing

powers in accordance with the powers of the European Union and other international agreement, arrangements and conventions which are binding upon

Member States.

ENTRY INTO FORCE : 27 December 2001. The common position shall be kept

under
constant review.

29/12/2001 - FINAL DECISION

PURPOSE : to combat terrorism.

COMMUNITY MEASURE : Council Common Position 2001/930/CFSP on combating terrorism.

CONTENT : 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. 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.

The common position states that 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.

Funds and other financial assets or economic resources of:

- 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.

Funds, financial assets or economic resources or financial or other related

services shall not be made available, directly or indirectly, for the benefit

of:

- 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.

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.

In addition, 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. Safe haven shall be denied to those who finance, plan, support, or commit terrorist acts, or provide safe havens. 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. 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. 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. 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. 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. Member States shall become parties as soon as possible to the relevant international conventions and protocols relating to terrorism listed in the Annex. 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. 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.

ENTRY INTO FORCE : 27 December 2001.

28/12/2001 - FINAL DECISION

PURPOSE : to establish the initial list provided for in Article 2(3) of Council Regulation 2580/2001 on specific restrictive measures directed against

certain persons and entities with a view to combating terrorism.

COMMUNITY MEASURE : Council Decision 2001/927/EC establishing the initial list

provided for in Article 2(3) of Council Regulation 2580/2001 on specific restrictive measures directed against certain persons and entities with a view

to combating terrorism.

CONTENT : having regard to Council Regulation 2580/2001/EC on specific restrictive measures directed against certain persons and entities with a view

to combating terrorism, and in particular Article 2(3) thereof, the Council

provides an initial list of persons, groups and entities to which the aforesaid Regulation applies. The persons and entities mentioned in this list

shall have their financial assets frozen.

This list, which includes a dozen names, constitutes the first stage in the

implementation of the Regulation, the Council states that it will be quickly

followed up with further lists. It should also be noted that the list includes

names and technical information (e.g. : passports or identity card numbers),

the name of the organisation such as Hamas (terrorist branch) etc.

ENTRY INTO FORCE : 27 December 2001.

27/12/2001 - FINAL DECISION

PURPOSE: Freezing funding sources channelled to persons or entities involved

in terrorist activities.

COMMUNITY MEASURE: Council Regulation 2580/2001/EC on specific restrictive measures directed against certain persons and entities with a view to combating terrorism.

CONTENT: In September, following the attacks on the United States, the European Council declared war on terrorism. Freezing the financial assets of

known terrorists is deemed a necessary, indeed vital, aspect of the campaign

against terrorism. Accordingly this piece of legislation sets out the following provisions:

- A definition of terms, including: Funds other financial assets and economic

resources; Freezing of funds, other financial assets and economic resources;

Financial services (including insurance and banking), terrorist act and lastly

owning a legal person, group or entity.

- The Council will establish the lists of persons, groups and entities to which this Regulation applies. It will consist of: i) natural persons committing, or attempting to commit, participating in or facilitating acts of

terrorism; ii) legal persons, groups or entities committing, or attempting to

commit, participating in or facilitating the commission of any act of terrorism; iii) legal persons, groups or entities owned or controlled by one or more natural or legal persons, groups or entities; iv) natural legal persons, groups or entities acting on behalf of or at the direction of one or more natural or legal persons, groups or entities.

- Banks or other financial institutions will provide any information on suspicious accounts and/or transactions to the competent authorities.
- Member States will inform the Council and the Commission of measures taken to implement this Regulation.
- Lastly, the Regulation will apply within the territory of the Community, including its airspace; on board any aircraft or any vessel under the jurisdiction of a Member State; to any person elsewhere who is a national of a Member State; to any legal person, group or entity incorporated or constituted under the law of a Member State; to any legal person, group or entity doing business with the Community.

Within one year of the entry into force of this Regulation, the Commission shall present a report on the impact of this Regulation and, if necessary, make proposals to amend it.

ENTRY INTO FORCE: 28/12/01.

13/12/2001 - EP VOTE 1st READING

The European Parliament approved this proposal under a reconsultation procedure with the recommendation that the Annex listing the actual groups or persons should be drawn up on the basis of a proposal by the Commission or a Member State and that Parliament should deliver its opinion. The list should then be published in the Official Journal. MEPs want to see a sunset clause, with the regulation expiring at the end of December 2003.

07/12/2001 - RECONSULTATION

The European Parliament has been reconsulted on the draft Council Regulation on specific restrictive measures directed against certain persons and entities with a view to combating terrorism. This text includes the amendments proposed by the European Parliament and the Council as specified in the amended proposal dated 30 November 2001 with a view to improving the original proposal which was drawn up in haste after the events of 11 September 2001.

30/11/2001 - AMENDED INITIAL PROPOSAL

Taking into account the amendments proposed by the European Parliament and discussion in the Council on both the implementation of Resolution 1373(2001) of the Security Council of the United Nations of 28 September 2001, a number of amendments are considered necessary. The main amendments proposed concern the legal base; the coverage of

terrorist

wherever they may be based; a new and broader definition of funds; the inclusion of definitions of terrorism, financial services, ownership and control; and a provision on reviewing the Regulation. Where possible, the definitions were taken from international agreements, and in particular from

the International Convention for the Suppression of the Financing of Terrorism.

The proposed amendments will ensure that the legislative text is both in line

with paragraph 1 of Resolution 1373(2001) and provide a framework necessary

for preventing the financing of terrorism under conditions limiting any distortions of competition or negative effects on the functioning of the common market to what is necessary, while at the same time responding in an

adequate manner to the threats of terrorism to international peace and security and the exceptional situation resulting from it.

04/10/2001 - EP VOTE 1st READING

Parliament by 417 votes in favour, 44 against and 18 abstentions approved a

regulation which will enable Member States to block terrorist accounts and restrict financing of terrorism. The Parliament stipulated that the measures

should be temporary, as the legislation was drawn up in haste and needs to be

improved. The House wants the regulation to expire at the end of 2003 and to

be reviewed within a year.

In other amendments, Parliament stressed that as the regulation is based on

article 308 of the Treaty, the Court of Justice shall have jurisdiction.

Also,

the annex listing 27 terrorist organisations whose assets are to be frozen should be amended and include other terrorist organisations. Parliament should

be consulted, if necessary on a confidential basis, on the future changes to

the list of organisations whose accounts are to be blocked. Changing the list

should be according to the fast-track procedure.

02/10/2001 - INITIAL PROPOSAL

PURPOSE : to present a proposal for a Council Regulation on specific measures

directed against certain persons and entities with a view to combating international terrorism.

CONTENT : 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. It declared that combating the funding of terrorism is a

decisive aspect of the fight against terrorism and called upon the Council to

take the necessary measures to combat any form of financing for terrorist activities.

The Regulation proposed by the Commission shall enable Member States to freeze the assets of 27 persons and bodies suspected of being involved in the 11 September attacks in the USA. Moreover, the proposal contains an annex which contains a list of these 27 natural or legal persons, entities and bodies whose assets are to be frozen. This list should be amended in light of any new developments in the fight against terrorism. The proposed Regulation is intended to ensure a rapid and more coherent application of, and optimal effectiveness, of these measures throughout the European Community. In order to prevent circumvention of the proposed measures, it is also considered necessary to apply restrictions on intra-Community payments and movements of capital. The proposed measures may have to be complemented in due course by additional measures, taking into account decision made by the UN Security Council and experience with the application of the proposed measures. The Commission will make additional proposals where appropriate.

Historical data

Procedure reference

Legal basis **CE308**

Rapporteurs

