

EN
E-001560/2024
Answer given by Ms Johansson
on behalf of the European Commission
(5.11.2024)

1. The Commission has no knowledge of follow up actions for the recommendations in the European Parliament report¹ which concerned local, regional and national levels. As regards the recommendations on the Directive on combating terrorism (CT Directive)², the evaluation conducted by the Commission in November 2021 concluded that a revision is not needed. The Commission has ensured that Member States fully transpose the Directive, including by launching infringement proceedings when appropriate. The rights of victims of terrorism are also set under the main horizontal instrument on victims' rights – the Victims' Rights Directive³. To strengthen the rights of victims, the Commission adopted in July 2023 its proposal for the revision of Directive^{4,5}.

2. The Commission condemns all acts of glorification of terrorism which Member States are required to criminalise, in line with the CT Directive, as public provocation to commit a terrorist offence if certain requirements are met. Article 72 of the Treaty on the Functioning of the European Union provides that the Member States themselves are responsible for the maintenance of law and order, and the safeguarding of internal security. Accordingly, what constitutes a public provocation in the sense of the Directive is for the authorities of the Member States to establish, and the Commission has no competence to intervene in the day-to-day running of the criminal justice system of any individual Member State.

3. The Commission's Annual Rule of Law Report reports on developments in the Member States in four areas of systemic importance: national justice systems, anti-corruption frameworks, media pluralism and freedom and other institutional issues related to checks and balances. The Report does not cover the subject matter of the Honourable Member's question.

¹ Mission report of the Committee on Petitions following the fact-finding visit to Spain from 3 to 5 November 2021, in relation to 379 still unsolved murders committed by the terrorist group ETA, 25 April 2022, available at https://www.europarl.europa.eu/doceo/document/PETI-CR-702917_EN.pdf

² Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, OJ L 88, 31.3.2017, p. 6.

³ 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, OJ L 315, 14.11.2012, p. 57–73.

⁴ Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, COM/2023/424 final.

⁵ The proposal for the revision of the Victims' Rights Directive is a core legislative action under the EU Strategy on victims' rights (2020-2025), for further reference: COM/2020/258 final, 24.6.2020.