

Dimitris AVRAMOPOULOS

Member of the European Commission

Brussels **1 2 0 3 1 5**
ARES (2015)

Dear Chair,

As you know, on 24 September 2014, the UN Security Council adopted Resolution 2178(2014) on foreign terrorist fighters imposing obligations on Member States to ensure the effective prevention and prosecution of certain foreign terrorist fighter related offences.

On 21 January 2015, the Committee of Ministers of the Council of Europe established the Committee on Foreign Terrorist Fighters and Related Issues (COD-CTE) to prepare a draft Additional Protocol supplementing the Convention on the Prevention of Terrorism (CETS No. 196). The Additional Protocol aims at facilitating the swift, coordinated and effective implementation of certain aspects of the UN Security Council Resolution 2178(2014) mainly related to preventing and pursuing foreign terrorist fighters, furthering a common understanding of and response to foreign terrorist fighters related offences, and improving international cooperation.

The negotiation of the Additional Protocol supplementing the Council of Europe Convention on the Prevention of Terrorism falls within the exclusive competence of the Union. The subject matter of the Additional Protocol is likely to fall within Article 83(1) TFEU. The Union has already adopted measures in the area covered by the Convention on the Prevention of Terrorism and its Additional Protocol, including, in particular, Council Framework Decision 2002/475/JHA on combating terrorism as amended by Council Framework Decision 2008/919/JHA.

In its Resolution of 11 February 2015 on anti-terrorism measures, the European Parliament stressed the need to inter alia harmonise the criminalisation of foreign fighter related offences and avoid prosecution gaps.

Against this background, and in accordance with the Framework Agreement I would like to inform you that the Commission has the intention to submit the recommendations to the Council for a Council decision in order to authorise the opening of negotiations on an Additional Protocol supplementing the Council of Europe Convention on the Prevention of Terrorism pursuant to Article 218 TFEU.

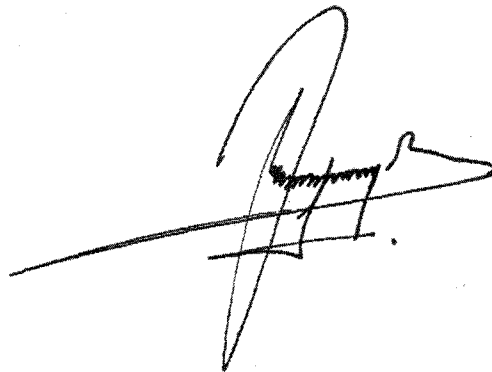
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Once the Commission has adopted the recommendation, my services will present the draft negotiating directives to the Members of the LIBE Committee in the appropriate form.

I hope to find the support of you and the Members of the LIBE Committee in this matter. I am looking forward to work with your committee on this important initiative in addressing terrorism threat.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Dimitris Avramopoulos', written in a cursive style with a long horizontal stroke extending to the left.

Dimitris AVRAMOPOULOS