



Council of the
European Union

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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	10637/15 JAI 530 DROIPEN 77 COPEN 190 ENFOPOL 197 COTER 97
No. Cion doc.:	9975/15 JAI 464 DROIPEN 64 COPEN 157 ENFOPOL 157 COTER 80
Subject:	Proposal for a Council Decision on the signing, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism (CETS No.196) - Revised text

Delegations will find attached in the Annex a revised version of the above draft Council Decision, as resulting from the JHA Counsellors meeting of 17 July 2015.

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the European Union, of the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular (...), Article 83(1), (...) in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 23 of the Council of Europe Convention on the Prevention of Terrorism (CTS No. 196; ‘the Convention’) provides that that Convention shall be open for signature by the European Union.
- (2) On 1 April 2015 the Council authorised the Commission to open negotiations on the Additional Protocol to the Convention (‘the Additional Protocol’).
- (3) On 19 May 2015 the Council of Europe Committee of Ministers adopted the Additional Protocol. The Commission has submitted to the Council a proposal for a Council Decision authorising the signing of the Additional Protocol on behalf of the European Union.
- (4) Article 10 of the Additional Protocol provides that the Additional Protocol shall be open for signature by signatories to the Convention.
- (4a) By means of Framework Decision 2002/475/JHA, the Union has established common rules on combatting terrorism. The Convention may affect these common rules or alter their scope.**

- (5) The Convention should therefore be signed on behalf of the European Union **as regards matters falling within Union's competence insofar as the Convention may affect these common rules or alter their scope. The Member States retain their competence insofar as the Convention does not affect common rules or alter the scope of such rules.**
- (5a) **Ireland is bound by Framework Decision 2002/475/JHA and is therefore taking part in the adoption of this Decision.**
- (6) [In accordance with Article 3 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.]
- (7) OR: [In accordance with Articles 1 and 2 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Decision and is not bound by it or subject to its application]
- (8) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The signing **on behalf of the European Union** of Council of Europe Convention on the Prevention of Terrorism (CETS No. 196), **as regards matters falling within Union's competence** is hereby **authorised**, subject to the conclusion of the said Convention¹.

(...)

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Convention on behalf of the European Union.

Article 3

This Decision shall enter into force upon its adoption.

Done at Brussels,

For the Council

The President

¹ The text of the Convention will be published together with the decision on its conclusion.