



Council of the
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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the European Union, of the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196)

COUNCIL DECISION

of

**on the signing, on behalf of the European Union,
of the Additional Protocol to 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) On 1 April 2015 the Council authorised the Commission to open negotiations for the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196), hereinafter "the Additional Protocol".
- (2) On 19 May 2015 the Council of Europe Committee of Ministers adopted the Additional Protocol. The Additional Protocol aims at facilitating the implementation of United Nations Security Council Resolution 2178(2014) on Foreign Terrorist Fighters and, in particular, at establishing criminal offences for certain acts identified in operative paragraph 6 of that Resolution.
- (3) A common understanding of foreign terrorist fighter related offences and criminal offences of a preparatory nature with the potential to lead to the commission of terrorist acts, would contribute to further enhancing the effectiveness of the criminal justice instruments and cooperation at Union and international level.
- (4) Framework Decision 2002/475/JHA, established common Union rules on combatting terrorism. The Additional Protocol might affect those common rules or alter their scope.

- (5) The Additional Protocol should therefore be signed on behalf of the European Union as regards matters falling within the competence of the Union in so far as the Additional Protocol may affect those common rules or alter their scope. The Member States retain their competence in so far as the Protocol does not affect common rules or alter the scope thereof.
- (6) Ireland is bound by Framework Decision 2002/475/JHA and is therefore taking part in the adoption of this Decision.
- (7) 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 the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196), as regards matters falling within the competence of the Union, is hereby authorised, subject to the conclusion thereof¹.*

Article 2

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

Article 3

This Decision shall enter into force upon its adoption. It shall apply in accordance with the Treaties.

Done at Brussels,

For the Council

The President

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

* [Delegations: see Document 9969/15 ADD1]