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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the signing, on behalf of the European Union, of the Protocol amending the Council of Europe Convention on the Prevention of Terrorism

COUNCIL DECISION (EU) 2026/...

of ...

**on the signing, on behalf of the European Union,
of the Protocol amending
the Council of Europe Convention on the Prevention of Terrorism**

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 15 May 2023, the Council authorised the Commission to participate, on behalf of the European Union, in negotiations on the revision or amendment of the Council of Europe Convention on the Prevention of Terrorism (the ‘Convention’), with a view to modifying the definition of terrorist offences included in the Convention. The negotiations were successfully concluded by the initialling of the Protocol amending the Council of Europe Convention on the Prevention of Terrorism (the ‘Protocol’).
- (2) On 9 July 2025, the Council of Europe’s Committee of Ministers adopted the Protocol and took note of its Explanatory Report. On 10 December 2025, the Council of Europe’s Committee of Ministers agreed to open the Protocol for signing on 26 May 2026 in Strasbourg, France.
- (3) The Protocol is consistent with the security objectives of the Union as referred to in Article 67(3) of the Treaty on the Functioning of the European Union (TFEU), namely through the approximation of criminal laws to ensure a high level of security to prevent and combat crime, including terrorism.
- (4) The Protocol amends the Convention by amending the definition of ‘terrorist offence’ laid down in Article 1 thereof (‘amended definition’).

- (5) The amended definition addresses the need to adopt a wider and more suitable legal definition of ‘terrorist offence’ in the Council of Europe in order to address current and future challenges relating to counter-terrorism.
- (6) The amended definition aims to offer substantive added value to the prevention of terrorism and its negative effects, as well as to international cooperation, including judicial cooperation, mutual legal assistance and extradition requests among States Parties to the Protocol and to the Convention.
- (7) With its participation in the negotiations, on behalf of the Union, the Commission has ensured the compatibility of the Protocol with relevant Union rules. In particular, the amended definition is compatible and consistent with the definition of ‘terrorist offence’ provided for in Union law as laid down in Article 3 of Directive (EU) 2017/541 of the European Parliament and of the Council¹.

¹ 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, s. 6, ELI: <http://data.europa.eu/eli/dir/2017/541/oj>).

- (8) The Preamble to the Protocol reaffirms that all measures taken to prevent or suppress terrorist offences in the Protocol are to be in accordance with relevant human rights and fundamental freedoms, particularly those enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as other obligations under international law, including, where applicable, international humanitarian law. This is in line with the Charter of Fundamental Rights of the European Union and the Union's obligations under international law.
- (9) As the Union is a Party to the Convention, the Protocol is open for signature and ratification by the Union. The Union should become a party to the Protocol alongside its Member States, since the Union and Member States share competences in the areas covered by the Convention that the Protocol amends. The Union has exercised its competence through the adoption of Directive (EU) 2017/541. In areas of shared competences, Member States retain their competence insofar as the Protocol does not affect common Union rules or alter their scope. This Decision is without prejudice to the signing of the Protocol by the Member States, in accordance with their internal procedures.
- (10) The swift signing of the Protocol by the Union is intended to highlight the Union's support for a common pan-European definition of 'terrorist offence' which is expected to enhance regional and international counter-terrorism efforts. The swift signing of the Protocol is also intended to facilitate the timely entry into force of the Protocol.

- (11) 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 TFEU, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (12) 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 TFEU, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (13) Therefore, the Protocol should be signed on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Protocol amending the Council of Europe Convention on the Prevention of Terrorism on behalf of the European Union is hereby authorised, subject to the conclusion of that Protocol.

Article 2

The Decision shall enter into force on the date following that of its adoption.

Done at ..., ...

For the Council

The President
