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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion, 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 conclusion, 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(6), second subparagraph, point (a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) In accordance with Council Decision (EU) 2026/...²⁺, the Protocol amending the Council of Europe Convention on the Prevention of Terrorism (the ‘Protocol’) was signed on ...⁺⁺, on behalf of the Union, subject to its conclusion.
- (2) 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.
- (3) The Protocol amends the Council of Europe Convention on the Prevention of Terrorism (the ‘Convention’) by amending the definition of ‘terrorist offence’ laid down in Article 1 thereof (‘amended definition’).
- (4) 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.

² 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 (OJ L, ..., ELI: ...).

⁺ OJ: Please insert in the text the number of the Decision contained in document ST 8557/26 and insert the number, date and OJ reference of that Decision in the footnote.

⁺⁺ OJ: Please insert in the text the date of signature of the Protocol in document ST 8688/26.

- (5) 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.
- (6) 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 Council³.
- (7) 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.

³ 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) 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 Member States' competence as regards the ratification, approval or acceptance of the Protocol in accordance with their internal procedures.
- (9) The swift conclusion 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 conclusion of the Protocol is also intended to facilitate the timely entry into force of the Protocol.
- (10) 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.

- (11) 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.
- (12) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol amending the Council of Europe Convention on the Prevention of Terrorism is hereby approved⁴.

Article 2

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

Done at ..., ...

For the Council
The President

⁴ The text of the Protocol is published in ... [*insert OJ reference*].