



## **EMN Ad-Hoc Query on Return of TCN involved in espionage or terrorist activity**

Requested by Joanna SOSNOWSKA on 8th May 2018

### **Return**

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Hungary, Italy, Lithuania, Luxembourg, Netherlands, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (19 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**

According to art. 329a of the Polish Act on Aliens of 12th December 2013, on a request of the Chief Commander of the Police, of the Head of the Internal Security Agency or of the Head of the Military Counter-Intelligence Service, the minister competent for internal affairs shall issue a decision obliging the foreigner to return, concerning the foreigner with respect to whom there is concern that he/she may be involved in espionage or terrorist activity or who is suspected of committing one of these offences.

The decision referred hereinabove shall be obligatorily immediately enforceable.

According to art. 73c of the Polish Act on the terms and conditions of the entry in the territory of the Republic of Poland, stay and departure from this territory of the citizens of the EU Member States and the members of their families of 14th July 2006, on a request of the Chief Commander of the Police, of the Head of the Internal Security Agency or of the Head of the Military Counter-Intelligence Service, the minister competent for internal affairs shall issue a decision obliging the EU citizen or his/her family member not being the EU citizen to return with respect to whom there is concern that he/she may be involved in espionage or terrorist activity or who is suspected of committing one of these offences.

The decision referred hereinabove shall be obligatorily immediately enforceable.

Referring to the legislation concerning obligation to return of non-nationals due to security reasons, in particular to whom there is concern/suspicion that they may be involved in espionage or terrorist activity, Poland would like to receive information concerning the following issues [see the questions].

### **Questions**

1. 1. Is there a provision of law concerning the issue in your country? If yes, could you please specify full name of the regulation/act (in English)?
2. 2. Could you please cite the appropriate provision from your relevant legal act and provide its translation to English?
3. 3. Are the above-mentioned issues regulated as crimes in your penal law (espionage, terrorist activity, other relevant)? If yes, could you please provide translation to English of the relevant provision/provisions?
4. 4. Do you consider amending your legislation concerning obligation to return of non-nationals in the circumstances as described above?

### **Responses**

	Country	Wider Dissemination	Response
	Austria	Yes	<p><b>1.</b> The legal basis for the issuance of a return decision concerning third-country nationals is the Aliens Police Act (as the case may in conjunction with the Asylum Act 2005, if applicants for asylum are concerned) The legal basis for the expulsion of, inter alia, EEA-citizens is the Aliens Police Act in conjunction with the Settlement and Residence Act.</p> <p><b>2.</b> Concerning third-country nationals who have not submitted an application for international protection: Art. 52 para 4 subpara 1 Aliens Police Act in conjunction with Art. 11 para 1,2 and 4 Settlement and Residence Act as well as Art. 52 para 4 subpara 1a in conjunction with Art. 21 para 2 subpara 7, 11, 13, 14 Aliens Police Act Concerning third-country nationals who have submitted an application for international protection or have been granted international protection status: Art. 52 para 2 subpara 3 and 4 Aliens Police Act in conjunction with Art. 6 para 1 subpara 3 and 4 and Art. 7 para 1 subpara 1 Asylum Act 2005 Concerning third-country nationals who have been granted subsidiary protection status: Art. 52 para 2 subpara 4 Aliens Police Act in conjunction with Art. 9 para 2 subpara 2,3 Asylum Act 2005 Concerning EEA-Citizens: Art. 66 para 1 Aliens Police Act in conjunction with Art. 55 para 3 Settlement and Residence Act, Art. 66 para 3 Aliens Police Act For a translation of the provisions please see the attached document.</p> <p><b>3.</b> Yes, they are regulated in Art. 252–256, 278b, 278d-278f, 282a Criminal Code For a translation of the provisions please see the attached document.</p> <p><b>4.</b> No. --- Source: Ministry of the Interior</p>
	Belgium	Yes	<p><b>1.</b> The legal basis regarding this issue is the Law of 15 December 1980 on the access to the territory, stay, establishment and return of the foreigners . The provisions applicable to return irregularly staying TCNs appear in the article 7, 27, 28, 29 of the law and in its titleIIIquater pertaining to the return of irregularly staying TCNs (art. 74/10 to 74/18). Those provisions mainly transpose the directive 2008/115/EU into Belgian legislation.</p> <p><b>2.</b> The EU citizens and their family members are subject to specific provisions, including what concerns</p>

their removal, which can be found in the chapters 1st and 1stbis of the title II (art40 to 14/4 as well as article 7, 27, 28 and 29) of the aforementioned law. Regarding provisions for the removal of TCNs, the regime applicable is inspired by the directive 2008/115/EU and is therefore applicable to all TCNs in accordance with the provisions of the directive 2004/38/CE and the case law of the EUCJ (arrêt Petrea C 184-16). The decision taken by the competent administrative authority (Immigration Office) results in an order to leave the territory. The issuing of the order to leave the territory, even in case of threat to the public order, has to observe the principle of non-refoulement and the principle of proportionality, taking into account the length of stay in Belgium, the health conditions, the ties the alien has with the country of residence and the consequences of the removal to his/her family life. Belgian authority issues, in principle, an entry bans with a variable and potential unlimited duration. A duration equal or superior than five years is imposed when there is a serious threat to public order or national security. Longer-term bans can now exceptionally be imposed, but these have to be legitimized with strong arguments. Practically, entry bans of 15 years have already be taken due to involvement in terrorist offences.

**3.** The title 1st ter of the Belgian penal code concerns the terrorist offences. Its articles 137 to 141ter determine the facts that can be qualified of terrorist offences and the penalties applicable.

**4.** No amendments of the current legislation of the 15.12.1980 are foreseen regarding the obligation to return non-nationals in the circumstances above-mentioned. But it should be noted that two legislative innovations, enacted in 2017, had important repercussions in terms of revoking residency rights of foreign nationals. The law of 24.02.2017 and 15.03.2017 modified the Immigration Act in order to reinforce the protection of public order and national security. The provisions of these amendments aim at facilitating the procedure to end a foreign national's residence right and to organize his/her removal for reasons of public order or national security (particularly regarding terrorism offences). The law of 24.02.2017 and 15.03.2017 have refined the reasons for which TCNs can be removed from Belgium. While before an alien could be removed for Damage to public order and national security, as from 2 May 2017 this was changed to Reasons of public order and national security. The explanatory note clarifies the scope of the new law by rendering eligible to removal not only aliens convicted or caught red-handed, but also the ones who have not been convicted yet or who are merely suspected of having committed a crime. Those categories can now be denied a further stay in Belgium even if they have resided uninterrupted in Belgium for at least ten years or if they are long-term resident. Those

			amendments aim at easing the removal by streamlining the prerequisites and the procedures to remove the right to stay.
	Croatia	Yes	<p><b>1.</b> The Foreigners Act (OG 130/11, 74/13 and 69/17) regulates the return and expulsion of the TCNs.</p> <p><b>2.</b> The Foreigners Act (OG 130/11, 74/13 and 69/17), Exposure to social danger Article 108 (1) A third-country national may be expelled if he presents a danger to the public - commits a criminal offense for which he / she is prosecuted ex officio or a violation of the elements violence, (2) A third-country national shall be expelled if: 1. is due to a criminal offense committed with the intent of being definitively sentenced to unconditional imprisonment for more than one year, 2. is due to a criminal offense committed with intent for a period of five years several times sentenced to a final sentence of imprisonment for at least three years, 3. Is convicted of a criminal offense against the values protected by international law unconditional imprisonment sentence, 4. poses a threat to national security.</p> <p><b>3.</b> Espionage is regulated in the Criminal Code, Article 348 Espionage (Official Gazette no. 125 07.11.2011). (1) Whoever the secret data which has been entrusted to him or has come in an illegal way makes them available to a foreign state, a foreign organization, a foreign legal person or a person who works for them, shall be punished by imprisonment for a term between one and ten years. (2) Whoever collects secret data in an unauthorized manner in order to make them available to a foreign state, foreign organization, foreign legal person or person acting for them, shall be punished by imprisonment for a term between six months and five years. (3) Whoever organizes an intelligence service in the territory of the Republic of Croatia for a foreign country or organization, or becomes a foreign intelligence service acting or assisting the Republic of Croatia in its work, shall be punished by imprisonment for a term between one and ten years. (4) Whoever perpetrates the criminal offense referred to in paragraphs 1 and 3 of this Article during a war or armed conflict involving the Republic of Croatia, shall be punished by imprisonment for at least five years. (5) Whoever commits a criminal offense referred to in paragraph 2 of this Article during a war or armed conflict involving the Republic of Croatia, shall be punished by imprisonment for a term between three and fifteen years.</p> <p><b>4.</b> Currently the return and expulsion regulations are not under the change.</p>

	Cyprus	Yes	<p><b>1.</b> For the Third Country Nationals (TCN) in general, it is the Art. 6(f), 6(g) and 6(h) of the Aliens and Immigration Law, cap. 105. For the TCN, that are family members of an EU citizen, it is the Art. 35 of The Right of Union Citizens and their Family Members to Move and Reside Freely within the Territory of the Republic of Cyprus Law of 2007.</p> <p><b>2.</b> Art. 6 of the Aliens and Immigration Law, cap. 105. The following persons shall be prohibited immigrants and, save as provided in this Law or as may be provided in any Regulations made thereunder or in any order of the Ministers' Council, shall not be permitted to enter the Republic- (f) any person who, from official Government records or from information officially received by the Ministers' Council from a Secretary of State or from the Governor of any British Colony, Protectorate of Mandated Territory or from the Government of any foreign State or from any other trusted source is considered by the Ministers' Council to be an undesirable person; (g) any person who is shown by evidence which the Ministers' Council may deem sufficient, to be likely to conduct himself so as to be dangerous to peace, good order, good government or public morals or to excite enmity between the people of the Republic and Her Majesty or to intrigue against Her Majesty's power and authority in the Republic; (h) any member of an unlawful association as defined in section 63 of the Criminal Code or any Law amending or substituted for the same. Art 35 of The Right of Union Citizens and their Family Members to Move and Reside Freely within the Territory of the Republic of Cyprus Law of 2007. (1) The competent authority may issue an expulsion order, as a legal consequence of a custodial penalty, only if they conform to the requirements of Articles 29, 30 and 31. (2) When enforcing an expulsion order, issued according to the provisions of p. (1), the competent authority shall check that the individual concerned is currently and genuinely a threat to public policy or public security and shall assess whether there has been any material change in the circumstances since the expulsion order was issued.</p> <p><b>3.</b> Espionage is a crime according to the Art. 50C (1) of the Criminal Code, cap. 154. (<a href="http://cylaw.org/nomoi/enop/ind/0_154/section-sc51a67556-8e89-4534-9136-ac9c5d15becf.html">http://cylaw.org/nomoi/enop/ind/0_154/section-sc51a67556-8e89-4534-9136-ac9c5d15becf.html</a>) About terrorism, the Combating Terrorism Law of 2010 is in force. (<a href="http://cylaw.org/nomoi/enop/non-ind/2010_1_110/full.html">http://cylaw.org/nomoi/enop/non-ind/2010_1_110/full.html</a>) Unfortunately, there is no translation of the aforementioned Laws.</p> <p><b>4.</b> There is currently no such discussion.</p>
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	<p>Czech Republic</p>	<p>Yes</p>	<p><b>1.</b> The Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic does not mention literally espionage or terrorist activity as a reason obliging the foreigner or members of his/her family to return.</p> <p><b>2.</b> As mentioned above the espionage or terrorist activities are not mentioned by The Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic. In these cases can be applied general provisions of the above mentioned Act No. 326/1999 Coll. Section 9 – The refusal of entry to the State territory: The Police will deny the entry of the foreigner if, - he/she id persona non grata; - there is a justified suspicion that he/she could seriously endanger security of the Czech Republic, its public order or its international relations etc.</p> <p><b>3.</b> Yes, above mentioned crimes are regulated by the Act No. 40/2009 Coll., on the Criminal Code of the Czech Republic Section 311-314 – Criminal Offences against the Czech Republic, Foreign States and International Organisations: Section 311 Terrorist Attack (1) Whoever with the intention to impair the constitutional system or defence capabilities of the Czech Republic, disrupt or destroy the base political, economic or social structure of the Czech Republic or an international organisation, seriously terrify the population or illegally make the government or another public authority or an international organisation to act, omit or tolerate something, a) performs an attack threatening human life or health with the intention to cause death or grievous bodily harm, b) seizes hostages or commits kidnapping, c) destroys or damages in larger extent a public facility, transportation or communication system including an information system, a fixed platform on continental shelf, energetic, water-work, medical or other important facility, public area or property with the intention to jeopardise human lives, security of such a facility, system or area or to expose property to risk of extensive damage, d) disrupts or interrupts supply of water, electricity or other fundamental natural resource with the intention to jeopardise human lives or to expose property to risk of extensive damage, e) hijacks an aircraft, ship or another means of personal or cargo transportation or exercises control over it, or destroys or seriously damages navigation device or in larger extent interferes with its operation or communicate a false important information by which he/she jeopardises life or health of people, security of such means of transportation, or exposes property to risk of extensive damage, f) wrongfully manufactures or otherwise obtains, handles, imports, transports, exports or otherwise supplies or uses explosives, nuclear, biological, chemical or other weapon or means of combat or explosives prohibited by law or international treaty, or g) exposes people to general risk of death or grievous bodily harm or property of</p>
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	Estonia	Yes	<p><b>1.</b> Not in the same manner as described above. The Estonian Aliens Act stipulates the possibility for premature termination of period of temporary stay in Article 52, the general bases for revocation of temporary residence permit in Article 135 and the revocation of the residence permit for long term resident in Article 241.</p> <p><b>2.</b> § 52. Bases for premature termination of period of stay (1) The period of stay may be terminated prematurely if at least one of the following bases exists: (...) 7) an alien may constitute a threat to public order, national security, international relationships or public health of any member state of the European Union. § 135. General bases for revocation of temporary residence permit (2) A temporary residence permit shall be cancelled if: (...) 3) the activity of an alien constitutes a threat to public order or national security; (...) § 241. Revocation of the residence permit for long-term resident (1) A residence permit for a long-term resident may be revoked if: (...) 2) an alien constitutes a threat to public order or national security; [RT I, 02.07.2013, 3 – entry into force 12.07.2013] (...)</p> <p><b>3.</b> According to the Estonian Penal Code: § 231. Violent activities against the Republic of Estonia (1) Activities aimed at violent disruption of the independence, sovereignty or territorial integrity of the Republic of Estonia, violent seizure of power or violent changing of the constitutional order of the Republic of Estonia in any other manner is punishable by six to twenty years' imprisonment or life imprisonment. (11) The same act, if committed by a legal person, is punishable by a pecuniary punishment. [RT I, 12.07.2014, 1 - entry into force 01.01.2015] (2) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code. [RT I 2009, 51, 347 - entry into force 15.11.2009] § 232. Treason (1) Assisting of a foreign state, an organisation of a foreign state, an alien or a person acting at the request of a foreign state in non-violent activities directed against the</p>

			<p>independence and sovereignty or territorial integrity of the Republic of Estonia, or collection of state secrets or classified information of a foreign state communicated to Estonia on the basis of an international agreement with the intention of communication thereof, or communication of such information to a foreign state, organisation of a foreign state, alien or a person acting at the request of a foreign state by a citizen of the Republic of Estonia is punishable by six to twenty years' imprisonment or life imprisonment. (2) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code. [RT I 2009, 51, 347 - entry into force 15.11.2009] § 233. Non-violent acts committed by alien against the Republic of Estonia</p> <p>Engagement by an alien in non-violent activities directed against the independence and sovereignty or territorial integrity of the Republic of Estonia and such activities do not contain the necessary elements of an offence provided for in § 231 or 234 of this Code, is punishable by two to fifteen years' imprisonment. [RT I 2009, 51, 347 - entry into force 15.11.2009] § 234. Espionage (1) Collection of state secrets or classified information of a foreign state communicated to Estonia on the basis of an international agreement with the intention of communication thereof, or communication of such information to a foreign state, organisation of a foreign state, alien, or a person acting at the request of a foreign state by an alien is punishable by three to fifteen years' imprisonment. [RT I 2009, 51, 347 - entry into force 15.11.2009] (2) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of this Code. [RT I 2009, 51, 347 - entry into force 15.11.2009] § 2341. Support of war against or occupation of Republic of Estonia</p> <p>Joining of the armed forces of an enemy during a war against the Republic of Estonia or occupation of Estonia, participation in military actions against the Republic of Estonia or performance of such military or leading civilian functions that support the military action against the Republic of Estonia or occupation of the Republic of Estonia by an Estonian citizen is punishable by six to twenty years' imprisonment or life imprisonment. [RT I 2009, 51, 347 - entry into force 15.11.2009] § 235. Unconstitutional organisations (1) Membership in a permanent organisation which consists of three or more persons who share a distribution of tasks and which has been formed with the intention of carrying out violent activities directed against the Republic of Estonia, or forming, leading or recruitment of members to such organisation, is punishable by five to fifteen years' imprisonment or life imprisonment. (2) The same act, if committed by a legal person, is punishable by a pecuniary punishment. [RT I, 12.07.2014, 1 - entry into force 01.01.2015] § 2351. Conspiracy against Republic of</p>
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		<p>Estonia Establishment or maintenance of a relationship by a citizen of the Republic of Estonia with a foreign state, an organisation of a foreign state or a person acting at the request of a foreign state with the aim of committing a criminal offence specified in § 232 of this Code, is punishable by up to six years' imprisonment. [RT I 2009, 51, 347 - entry into force 15.11.2009] § 2352. Counterfeiting against Republic of Estonia (1) Counterfeiting of official documents, dissemination of such documents or data contained therein with the aim of damaging the independence and sovereignty or territorial integrity of the Republic of Estonia or if this is accompanied by a threat to the independence and sovereignty or territorial integrity of the Republic of Estonia, is punishable by up to six years' imprisonment. (2) The same act, if committed by a legal person, is punishable by a pecuniary punishment. [RT I, 23.12.2014, 14 - entry into force 01.01.2015] § 2353. Anti-state influencing of officials [RT I, 12.07.2014, 1 - entry into force 01.01.2015] (1) Systematic influencing of officials to non-performance of their duties with the aim of damaging the independence and sovereignty or territorial integrity of the Republic of Estonia is punishable by a pecuniary punishment or up to three years' imprisonment. (2) The same act, if committed by a legal person, is punishable by a pecuniary punishment. [RT I, 12.07.2014, 1 - entry into force 01.01.2015] § 236. Incitement to commit criminal offence against Republic of Estonia (1) Public incitement to the commission of a criminal offence provided for in this Division is punishable by a pecuniary punishment or up to three years' imprisonment. (2) The same act, if committed by a legal person, is punishable by a pecuniary punishment. [RT I, 23.12.2014, 14 - entry into force 01.01.2015] § 237. Acts of terrorism [RT I 2007, 13, 69 - entry into force 15.03.2007] (1) Commission of a criminal offence against international security, against the person or the environment while posing a threat to life or health, against foreign states or international organisations, or of a criminal offence dangerous to the public, or manufacture, distribution or use of prohibited weapons, illegal seizure, damaging or destruction of property to a significant extent, or interference with computer data or hindrance of functioning of computer systems as well as threatening with commission of such acts, if committed with the purpose of forcing the state or an international organisation to perform an act or omission, or seriously interfering with or destroying the political, constitutional, economic or social structure of the state, or seriously interfering with or destroying the operation of an international organisation, or seriously terrorising the population, is punishable by five to twenty years' imprisonment or life imprisonment. [RT I 2009, 19, 114 - entry into force 06.04.2009] (2) The same act, if committed by a legal entity, is punishable by a pecuniary punishment. [RT I, 12.07.2014, 1 - entry into force 01.01.2015] (3) For the criminal offence provided for in this section, the court may impose extended</p>
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+	Finland	Yes	<p><b>1. No.</b> Regarding entry, Finland has no other possibilities to prevent persons entry to Finland (if she or he has all required travelling documents) than national or Schengen entry ban or other international warrant of apprehension for example European Arrest Warrant. Aliens Act Section 150 Imposing and withdrawing entry bans (1214/2013) (1) In a decision on refusal of entry in accordance with the Schengen Borders Code, refusal of entry referred to in section 142(2) or deportation, an entry ban may be imposed on an alien. Unless otherwise provided in section 146, an entry ban is imposed if no time limit has been set for voluntary return under section 147a(2), or if the alien has not left the country voluntarily within the fixed time limit. An entry ban is not imposed on an alien who has been issued with a residence permit under section 52a and who has not been issued with a new residence permit or whose residence permit has been withdrawn, unless he or she has refused compliance with the</p>

			<p>obligation to return or he or she is a danger to public order or security. An entry ban may be imposed in a separate decision if the alien has not left the country voluntarily within the fixed time limit. (2) An entry ban is imposed for a fixed term of no more than five years or until further notice. An entry ban may be imposed until further notice on an alien who has been sentenced to punishment for a serious or professional offence if he or she is a danger to public order or security. (3) An entry ban is restricted to Finland if the alien has a residence permit in another Schengen State, and the permit is not withdrawn. Because of the implementation of other international instruments the Finnish legislation is mainly in line with the Directive. However, the working group proposed a number of amendments to the Criminal Code provisions. One of them is to widen the scope of travelling abroad for the purpose of committing a terrorist offence so that restrictions regarding the traveler and the destination would be removed. After that the provision in question would cover all travels to other countries, including returnees and other persons travelling to Finland. The provision regarding receiving of training for the commission of a terrorist offence would be amended so that it will also cover self-study. Directing of a terrorist group would be punishable even in cases where an offence made with terrorist intent has not been committed yet but where the purpose of the group is to commit such offence. The working group also proposed a new Criminal Code provision regarding facilitation of travelling abroad for the purpose of committing a terrorist offence. Financing of such offence would be financing of terrorism. (4) An entry ban may be withdrawn on the basis of a change in circumstances or for important personal reasons. Consideration shall also be given to withdrawal of an entry ban when an alien on whom the entry ban has been imposed on grounds other than there being no time allocated for voluntary return or that an obligation to return has not been complied with, can verifiably prove that he or she has left the country in full compliance with the return decision. Regarding residence and stay According to section 149, subsection 1 of the Aliens Act (301/2004) an alien who has resided in Finland under a residence permit may be deported e.g. if he or she has been engaged, or on the basis of his or her previous activities and for other reasons there are grounds to suspect that he or she may engage in activities that endanger Finland's national security or relations with a foreign State. According to subsection 4 of the same section, also a refugee may be deported on the above ground. Subsection 4 however also stipulates that a refugee may not be deported to his or her home country or country of permanent residence against which he or she still needs international protection. A refugee may only be deported to a State which agrees to admit him or her. According to section 152, subsection 4 of the Aliens Act, the Finnish Immigration Service decides on deportation upon proposal by the District Police or border control authorities or on its own</p>
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initiative. According to section 168, subsection 1 of the Aliens Act, EU citizens whose right of residence has been registered, or their family members who have been issued with a residence card, may be deported if they are considered a danger to public order or security. According to subsection 2 of the same section, EU citizens who have been granted a right of permanent residence, or their family members who have been granted a permanent residence card, may only be deported on serious grounds of public order or security. According to subsection 3 of the same section, EU citizens who have resided in the country legally for the previous ten years may only be deported on imperative grounds of public security. According to section 171, subsection 4, the Finnish Immigration Service decides on deportation of EU citizens upon proposal by the District Police or border control authorities or on its own initiative. According to section 200, subsection 1 of the Aliens Act, a decision on deportation may not be enforced until a final decision [in case of appeal, by an administrative court] has been issued on the matter. Applying for leave to appeal from the Supreme Administrative Court does not prevent the enforcement of a decision unless otherwise ordered by the Supreme Administrative Court.

**2.** Please see Q.1. above.

**3.** Yes. Criminal Code of Finland, chapter 12: Section 5 Espionage (1) A person who for the purpose of favouring a foreign state or damaging Finland procures information on a matter concerning the Finnish defence or other preparation for emergencies, Finland's foreign relations, State finances, foreign trade or power supplies or another comparable matter involving Finnish national security, and the disclosure of the information to a foreign state can cause damage to the Finnish defence, national security, foreign relations or economy, shall be sentenced for espionage to imprisonment for at least one and at most ten years. (2) Also a person who for the purpose of favouring another state or damaging Finland relays, delivers or discloses to another or publishes information referred to in subsection 1 shall be sentenced for espionage. (3) An attempt is punishable. (4) A person serving in the armed forces of the enemy may be sentenced for espionage only if he or she, concealing that service, stays in Finland or in the theatre of operations of the Finnish armed forces. Said person shall not be sentenced for acts of espionage other than that in which he or she was caught. Section 6 Aggravated espionage (1) If the espionage (1) is committed during a state of emergency, (2) relates to a matter which is especially important to the Finnish defence, national security, foreign relations or economy, or (3) is conducive to causing especially serious damage, as referred to in section 5 and the espionage is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated espionage to imprisonment for at

			<p>least four years or for life. (2) An attempt is punishable. Section 9 Unlawful intelligence operations (1) A person who for the purpose of damaging a foreign state or favouring another foreign state procures information on the defence or national security of a foreign state or on matters immediately relevant to the same and in this manner causes damage or danger to Finland's foreign relations shall be sentenced for unlawful intelligence operations to imprisonment for at least four months and at most six years. (2) An attempt is punishable Section 11 Treasonable conspiracy A person who for the purpose of committing an offence referred to above in this Chapter conspires with a foreign state or a representative thereof shall be sentenced for treasonable conspiracy to a fine or to imprisonment for at most two years. Criminal code of Finland, chapter 34a: Section 1 Offences made with terrorist intent (1) A person who, with terrorist intent and in a manner that is conducive to causing serious harm to a State or an international organization (1) makes an unlawful threat, a false report of a danger, the aggravated invasion of public premises referred to in Chapter24, section 4, subsection 2, or the nuclear energy use offence referred to in Chapter 44, section 10, shall be sentenced to imprisonment for at least four months and at most three years, (2) intentionally commits the offence of imperilment, an intentional explosives offence, a violation of the provisions on dangerous objects, or the public incitement to an offence referred to in Chapter17, section 1, shall be sentenced to imprisonment for at least four months and at most four years, (3) commits an aggravated theft or an aggravated theft for temporary use directed against a motor vehicle suitable for public transport or the transport of goods, sabotage, traffic sabotage, endangerment of health, aggravated damage to property, aggravated firearms offence or a defence supplies export offence shall be sentenced to imprisonment for at least four months and at most six years, (4) violates a ban on chemical weapons, violates a ban on biological weapons or engages in intentional aggravated pollution of the environment committed in the manner referred to in Chapter48, section 1, subsection 1(1) shall be sentenced to imprisonment for at least four months and at most eight years, (5) commits aggravated assault, aggravated trafficking in human beings, the taking of a hostage, aggravated sabotage, aggravated endangerment of health, a nuclear weapon offence or hijacking shall be sentenced to imprisonment for at least two and at most twelve years, (6) commits the offence of killing shall be sentenced to imprisonment for at least four and at most twelve years, or (7) commits homicide shall be sentenced to imprisonment for at least eight years or for life. (2) A person who commits murder with terrorist intent shall be sentenced to life imprisonment. (3) An attempt is punishable. Section 2 Preparation of an offence to be committed with terrorist intent A person who, in order to commit an offence referred to in section 1, subsection 1(2)-(7)</p>
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		<p>or subsection 2, (1) agrees with another person or prepares a plan to commit such an offence, (2) prepares, keeps in his or her possession, acquires, transports, uses or gives to another an explosive, a chemical or biological weapon or a toxin weapon, a firearm or a dangerous object or substance, or (3) acquires equipment or materials for the preparation or a nuclear explosive, a chemical or biological weapon or a toxin weapon or acquires formulas or diagrams for their production, shall be sentenced for preparation of an offence to be committed with terrorist intent to a fine or to imprisonment for at most three years. Section 3 Directing of a terrorist group (1) A person who directs a terrorist group, the activity of which has involved the commission of an offence referred to in section 1, subsection 1(2)-(7) or section 1, subsection 2 or a punishable attempt at such an offence or the offence referred to in section 2 shall be sentenced for directing of a terrorist group to imprisonment for at least two and at most twelve years. (2) A person who directs a terrorist group in the activity of which only the offence referred to in section 1, subsection 1(1) has been committed shall be sentenced to imprisonment for at least four months and at most six years. (3) A person who is sentenced for directing of a terrorist group shall also be sentenced for an offence referred to in section 1 or the punishable attempt of such an offence or an offence referred to in section 2 that he or she has committed or that has been committed in the activity of a terrorist group under his or her direction. Section 4 Promotion of the activity of a terrorist group (1) A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in sections 1 or 2 of a terrorist group (1) supplies or seeks to supply a terrorist group with explosives, weapons, ammunition or substances or equipment intended for the preparation of these or with other dangerous objects or material, (2) obtains or seeks to obtain or gives to a terrorist group premises or other facilities that it needs or means of transport or other implements that are especially important from the point of view of the activity of the group, (3) obtains or seeks to obtain information which, if transmitted to a terrorist group, would be conducive towards causing serious harm to the State or an international organisation, or transmits, gives or discloses such information to a terrorist group, (4) manages important financial matters of a terrorist group or gives financial or legal advice that is very important from the point of view of such a group, or (5) commits an offence referred to in Chapter 32, section 6 or 7, shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, for promotion of the activity of a terrorist group to imprisonment for at least four months and at most eight years. (2) What is provided above in subsection 1, paragraph [4] regarding legal advice does not apply to the performance of the functions of a legal counsel or attorney</p>
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		<p>in connection with the criminal investigation of an offence, court proceedings or the enforcement of a sentence. Section 4(a) Provision of training for the commission of a terrorist offence A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in section 1 or 2, arranges, attempts to arrange or provides training in the preparation or use of explosives, firearms or other arms or poisonous or other noxious substances or in another corresponding manner arranges, attempts to arrange or provides training, shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, for provision of training for the commission of a terrorist offence to imprisonment for at least four months and at most eight years. Section 4(b) Training for the commission of a terrorist offence A person who in order to commit an offence referred to in section 1, subsection 1, paragraphs 2–7 or subsection 2, receives training in the manner referred to in subsection 4(a) in the preparation or use of explosives, firearms or other arms or poisonous or noxious substances, or in the use of other special methods or techniques that have a significance comparable to these, shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2, for training for the commission of a terrorist offence to a fine or to imprisonment for at most three years. Section 4(c) Recruitment for the commission of a terrorist offence A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in section 1 or 2, establishes or organizes a terrorist group or recruits or attempts to recruit persons into a terrorist group or otherwise commit the terrorist offences referred to in said sections, shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, for recruitment for the commission of a terrorist offence to imprisonment for at least four months and at most eight years. Section 5 Financing of terrorism (1) A person who directly or indirectly provides or collects funds in order to finance, or aware that these shall finance (1) the taking of a hostage or hijacking, (2) sabotage, aggravated sabotage or preparation of an offence of general endangerment that is to be deemed an offence referred to in the International Convention for the Suppression of Terrorist Bombing (Treaty Series 60/2002), (3) sabotage, traffic sabotage, aggravated sabotage or the preparation of an offence of general endangerment that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Treaty Series 56/1973), the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Treaty Series 43/1998), the Convention for the Suppression of Unlawful Act Against the Safety of Maritime Navigation (Treaty Series 11/1999) or the Protocol for</p>
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			<p>the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Treaty Series 44/2000), (4) a nuclear explosives offence, endangerment of health, aggravated endangerment of health, a nuclear energy use offence or other criminalised offence directed at a nuclear material or committed through the use of nuclear material, that is to be deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Treaty Series 72/1989), or (5) murder, homicide, killing, aggravated assault, deprivation of liberty, aggravated deprivation of liberty, aggravated trafficking in persons, taking of a hostage or aggravated disturbance of public peace or the threat of such an offence, when the act is directed against a person who is referred to in the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (Treaty Series 63/1978), (1161/2005) shall be sentenced for the financing of terrorism to imprisonment for at least four months and at most eight years. (2) Also a person who directly or indirectly provides or collects funds in order to finance or aware that they are used to finance the offences referred to in sections 1–4 or sections 4(a)–4(c) shall be sentenced for the financing of terrorism. (3) An attempt is punishable. (4) What is provided in the foregoing in this section does not apply if the offence is punishable as an offence referred to in subsection 1, paragraphs (1) through (5) or an attempt of such an offence or complicity in such an offence or in accordance with sections 1, 2 or 4(c), or a more severe sentence is provided elsewhere in law for it. Section 5(a) Financing of a terrorist group (1) A person who directly or indirectly gives or collects funds for a terrorist group referred to in section 6, subsection 2 aware of the nature of the group as a terrorist group shall be sentenced for financing of a terrorist group to a fine or to imprisonment for at most three years. (2) An attempt is punishable. (3) What is provided in the foregoing in this section does not apply if the act is punishable in accordance with section 5 or Chapter 46, sections 1 –3 or an equally severe or a more severe sentence is provided elsewhere in law for it. Section 6 Definitions (1) An offender has a terrorist intent if it is his or her intent to: (1) cause serious fear among the population, (2) unlawfully force the government of a state or another authority or an international organisation to perform, allow or abstain from performing any act, (3) unlawfully overturn or amend the constitution of a state or seriously destabilise the legal order of a state or cause particularly harm to the state economy or the fundamental social structures of the state, or (4) cause particularly extensive harm to the finances or other fundamental structures of an international organisation. (2) A terrorist group refers to a structured group of a least three persons established over a period of time and acting in concert in order to commit offences referred to in section 1. (3) An international organization refers to an intergovernmental</p>
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	France	No	
	Hungary	Yes	<p><b>1.</b> Yes Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals According to HU legal norms decision on ban on entry and stay and expulsion can be issued for TCN by alien policing authority based on the proposal of the National Police, Constitution Protection Office or Counter Terrorism Centre in case of TCN represents a threat to national security, public security or public policy.</p> <p><b>2.</b> Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals Section 43. (1) The alien policing authority shall issue self-imposed ban on entry and stay of a third-country national whose whereabouts are unknown or who resides outside the territory of the Republic of Hungary: c) whose entry and stay represents a threat to national security, public security or public policy; (2) The alien policing authority shall order expulsion against a third country national: d) whose entry and stay represents a threat to national security, public security or public policy; According to the Section 114. paragraph (4) point a) of the 114/2007. Government Decree the ban on entry and stay can be proposed by National Police, Constitution Protection Office and Counter Terrorism Centre. According to the Section 114. paragraph (4b) of the 114/2007. Government Decree the decision on expulsion can be proposed by investigation authorities, Constitution Protection Office and Counter Terrorism Centre.</p> <p><b>3.</b> Yes Act C of 2012 on the Criminal Code Espionage Section 261 (1) Any person who engages in gathering intelligence for a foreign power or foreign organization against Hungary is guilty of a felony punishable by imprisonment between two to eight years. (2) Any person who commits the espionage defined in Subsection (1) by disclosing top secrets shall be punishable by imprisonment between five to fifteen years. (3) Any person who engages in preparations for espionage activities is punishable by imprisonment between one to five years. (4) Any person who - before having performed any further act of espionage - reports his engagement or undertaking to the authorities or to the competent State agency</p>

and fully discloses his foreign contact shall not be prosecuted for offering or undertaking to participate in intelligence gathering operations. CHAPTER XXX OFFENSES AGAINST PUBLIC SECURITY Acts of Terrorism Section 314 (1) Any person who commits a violent crime against the persons referred to in Subsection (4) or commits a criminal offense that endangers the public or involves the use of arms in order to: a) coerce a government agency, another State or an international body into doing, not doing or countenancing something; b) intimidate the general public; c) conspire to change or disrupt the constitutional, economic or social order of another State, or to disrupt the operation of an international organization; is guilty of a felony punishable by imprisonment between ten to twenty years or life imprisonment. (2) Any person who seizes considerable assets or property for the purpose defined in Paragraph a) and makes demands to government agencies or international organizations in exchange for refraining from harming or injuring said assets and property or for returning them shall be punishable according to Subsection (1). (3) The punishment of any person who: a) abandons the commission of the terrorist act defined under Subsection (1) or (2) before any grave consequences have resulted therefrom; and b) confesses his conduct to the authorities; in such a manner as to cooperate with the authorities to prevent or mitigate the consequences of such criminal act, apprehend other coactors, and prevent other criminal acts may be reduced without limitation. (4) For the purposes of this Section, violent crime against the person, or criminal offense that endangers the public or involves the use of arms shall include: a) homicide [Subsections (1)-(2) of Section 160], battery [Subsections (2)-(6) and (8) of Section 164], professional misconduct with intent [Subsection (3) of Section 165]; b) kidnapping [Subsections (1)-(4) of Section 190], violation of personal freedom (Section 194); c) offenses against transport security [Subsections (1)-(2) of Section 232], endangerment of railway, air or water transport systems [Subsections (1)-(2) of Section 233]; d) misappropriation of radioactive materials [Subsections (1)-(2) of Section 250]; e) assault on a public official [Subsections (1)-(5) of Section 310], assault on a person entrusted with public functions (Section 311), assault on a person aiding a public official or a person entrusted with public functions (Section 312), assault on a person under international protection [Subsection (1) of Section 313]; f) unlawful seizure of a vehicle [Subsections (1)-(2) of Section 320], public endangerment [Subsections (1)-(3) of Section 322], interference with works of public concern [Subsections (1)-(3) of Section 323], criminal offenses with explosives or blasting agents [Subsections (1)-(2) of Section 324], criminal offenses with firearms and ammunition [Subsections (1)-(3) of Section 325]; g) criminal offenses with weapons prohibited by international convention [Subsections (1)-(5) of Section 326], criminal offenses with military items and

			<p>services [Subsections (1)-(3) of Section 329], criminal offenses with dual-use items [Subsections (1)-(2) of Section 330]; h) robbery [Subsections (1)-(4) of Section 365] and vandalism [Subsections (1)-(6) of Section 371]; i) breach of information system or data [Subsections (1)-(3) of Section 423].</p> <p>Section 315 (1) Any person who instigates, suggests, offers, joins or collaborates in the commission of any of the criminal acts defined in Subsection (1) or (2) of Section 314 or any person who is involved in aiding and abetting such criminal conduct by providing any of the means intended for use in such activities is guilty of a felony punishable by imprisonment between two to eight years. (2) Any person who is engaged in the conduct referred to in Subsection (1) or in the commission of any of the criminal acts defined in Subsection (1) or (2) of Section 314 in a terrorist group, is punishable by imprisonment between five to ten years. (3) The perpetrator of a criminal act defined in Subsection (1) or (2) shall not be prosecuted if he confesses the act to the authorities first hand and unveils the circumstances of the criminal act.</p> <p>Section 316 Any person threatening to commit a terrorist act is guilty of a felony punishable by imprisonment between two to eight years.</p> <p>Failure to Report a Terrorist Act Section 317 Any person who has positive knowledge concerning plans for a terrorist act and fails to promptly report that to the authorities is guilty of a felony punishable by imprisonment not exceeding three years.</p> <p>Terrorist Financing Section 318 (1) Any person who provides or collects funds with the intention that they should be used in order to carry out an act of terrorism, or who provides material assistance to a person who is making preparations to commit a terrorist act or to a third party on his behest is guilty of a felony punishable by imprisonment between two to eight years. (2) Any person who commits the criminal offense referred to in Subsection (1) in order to carry out an act of terrorism in a terrorist group, or on behalf of any member of a terrorist group, or supports the activities of the terrorist group in any other form is punishable by imprisonment between five to ten years. (3) For the purposes of this Section ‘material assistance’ shall mean the assets specified in Point 1 of Article 1 of Council Regulation (EC) No. 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, including legal documents and instruments in any form.</p> <p>Interpretative Provision Section 319 For the purposes of Sections 315 and 318 ‘terrorist group’ shall mean a group consisting of three or more persons operating in accord for an extended period of time whose aim is to commit acts of terrorism.</p> <p>Unlawful Seizure of a Vehicle Section 320 (1) Any person who seizes control of an aircraft, any means of public transportation or any means of freight transport by force or threat of force, or by way of disabling another person by rendering him unconscious or incapable of self-defense is guilty of a felony punishable by</p>
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		<p>imprisonment between five to ten years. (2) The penalty shall be imprisonment between ten to twenty years or life imprisonment, if the criminal offense results in death. (3) Any person who engages in preparations for the unlawful seizure of a vehicle is punishable by imprisonment between two to eight years. (4) The punishment of a person who abandons commission of the criminal act before grave consequences have resulted therefrom may be reduced without limitation. Participation in a Criminal Organization Section 321 (1) Any person who instigates, suggests or offers, or joins or collaborates to engage in criminal activities in the framework of a criminal organization, or who provides the means intended to be used for such activities, or supports the activities of the criminal organization in any other manner is guilty of felony punishable by imprisonment between one to five years. (2) Any person who confesses the criminal act to the authorities first hand and unveils the circumstances of commission shall not be prosecuted on the grounds of participation in a criminal organization. Public Endangerment Section 322 (1) Any person who causes collective danger by bringing about the destructive force of any substance or energy source, or obstructs the prevention of public danger or the ensuing efforts to clean up damages, is guilty of a felony punishable by imprisonment between two to eight years. (2) The penalty shall be imprisonment between five to ten years if the criminal act is committed: a) in a gang; b) results in particularly considerable or greater damage; or c) in criminal association with accomplices. (3) The penalty shall be imprisonment between five to twenty years or life imprisonment if the criminal offense results in death. (4) Any person who engages in preparations for public endangerment is punishable by imprisonment not exceeding three years. (5) A person who causes public danger by way negligence is guilty of misdemeanor punishable by imprisonment not exceeding three years, or, if such offense causes particularly considerable or greater damage, between one to five years, or, if such offense results in death, between two to eight years. (6) The punishment of any person who voluntarily eliminates the public danger before any damage have resulted therefrom may be reduced without limitation. Interference with Works of Public Concern Section 323 (1) Any person who interferes with the functioning of public works to a considerable extent is guilty of a felony punishable by imprisonment between one to five years. (2) The penalty shall be imprisonment between two to eight years if the act of crime: a) is committed in a gang; b) is committed with accomplices; or c) results in particularly considerable damage. (3) The penalty shall be imprisonment between five to ten years if the criminal act: a) is committed by displaying a deadly weapon; b) is committed by carrying a deadly weapon; or c) results in particularly considerable damage. (4) Any person who engages in preparations for interference with the functioning of public works is guilty of misdemeanor punishable</p>
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			<p>by imprisonment not exceeding two years. (5) Any person who commits the criminal offense by way of negligence shall be punishable for a misdemeanor offense by imprisonment not exceeding three years, or, if it causes particularly considerable or greater damage, by imprisonment between one to five years. Criminal Offenses with Explosives or Blasting Agents Section 324 (1) Any person who: a) prepares, obtains, possesses or places on the market, or transfers to a person who is not entitled to possess explosives or blasting agents, or equipment for the use of such, without authorization, b) imports or exports, or transports in transit through the territory of Hungary explosives or blasting agents, or equipment for the use of such, without authorization, or by exceeding the scope of the authorization, is guilty of a felony punishable by imprisonment between two to eight years. (2) The penalty shall be imprisonment between five to ten years if the criminal act is committed on a commercial scale or with accomplices. (3) Any person who engages in preparations for criminal offenses with explosives or blasting agents is punishable by imprisonment not exceeding three years. Criminal Offenses with Firearms and Ammunition Section 325 (1) Any person who: a) obtains or possesses a firearm without authorization; b) makes or places on the market firearms without authorization; c) imports or exports, or transports in transit through the territory of Hungary firearms without authorization, or by exceeding the scope of the authorization; d) exceeds the scope of the authorization relating to the making, obtaining, possession of or trade in, firearms; e) transfers his licensed firearm to a person who has no license; is guilty of a felony punishable by imprisonment between two to eight years. (2) Any person who: a) obtains or possesses ammunition for his sidearm, hunting gun or sporting gun in excess of limited quantities or for other firearms, without proper authorization; b) makes or places on the market ammunition without authorization; c) imports or exports, or transports in transit through the territory of Hungary ammunition without authorization, or by exceeding the scope of the authorization; d) exceeds the scope of the authorization relating to the making, obtaining, possession of or trade in, ammunition; e) transfers ammunition kept for his licensed sidearm, hunting gun or sporting gun in excess of limited quantities or for other firearms, to a person with no license; shall be punishable in accordance with Subsection (1). (3) The penalty shall be imprisonment between five to ten years if the criminal act is committed on a commercial scale or with accomplices. (4) Any person who - without notification - imports or exports, or transports in transit through the territory of Hungary his licensed sidearm, hunting gun or sporting gun, or the ammunition kept for such sidearm, hunting gun or sporting gun is guilty of misdemeanor punishable by imprisonment not exceeding two years. (5) Any person who engages in preparations for the criminal acts referred to in Subsections (1)-(3) is punishable by</p>
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			<p>imprisonment not exceeding three years. (6) In the application of this Section limited quantity shall mean not more than ten pieces of ammunition.</p> <p><b>4. No</b></p>
	Italy	Yes	<p><b>1.</b> The following articles concern the issue in Italy: - Art.10, paragraph 1, Legislative decree n. 286/98 (Immigration Law – Testo Unico T.U.) - Art.13, paragraph 1, Legislative decree n. 286/98 (Immigration Law – T.U.) - Art.13, paragraph 2, Legislative decree n. 286/98 (Immigration Law – T.U.), - Art.15, paragraph 1, Legislative decree n. 286/98 (Immigration Law – T.U.) - Art.3, paragraph 1, Law Decree n. 144/2005, converted into Law. n. 155/2005. - Art.20, Legislative Decree 30/2007 - Penal Law, artt. 235, 312</p> <p><b>2.</b> The law provides for two different types of obligation to return of non-national: a) refusal of entry at the border and b) expulsion. Both obligations entail specific provisions for the security of the State. a. Refusal of entry - According to art.10, paragraph 1, Legislative decree n. 286/98 (T.U.) “The border police refuses the entry of foreigners who do not fulfil all entry conditions laid down in the T.U. for entering the territory of the State”. - The entry conditions are laid down in art.4 T.U. which contains specific provisions related to the security of the State: <input type="checkbox"/> According to art. 10, paragraph 1, Legislative decree n. 286/98 (T.U.) a foreigner that does not satisfy such conditions is not admitted, nor if he/she is considered a threat to public order or the security of the State or one of the countries with whom Italy has signed agreements for the elimination of controls at internal borders and free circulation of persons”.</p> <p>paragraph 6, T.U. states that “expelled foreigners cannot enter the territory of the state and/or are rejected at the border, unless they have obtained the special authorization or if the period of prohibition of entry has passed; foreigners that must be expelled and those reported, also on the basis of agreements or international conventions in force in Italy, for rejection or non-admission for serious reasons of public order, national security and protection of international relations”. - Art. 10, paragraph 4, T.U. states that “The provisions of paragraph 1 of article 10 and paragraphs 3 and 6 of article 4 do not apply in the cases provided for by the current provisions governing political asylum, the recognition of refugee status or the adoption of temporary protection for humanitarian reasons”. - Art.19, paragraph 1, T.U. (no-refoulement) states that “In no case may the foreigner be sent to a State in which he/she may be subjected to persecution for reasons of race, sex, language, citizenship, religion, political opinions,</p>

			<p>personal or social conditions, or may be sent back to another State where he/she may be not protected from persecution”. b. Expulsion b.1. Administrative Expulsion - According to art.13, paragraph 1, T.U. “For reasons of public order or security of the State, the Minister of the Interior may order the expulsion of the foreigner also not resident in the territory of the State, giving prior notice to the President of the Council of Ministers and to the Minister of Foreign Affairs”. The provision must be adequately motivated so as to specify the danger of expelled in terms of security of the State. This is the case, for example, of subjects involved in espionage or terrorism. - According to art. 13, paragraph 2, letter c), T.U. “Expulsion is ordered by the prefect, on a case by case basis, when the foreigner (...) c) belongs to some of the categories indicated in articles 1, 4 and 16 of the legislative decree n.159/2011”. Art.4, paragraph 1, letter d), Legislative decree n.159/2011, is referred to “those who, operating in groups or in isolation, put in place preparatory acts, objectively relevant, directed at undermining the rule of law (...) as well as to the commission of crimes with the purpose of terrorism including international terrorism”. The Law decree n. 7/2015, converted into Law n. 43/2015 amended Art.4, paragraph 1, letter d), Legislative decree n. 159/2011, adding after the words “as well as to the commission of crimes with the purpose of terrorism including international terrorism” the following: “or to take part in a conflict in foreign territories in support of an organization that pursues terrorist purposes referred to in article 270-sexies of the penal code”. - According to art. 3, paragraph 1, Law decree n.144/2005 converted into Law n.155/2005 “In addition to the provisions of articles 9, paragraph 5, and 13, paragraph 1, of the legislative decree n. 286 of 1998 the Minister of the Interior or, upon his delegation, the Prefect may order the expulsion of the foreigner belonging to one of the categories referred to in Article 18 of the Law of 22 May 1975, n. 152, or for which there are reasonable grounds to believe that his stay in the territory of the State can in any way facilitate terrorist organizations or activities, including international ones”. Administrative expulsions for public order or security of State are always performed by the police which accompanies at the borders through public force (Art. 13, paragraph 4, letter. a) T.U.), entails reporting at S.I.S. (Schengen Information System) and are always accompanied by a re-entry ban (Art. 13, paragraph 14, T.U.). As for refusal of entry at the border, administrative expulsions are subject to the obligation of no-refoulement (art.19, paragraph 1, T.U.). b.2 Judicial expulsion as a security measure Expulsions ordered by the judicial authority either before or after conviction include expulsions as a security measure, expulsions as substitutive or alternative to detention. These may concern foreign citizens involved in terrorist offenses. Main source of reference are the Penal Law and the Immigration Law-T.U. According to art 235, paragraph 1, Penal law “The</p>
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			<p>judge orders the expulsion of the foreigner or the removal from the territory of the State of the citizen belonging to a Member State of the European Union, as well as in cases expressly provided for by law, when the foreigner or the citizen belonging to a Member State of the European Union is sentenced to imprisonment for more than two years”. According to art. 312, paragraph 1, Penal Law “The judge orders the expulsion of the foreigner or the removal from the territory of the State of the citizen belonging to a Member State of the European Union, as well as in cases expressly provided for by law, when the foreigner or the citizen belonging to a Member State of the European Union is sentenced to imprisonment for some of the crimes foreseen by this title (Crime against the personality of the State)”. According to art.15, paragraph 1, T.U. “Outside the cases provided for by the Penal Code, the judge can order the expulsion of the foreigner who is convicted of some crimes provided for by articles 380 and 381 of the criminal procedural code, provided that he/she is socially dangerous”. Finally, the law also provides for the possibility of expelling EU citizens. According to art.20, paragraph 1, Legislative decree n. 30/2007, as modified by the Legislative decree n. 32/2008 “Except as provided in Article 21, the right of entry and residence of citizens of the Union or their family members, regardless of their nationality, may be limited by special provision only for: reasons of state security; imperative reasons of public security; other reasons of public order or public security”. The removal order for reasons of State security is adopted by decree by the Minister of Interior and concerns cases in which the stability of the institutions is threatened, for example in cases of espionage or in those where there are grounds to believe that a person's stay in Italy can in any way facilitate organizations or terrorist activities. The removal order for imperative reasons of public security is instead adopted by decree by the competent prefect in light of the residence or domicile of the EU citizen to be repatriated in the case of behaviors that are able to represent a real, effective and sufficiently serious threat to the fundamental rights of the person or to public safety.</p> <p><b>3.</b> Yes, in the measure mentioned above (provisions quoted as Penal Law)</p> <p><b>4.</b> N/A since they are evaluations that belong to the new minister and the new government</p>
	Lithuania	Yes	<p><b>1.</b> There are no special provisions. It is regulated by the Law of the Republic of Lithuania On the Legal Status of Aliens. (The following is non-official translation of the articles) -An alien shall be expelled from the Republic of Lithuania must be carried out if his/her presence in the Republic of Lithuania</p>

			<p>represents a threat to the state security or public order (Article 126 (1), p. 3). -The decision on the expulsion of an alien from the Republic of Lithuania must be carried out immediately if there are no circumstances that may lead to suspension of the decision regarding the expulsion of an alien from the Republic of Lithuania (Article 127 (2)). -The decision on the expulsion of an alien from the Republic of Lithuania shall be suspended (after the relevant administrative court has passed an order regarding the requirement to ensure the application of a decision when the expulsion of an alien from the Republic of Lithuania is appealed to the court), except in cases when the alien has to be expelled because of the threat to the national security or public policy, and a citizen of a Member State of the European Union, a member of his family or another person who, in accordance with European Union law, exercises the right to free movement of persons, poses a very serious threat to state security (Article 128 (2), p. 1).</p> <p><b>2.</b> The Law of the Republic of Lithuania On the Legal Status of Aliens <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/57df8b40839211e5bca4ce385a9b7048?jfwid=sujold1k5">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/57df8b40839211e5bca4ce385a9b7048?jfwid=sujold1k5</a> Translation date 1 September 2015 (e.g. Article 128 (2) p. 1, entered into force on 1 December 2015 (Act No. XII-2080), therefore not all translations to English are up to date.</p> <p><b>3.</b> The Criminal Code of the Republic of Lithuania. Espionage - Article 119, other articles of section XVI of the Criminal Code "Crimes against the Independence, Territorial Integrity and Constitutional Order"; Section XXXV "Crimes against Public Security" of the Criminal Code. <a href="https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/04d3aa62d16911e59019a599c5cbd673?jfwid=sujold1s3">https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/04d3aa62d16911e59019a599c5cbd673?jfwid=sujold1s3</a> Criminal Code translation updated on 2016 April 1, therefore not all translations to English are up to date.</p> <p><b>4.</b> No, not currently.</p>
	Luxembourg	Yes	<p><b>1.</b> No. In Luxembourg there is no specific provision that allows the return of third-country nationals with respect to them there is concern that they may be involved in espionage or terrorist activity or who are suspected of committing one of the offenses. However, article 116 of the amended law of 29 August 2008 on free movement of persons and immigration foresees the possibility of expulsion of any foreigner who constitutes a serious threat to public policy or public security, which will comprehend espionage (crimes against the internal security of the State) and/or terrorist activity (terrorism). This decision can be executed without delay.</p>

**2.** Article 116 of the amended law of 29 August 2008 on free movement of persons and immigration (1) An alien may be expelled from the Grand Duchy of Luxembourg if his/her presence there constitutes a serious threat to public policy or public security or if he/she reappears on the territory despite having been prohibited from entering the territory. (2) An expulsion decision taken by the Minister shall be in accordance with the procedure and detailed rules laid down in Article 109(2) and Article 110. It shall carry with it the obligation to leave the territory without delay. (3) An expulsion decision shall carry with it an entry ban to the territory, ordered in accordance with Article 112. (4) A person against whom a decision of the Minister is made as referred to in this Article may submit an application for the lifting of the prohibition of entry after a reasonable time, depending on the circumstances, and in any event after a period representing two thirds of the length of the prohibition of entry, following his/her removal from the territory, by putting forward arguments to establish that there has been a material change in the circumstances which justified the decision banning him/her from entering the territory. That period shall be reduced to three years for persons referred to in Chapter 2 of this Law. (5) The provisions of Articles 113 and 114 shall apply.

**3.** Yes. Espionnage: Articles 116, 117, 118, 118bis, 118ter, 119, 120, 120bis, 120ter, 120quater, 120quiquies, 120sexies, 120septies, 120octies, 121, 121bis, 122, 123, 123bis, 123ter, 123quater, 123quinquies, 123sexies, 123septies, 123octies of the Criminal Code. There is no official translation of the articles in English. Seeing the amount of articles it is difficult to provide an official translation. However, we are including the French version of them. Art. 116. (Arr. g.-d. 14 juillet 1943) Quiconque aura sciemment livré ou communiqué en tout ou en partie, en original ou en reproduction, à une puissance ennemie ou à toute autre personne agissant dans l'intérêt d'une puissance ennemie, des objets, plans, écrits, documents ou renseignements dont le secret vis-à-vis de l'ennemi intéresse la défense du territoire ou la sûreté de l'Etat, sera puni de réclusion à vie. Art. 117. (Arr. g.-d. 14 juillet 1943) Les peines exprimées aux articles 113, 115 et 116 seront les mêmes, soit que les crimes prévus par ces articles aient été commis envers le Grand-Duché de Luxembourg, soit qu'ils l'aient été envers les alliés du Grand-Duché de Luxembourg agissant contre l'ennemi commun. Pour l'application de la présente disposition, est «allié du Grand-Duché de Luxembourg» tout Etat qui, même indépendamment d'un traité d'alliance, poursuit la guerre contre un Etat avec lequel le Grand-Duché de Luxembourg lui-même est en guerre. Art. 118. (Arr. g.-d. 14 juillet 1943) Quiconque aura sciemment livré ou communiqué, en tout ou en partie, en original ou en reproduction, à une puissance étrangère ou à toute personne agissant dans l'intérêt d'une puissance étrangère des objets, plans, écrits, documents ou renseignements dont le

			<p>secret intéresse la défense du territoire ou la sûreté extérieure de l'Etat, sera puni de la réclusion de cinq à dix ans. Si le coupable était investi d'une fonction ou d'un mandat public ou s'il remplissait une mission ou accomplissait un travail à lui confié par le Gouvernement, il sera puni de la réclusion de dix à quinze ans. Art. 118bis. (Arr. g.-d. 14 juillet 1943) Sera puni de la réclusion à vie quiconque aura volontairement participé à la transformation par l'ennemi d'institutions ou d'organisations légales, ébranlé en temps de guerre la fidélité des citoyens envers le Souverain et l'Etat, ou qui aura volontairement servi la politique ou les desseins de l'ennemi. Sera de même puni de la réclusion à vie quiconque aura volontairement dirigé, pratiqué par quelque moyen que ce soit, provoqué, aidé ou favorisé une propagande dirigée contre la résistance à l'ennemi ou à ses alliés ou tendant aux faits énumérés à l'alinéa précédent. Art. 118ter. (L. 30 avril 1946) Sera puni d'un emprisonnement d'un mois à cinq ans celui qui sciemment et sans nécessité aura, soit directement soit par intermédiaire ou en cette qualité, favorisé la politique ou les desseins de l'ennemi par des fournitures ou par des services. Dans des cas particulièrement graves la peine sera celle de la réclusion de cinq à dix ans ou même celle de la réclusion de dix à quinze ans. Pour l'application de la disposition qui précède, les sociétés sont à considérer comme personnes civilement responsables de l'infraction commise par un organe de la société. Art. 119. (Arr. g.-d. 14 juillet 1943) Quiconque aura sciemment livré ou communiqué, en tout ou en partie, en original ou en reproduction, à toute personne non qualifiée pour en prendre livraison ou connaissance, des objets, plans, écrits, documents ou renseignements visés à l'article 118, sera puni d'un emprisonnement de six mois à cinq ans et d'une amende de 251 euros à 125.000 euros. Sera puni des mêmes peines quiconque, sans autorisation de l'autorité compétente, aura reproduit, publié ou divulgué, en tout ou en partie, par un procédé quelconque des objets, plans, écrits, documents et renseignements visés à l'article 118. Art. 120. (Arr. g.-d. 14 juillet 1943) Quiconque, sans qualité pour en prendre livraison ou connaissance, se sera procuré, en tout ou en partie, en original ou en reproduction, des objets, plans, écrits, documents ou renseignements visés à l'article 118 ou les aura reçus volontairement, sera puni d'un emprisonnement d'un mois à cinq ans et d'une amende de 251 euros à 125.000 euros. Art. 120bis. (Arr. g.-d. 14 juillet 1943) Sera puni d'un emprisonnement de six mois à cinq ans et d'une amende de 251 euros à 125.000 euros: 1. Quiconque, sous un déguisement ou en dissimulant son identité, sa profession, sa qualité ou sa nationalité, ou à l'aide d'une manœuvre ayant pour but de tromper les agents préposés à la garde ou de déjouer leur surveillance, se sera introduit soit dans un ouvrage quelconque de défense, un poste, un établissement militaire ou aéronautique, un dépôt, un magasin ou parc militaires, soit dans un atelier, un chantier ou un laboratoire où s'exécutent pour l'Etat</p>
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			<p>des travaux intéressant la défense du territoire; 2. Quiconque, par l'un des moyens prévus à l'alinéa précédent, aura levé un plan, reconnu des voies de communication, des moyens de correspondance ou de transmission à distance ou recueilli des renseignements intéressant la défense du territoire ou la sûreté extérieure de l'Etat; 3. Quiconque en vue de recueillir ou de transmettre des renseignements intéressant la défense du territoire ou la sûreté extérieure de l'Etat et sans avoir qualité à cet effet, aura organisé ou employé un moyen quelconque de correspondance ou de transmission à distance. Art. 120ter. (Arr. g.-d. 14 juillet 1943) Sera puni d'un emprisonnement de huit jours à trois mois et d'une amende de 251 euros à 125.000 euros: 1. Quiconque, sans autorisation de l'autorité militaire ou aéronautique, aura exécuté par un procédé quelconque les levés ou opérations de topographie dans un rayon d'un myriamètre ou dans tout autre rayon qui sera ultérieurement fixé par le Gouvernement, autour d'un ouvrage de défense, d'un poste, d'un établissement militaire, d'un établissement aéronautique autre qu'un aérodrome ou aérogare, d'un dépôt, magasin ou parc militaires, à partir des ouvrages avancés, ou aura pris des photographies d'un de ces lieux, ouvrages ou établissements, édité, exposé, vendu ou distribué des reproductions de ces vues; 2. Quiconque, sans autorisation, aura escaladé ou franchi soit les revêtements ou les talus des fortifications, soit les murs, barrières, grilles, palissades, haies ou autres clôtures, établis sur un terrain militaire ou aura pénétré dans l'un des autres établissements visés par l'article 120bis. Art. 120quater. (Arr. g.-d. 14 juillet 1943) La tentative de l'une des infractions, prévues par les articles 116, 119, 120 à 120ter est considérée comme l'infraction elle-même. Art. 120quinquies. (Arr. g.-d. 14 juillet 1943) Sera puni d'un emprisonnement d'un mois à un an et d'une amende de 251 euros à 125.000 euros, quiconque, contrairement aux règlements aura déplacé ou détenu des objets, plans, écrits, ou documents visés à l'article 118, ou quiconque, par négligence ou inobservation des règlements, aura laissé détruire, soustraire ou enlever même momentanément, tout ou partie de ces objets, plans, écrits ou documents qui lui ont été confiés ou dont il a eu connaissance en raison de ses fonctions, de son état, de sa profession, d'une mission, d'un mandat ou en aura laissé prendre connaissance, copie ou reproduction par un procédé quelconque, en tout ou en partie. Art. 120sexies. (Arr. g.-d. 14 juillet 1943) Si elles ont été commises en temps de guerre: Les infractions prévues par les articles 118, 119, 120 et 120bis seront punies de la réclusion à vie; Les infractions prévues par l'article 120quinquies seront punies d'un emprisonnement de six mois à cinq ans et d'une amende de 251 euros à 125.000 euros. Art. 120septies. (Arr. g.-d. 14 juillet 1943) Sans préjudice de l'application des articles 66 et 67, sera puni d'un emprisonnement de huit jours à six mois et d'une amende de 251 euros à 125.000 euros, quiconque, connaissant les intentions des auteurs d'une</p>
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		<p>infraction prévue par les articles 120 ou 120bis ou de la tentative d'une de ces infractions, leur aura fourni logement, lieu de retraite ou de réunion, aura soit reçu ou transmis leur correspondance, soit recelé les objets ou instruments ayant servi ou devant servir à commettre l'infraction. Art. 120octies. (L. 15 juin 2004) Les peines exprimées aux articles 118, 119, 120 à 120septies seront les mêmes soit que les infractions y prévues aient été commises envers le Grand-Duché de Luxembourg soit qu'elles l'aient été envers un État ou une organisation internationale auxquels le Grand-Duché de Luxembourg est lié en vertu d'un accord en matière de défense commune. Art. 121. (Arr. g.-d. 14 juillet 1943) Quiconque aura recelé ou fait receler des espions ou des soldats ennemis envoyés à la découverte, et qu'il aura connus pour tels, sera puni de la réclusion à vie. Quiconque aura recelé ou fait receler des agents ou des soldats ennemis, valides ou blessés, ou qui leur sera venu en aide pour leur permettre de se soustraire à l'autorité militaire, sera puni d'un emprisonnement de six mois à cinq ans et d'une amende de 251 euros à 125.000 euros. Art. 121bis. (Arr. g.-d. 14 juillet 1943) Sera puni de la réclusion de cinq à dix ans, quiconque aura sciemment, par la dénonciation d'un fait réel ou imaginaire, exposé une personne quelconque aux recherches, poursuites ou rigueurs de l'ennemi. Sera puni de la même peine, quiconque, usant de violence, ruse ou menace, ou de tout autre moyen, aura entraîné ou essayé d'entraîner une personne à l'étranger pour mettre sa vie, sa liberté ou son intégrité corporelle en danger. Il sera puni de la réclusion de dix à quinze ans, s'il est résulté ou de l'entraînement à l'étranger, ou de la dénonciation pour une personne quelconque et sans l'intervention d'une nouvelle dénonciation, une privation de liberté de plus d'un mois. Il sera puni de la réclusion à vie si, en suite de la détention ou des traitements subis, la dénonciation ou l'entraînement à l'étranger ont eu pour conséquence pour une personne quelconque et sans l'intervention d'une nouvelle dénonciation, soit la mort, soit une maladie paraissant incurable, soit une incapacité permanente du travail personnel, soit la perte de l'usage d'un organe, soit une mutilation grave. Art. 122. (Arr. g.-d. 14 juillet 1943; Arr. g.-d. 6 novembre 1944) Lorsque des objets ont été incendiés ou détruits par quelque moyen que ce soit, dans l'intention de favoriser l'ennemi, les peines portées contre ces faits par le Chapitre III du Titre IX seront remplacées: L'emprisonnement par la réclusion de dix à quinze ans; La réclusion de cinq à dix ans par la réclusion de quinze à vingt ans; La réclusion de dix à quinze ans, par la réclusion à vie; La réclusion de quinze ans et plus, par la réclusion à vie. La tentative d'incendie ou de destruction sera considérée comme le crime même. Art. 123. (Arr. g.-d. 14 juillet 1943) Quiconque, par des actions hostiles non approuvées par le Gouvernement, aura exposé l'Etat à des hostilités de la part d'une puissance étrangère, sera puni de la réclusion de cinq à dix ans, et si des hostilités s'en sont suivies, de la réclusion de dix à quinze ans.</p>
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		<p>Art. 123bis. (Arr. g.-d. 14 juillet 1943) Sans préjudice de l'application du Chapitre VII du Livre 1er du présent code, seront punies d'un emprisonnement de huit jours à deux ans et d'une amende de 251 euros à 125.000 euros: 1. L'offre ou la proposition de commettre l'une des infractions prévues par les articles 113 à 120bis, 121 à 123; 2. L'acceptation de cette offre ou de cette proposition. Art. 123ter. (Arr. g.-d. 14 décembre 1944) Les articles 113 à 123 du Code pénal, concernant les crimes et délits contre la sûreté extérieure de l'Etat sont modifiés en ce sens que la peine de la détention est remplacée par la réclusion, la durée de la peine restant la même. Art. 123quater. (Arr. g.-d. 14 juillet 1943) Sans préjudice de l'application de dispositions plus sévères, sera puni des peines prévues par l'article 123bis, le complot de commettre un crime ou un délit contre les personnes ou les propriétés formé dans le dessein d'entraver en temps de guerre, soit la défense du territoire, soit le ravitaillement en vivres, armes ou munitions de la force armée. Si le complot est formé en temps de guerre, il sera puni de la réclusion de cinq à dix ans. Art. 123quinquies. (Arr. g.-d. 7 juillet 1944) La confiscation des choses mobilières et immobilières qui ont servi ou qui ont été destinées à commettre l'infraction sera toujours prononcée, de même que la confiscation des plans, cartes, écrits, documents, copies, levés, photographies, vues, reproductions et toutes autres choses mobilières et immobilières procurées par l'infraction. Lorsque les dites choses n'auront pas été saisies, les juges, pour tenir lieu de leur confiscation, prononceront au profit du Trésor public une condamnation au paiement d'une somme égale à leur valeur. Pour le recouvrement des condamnations prononcées en vertu des dispositions ci-dessus, à défaut de confiscation, le Trésor public a un privilège qui prend rang entre les numéros 1 et 2 de l'article 2101 du Code civil. Art. 123sexies. (Arr. g.-d. 14 décembre 1944) Celui qui aura durant l'occupation ennemie, par des actes librement posés, fait d'une façon continue preuve d'incivisme caractérisé, ayant donné lieu à réprobation générale, sera puni d'un emprisonnement de 3 mois à 3 ans et d'une amende de 251 euros à 125.000 euros. Art. 123septies. (Arr. g.-d. 14 décembre 1944) En cas d'infractions aux dispositions des articles 113 à 123sexies du Code pénal les juges pourront infliger, suivant la gravité des cas, des amendes allant de 251 euros à 125.000 euros. L'amende sera adaptée à la situation de fortune du délinquant en tenant compte des éléments suivants: revenu et capital, profession et gain professionnel, charges de famille, âge et état de santé. Au cas où le bénéfice réalisé par suite de l'infraction dépasse ce maximum, les juges pourront déclarer acquis au trésor la rétribution respectivement le bénéfice effectif, ou la valeur de cette rétribution ou de ce bénéfice lorsque ceux-ci n'ont pas été saisis. Art. 123octies. (Arr. g.-d. 14 décembre 1944) Les articles 113 à 123septies, modifiés et complétés par les arrêtés grand-ducaux des 14 juillet 1943, 7 juillet 1944 et 6 novembre</p>
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		<p>1944, concernant les crimes et délits contre la sûreté extérieure de l'Etat, rétroagissent au 10 mai 1940.</p> <p>Terrorism: Terrorist crimes: 135-1, 135-2, 135-3, 135-4, 135-5, 135-6, 135-7, 135-8 of the Criminal Code. Art. 135-1. (L. 12 août 2003) Constitue un acte de terrorisme tout crime et délit punissable d'un emprisonnement d'un maximum d'au moins trois ans ou d'une peine plus grave qui, par sa nature ou son contexte, peut porter gravement atteinte à un pays, une organisation ou un organisme international et a été commis intentionnellement dans le but de: - gravement intimider une population, - contraindre indûment des pouvoirs publics, une organisation ou un organisme international à accomplir ou à s'abstenir d'accomplir un acte quelconque, ou - gravement déstabiliser ou détruire les structures fondamentales politiques, constitutionnelles, économiques ou sociales d'un pays, d'une organisation ou d'un organisme international. Art. 135-2. (L. 27 octobre 2010) Celui qui a commis un acte de terrorisme prévu à l'article précédent est puni de la réclusion de quinze à vingt ans. Il est puni de la réclusion à vie si cet acte a entraîné la mort d'une ou de plusieurs personnes. Art. 135-3. (L. 26 décembre 2012) (1) Constitue un groupe terroriste, l'association structurée d'au moins deux personnes, établie dans le temps, en vue de commettre de façon concertée un ou plusieurs des actes de terrorisme visés à l'alinéa (2) du présent article. (2) Sont visées à l'alinéa (1) du présent article les infractions prévues: - aux articles 112-1, 135-1, 135-2, 135-5, 135-6, 135-9, 135-11 à 135-16 et 442-1; - aux articles 31 et 31-1 de la loi modifiée du 31 janvier 1948 relative à la réglementation de la navigation aérienne; - à l'article 2 de la loi modifiée du 11 avril 1985 portant approbation de la Convention sur la protection physique des matières nucléaires, ouverte à la signature à Vienne et à New York en date du 3 mars 1980; - à l'article 65-1 de la loi modifiée du 14 avril 1992 instituant un code disciplinaire et pénal pour la marine. Art. 135-4. (L. 12 août 2003) (1) Toute personne qui, volontairement et sciemment, fait activement partie d'un groupe terroriste, est punie d'un emprisonnement d'un à huit ans et d'une amende de 2.500 euros à 12.500 euros, ou d'une de ces peines seulement, même si elle n'a pas l'intention de commettre une infraction dans le cadre de ce groupe ni de s'y associer comme auteur ou complice. (2) Toute personne qui participe à la préparation ou à la réalisation de toute activité licite de ce groupe terroriste, alors qu'elle sait que sa participation contribue aux objectifs de celui-ci, tels qu'ils sont prévus à l'article précédent, est punie d'un emprisonnement d'un à huit ans et d'une amende de 2.500 euros à 12.500 euros, ou d'une de ces peines seulement. (3) Toute personne qui participe à toute prise de décision dans le cadre des activités d'un groupe terroriste, alors qu'elle sait que sa participation contribue aux objectifs de celui-ci, tels qu'ils sont prévus à l'article précédent, est punie de la réclusion de cinq à dix ans et d'une amende de 12.500 euros à 25.000 euros ou d'une de ces peines seulement.</p>
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			<p>(4) Tout dirigeant du groupe terroriste est puni de la réclusion de dix à quinze ans et d'une amende de 25.000 euros à 50.000 euros ou d'une de ces peines seulement. (5) Les comportements visés aux points 1 à 4 du présent article qui se sont produits sur le territoire national sont poursuivis selon le droit luxembourgeois quel que soit le lieu où le groupe terroriste est basé ou exerce ses activités. Art. 135-5. (L. 26 décembre 2012)</p> <p>(1) Constitue un acte de financement du terrorisme le fait de fournir ou de réunir par quelque moyen que ce soit, directement ou indirectement, illicitement et délibérément, des fonds, des valeurs ou des biens de toute nature, dans l'intention de les voir utilisés ou en sachant qu'ils seront utilisés, en tout ou en partie, en vue de commettre ou tenter de commettre une ou plusieurs des infractions visées à l'alinéa (2) du présent article, même s'ils n'ont pas été effectivement utilisés pour commettre ou tenter de commettre une de ces infractions, ou s'ils ne sont pas liés à un ou plusieurs actes terroristes spécifiques. (2) Sont visées à l'alinéa (1) du présent article les infractions prévues: - aux articles 112-1, 135-1 à 135-4, 135-9, 135-11 à 135-16 et 442-1; - aux articles 31 et 31-1 de la loi modifiée du 31 janvier 1948 relative à la réglementation de la navigation aérienne; - à l'article 2 de la loi modifiée du 11 avril 1985 portant approbation de la Convention sur la protection physique des matières nucléaires, ouverte à la signature à Vienne et à New York en date du 3 mars 1980; - à l'article 65-1 de la loi modifiée du 14 avril 1992 instituant un code disciplinaire et pénal pour la marine.</p> <p>(3) Constitue également un acte de financement du terrorisme le fait de fournir ou de réunir par quelque moyen que ce soit, directement ou indirectement, illicitement et délibérément, des fonds, des valeurs ou des biens de toute nature, dans l'intention de les voir utilisés ou en sachant qu'ils seront utilisés, en tout ou en partie, par un terroriste ou par un groupe terroriste, y compris en l'absence de lien avec un ou plusieurs actes terroristes spécifiques, même s'ils n'ont pas été effectivement utilisés par le terroriste ou le groupe terroriste. (4) Sont compris dans le terme «fonds» des biens de toute nature, corporels ou incorporels, mobiliers ou immobiliers, acquis par quelque moyen que ce soit, et des documents ou instruments juridiques sous quelque forme que ce soit, y compris sous forme électronique ou numérique, qui attestent un droit de propriété ou un intérêt sur ces biens et les crédits bancaires, les chèques de voyage, les chèques bancaires, les mandats, les actions, les titres, les obligations, les traites et les lettres de crédit, sans que cette énumération ne soit limitative. Art. 135-6. (L. 26 décembre 2012)</p> <p>(1) Celui qui a commis un acte de financement du terrorisme prévu à l'alinéa (1) de l'article 135-5 est puni des mêmes peines que celles portées aux articles visés à l'alinéa (2) de l'article 135-5, et suivant les distinctions prévues aux mêmes articles. (2) Celui qui a commis un acte de financement du terrorisme prévu à l'alinéa (3) de l'article 135-5 est puni des mêmes peines que celles portées à l'article</p>
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			<p>135-2, et suivant les distinctions y prévues. Art. 135-7. (L. 27 octobre 2010) (L. 26 décembre 2012) Est exempté de peines celui qui, avant toute tentative d'infractions aux articles 112-1, 135-1, 135-2, 135-5, 135-6, 135-9 et 135-11 à 135-16 et avant toutes poursuites commencées, aura révélé à l'autorité l'existence d'actes destinés à préparer la commission d'infractions aux mêmes articles ou l'identité des personnes ayant posé ces actes. (L. 5 juillet 2016) Dans les mêmes cas, les peines de réclusion criminelle sont réduites dans la mesure déterminée par l'article 52 et d'après la graduation y prévue à l'égard de celui qui, après le commencement des poursuites, aura révélé à l'autorité l'identité des auteurs restés inconnus. Art. 135-8. (L. 27 octobre 2010) Est exempté de peines le coupable de participation à un groupe terroriste qui, avant toute tentative d'actes de terrorisme faisant l'objet du groupe et avant toutes poursuites commencées, aura révélé à l'autorité l'existence de ce groupe et les noms de ses commandants en chef ou en sous-ordre. Terrorist bombing: 135-9, 135-10 of the Criminal Code. Art. 135-9. (L. 27 octobre 2010) (1) Sans préjudice de l'article 520, celui qui illicitement et intentionnellement livre, pose, ou fait exploser ou détonner un engin explosif ou un autre engin meurtrier dans ou contre un lieu public, une installation gouvernementale ou une autre installation publique, un système de transport public ou une infrastructure: 1) dans l'intention de provoquer la mort ou des dommages corporels graves; ou 2) dans l'intention de causer des destructions massives de ce lieu, cette installation, ce système ou cette infrastructure, lorsque ces destructions entraînent ou risquent d'entraîner des pertes économiques considérables sera puni de la réclusion de cinq à dix ans. (2) La peine sera celle de la réclusion de dix à quinze ans si l'infraction prévue au paragraphe (1) a causé des lésions corporelles ou une maladie. (3) La peine sera celle de la réclusion de quinze à vingt ans: 1) si l'infraction prévue au paragraphe (1) a causé soit une maladie paraissant incurable, soit une incapacité permanente de travail personnel, soit la perte de l'usage absolu d'un organe, soit une mutilation grave; 2) si l'infraction prévue au paragraphe (1) a eu pour conséquence directe la destruction d'un lieu public, d'une installation gouvernementale ou d'une autre installation publique, d'un système de transport public ou d'une infrastructure, ou son endommagement grave. (4) La peine sera celle de la réclusion à vie si l'infraction prévue au paragraphe (1) a entraîné la mort d'une personne. Art. 135-10. (L. 27 octobre 2010) Pour l'application de l'article 135-9 : - «L'installation gouvernementale ou une autre installation publique » vise tout équipement ou tout moyen de transport de caractère permanent ou temporaire qui est utilisé ou occupé par des représentants d'un Etat, des membres du Gouvernement, du Parlement ou de la Magistrature, ou des agents ou personnels d'un Etat ou de toute autre autorité ou entité publique, ou par des agents ou personnels d'une organisation intergouvernementale, dans le cadre</p>
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			<p>de leurs fonctions officielles. - « L'infrastructure » vise tout équipement public ou privé fournissant des services d'utilité publique, tels l'adduction d'eau, l'évacuation des eaux usées, l'énergie, le combustible ou les communications. - « L'engin explosif ou autre engin meurtrier » vise : 1) toute arme ou tout engin explosif ou incendiaire qui est conçu pour provoquer la mort, des dommages corporels graves ou d'importants dégâts matériels, ou qui en a la capacité; ou 2) toute arme ou tout engin qui est conçu pour provoquer la mort, des dommages corporels graves ou d'importants dégâts matériels, ou qui en a la capacité, par l'émission, la dissémination ou l'impact de produits chimiques toxiques, d'agents biologiques, toxines ou substances analogues ou de rayonnements ou de matières radioactives. - Le « lieu public » vise des parties de tout bâtiment, terrain, voie publique, cours d'eau, et autre endroit qui sont accessibles ou ouvertes au public, de façon continue, périodique ou occasionnelle, et comprend tout lieu à usage commercial, culturel, historique, éducatif, religieux, officiel, ludique, récréatif ou autre qui est ainsi accessible ou ouvert au public. - Le « système de transport public » vise tous les équipements, véhicules et moyens, publics ou privés, qui sont utilisés dans le cadre de services de transport de personnes ou de marchandises accessibles au public. Crimes link to terrorist activities: 135-11, 135-12, 135-13, 135-14, 135-15, 135-16, 135-17 of the Criminal Code. Art. 135-11. (L. 18 décembre 2015) (1)Constitue un acte de provocation au terrorisme la diffusion ou toute autre forme de mise à disposition du public d'un message, y compris par le biais de réseaux de communications électroniques, avec l'intention d'inciter, directement ou indirectement, à la commission d'une des infractions visées au présent chapitre. (2)Constitue également un acte de provocation au terrorisme le fait de diffuser le message visé au paragraphe 1er en présence de plusieurs individus dans un lieu non public, ou un lieu virtuel constitué par des moyens de télécommunications, mais ouvert à un certain nombre de personnes ayant le droit de s'y assembler ou de le fréquenter. Art. 135-12. (1)( L. 26 décembre 2012) Commet un acte de recrutement au terrorisme toute personne qui sollicite ou qui tente de solliciter une autre personne: a) pour commettre ou participer à la commission d'une des infractions visées au présent chapitre ou b) pour créer ou rejoindre un groupe terroriste au sens de l'article 135-3. (2)( L. 18 décembre 2015) Commet également un acte de recrutement au terrorisme toute personne qui, sciemment, se fait recruter pour commettre ou participer à la commission d'une des infractions terroristes visées au présent chapitre. Art. 135-13. (1)( L. 26 décembre 2012) Commet un acte d'entraînement au terrorisme toute personne qui donne des instructions pour la fabrication ou l'utilisation d'explosifs, d'armes à feu ou d'autres armes ou substances nocives ou dangereuses, ou pour d'autres méthodes et techniques spécifiques, en vue de commettre une des infractions visées au</p>
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			<p>présent chapitre, sachant que la formation dispensée a pour but de servir à la réalisation d'un tel objectif. ( L. 18 décembre 2015) (2)( L. 18 décembre 2015) Commet également un acte d'entraînement au terrorisme toute personne qui, sciemment, participe à l'entraînement visé au paragraphe 1 ou qui sollicite ou incite, par quelque moyen que ce soit, d'autres personnes à lui dispenser un tel entraînement. Art. 135-14. (L. 18 décembre 2015) Est punie des peines prévues à l'article 135-17 le fait de préparer la commission d'une des infractions prévues par le présent chapitre, dès lors que la préparation de ladite infraction est caractérisée par: (1) Le fait de détenir, de rechercher, de se procurer ou de fabriquer des explosifs, des armes à feu ou d'autres armes ou substances nocives ou dangereuses ou de détenir, de rechercher ou de se procurer des renseignements sur d'autres méthodes et techniques spécifiques de nature à contribuer à la préparation ou à la commission d'une infraction terroriste, et (2) au moins l'un des autres faits matériels suivants: 1. Recueillir des renseignements sur des lieux ou des personnes afin de mener une action terroriste dans ces lieux ou contre ces personnes ou exercer une surveillance sur ces lieux ou ces personnes; 2. S'entraîner au maniement d'explosifs, d'armes à feu ou d'autres armes ou substances nocives ou dangereuses ou d'autres méthodes et techniques spécifiques ou à toute forme de combat ou au pilotage d'aéronefs ou à la conduite de trains ou de navires; 3. Consulter habituellement un ou plusieurs services de communications électroniques ou fréquenter habituellement des cercles au sens de l'article 135-11 (2), ou détenir des objets ou des documents qui provoquent à la commission d'actes de terrorisme; 4. Avoir séjourné à l'étranger sur un théâtre d'opérations de groupes terroristes. Art. 135-15. (L. 18 décembre 2015) Est punie des peines prévues à l'article 135-17 toute personne qui, à partir du territoire luxembourgeois, se rend ou qui s'est préparée à se rendre dans un autre Etat dans le dessein de commettre, d'organiser, de préparer ou de participer à une ou plusieurs des infractions terroristes prévues par le présent chapitre. Art. 135-16. (L. 18 décembre 2015) Est puni des peines prévues à l'article 135-17 tout Luxembourgeois qui: 1. quitte le territoire national en violation de l'interdiction de sortie du territoire ordonnée ou prononcée à son égard, ou 2. qui se soustrait à l'obligation de remettre son ou ses passeports et sa carte d'identité nationale, ou un de ces documents seulement, aux autorités compétentes. Art. 135-17. (L. 18 décembre 2015) (1) Toute personne qui commet ou qui tente de commettre une des infractions prévues aux articles 135-11 à 135-16 est punie d'un emprisonnement d'un à huit ans et d'une amende de 2.500 à 12.500 euros, ou d'une de ces peines seulement, même si aucune de ces infractions à la réalisation desquelles l'acte incriminé tendait n'a été commise. (2) En cas de condamnation d'un Luxembourgeois pour une des infractions prévues par les articles 135-12 à 135-15 à une peine autre qu'une peine d'emprisonnement ferme, la juridiction de</p>
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			<p>jugement peut prononcer une interdiction de sortie du territoire national pour une durée maximale d'un an. Lorsqu'une interdiction de sortie du territoire n'a pas été ordonnée auparavant par le juge d'instruction, la personne concernée est tenue de remettre son ou ses passeports et sa carte d'identité au greffe de la juridiction ayant prononcée la peine prévue par le présent paragraphe, en échange du récépissé visé à l'article 112-1 du Code de procédure pénale. Money laundering for terrorist crimes: 506-1 (1) of the Criminal Code. Art. 506-1. (L. 12 août 2003) Sont punis d'un emprisonnement d'un à cinq ans et d'une amende de 1.250 euros à 1.250.000 euros, ou de l'une de ces peines seulement: 1) (L. 18 juillet 2014) ceux qui ont sciemment facilité, par tout moyen, la justification mensongère de la nature, de l'origine, de l'emplacement, de la disposition, du mouvement ou de la propriété des biens visés à l'article 32-1, alinéa premier, sous 1), formant l'objet ou le produit, direct ou indirect, - d'une infraction aux articles 112-1, 135-1 à 135-6, 135-9 et 135-11 à 135-16 du Code pénal; [...]</p> <p><b>4. No.</b></p>
	Netherlands	Yes	<p><b>1.</b> Amongst other measures concerning contra-terrorism and national security, the Dutch Nationality Act 2010 allows the revocation of the Dutch citizenship when a person is convicted of crimes against the institutions of the state, crimes against humanity and/or terrorist crimes. Since March 31st 2016, the list of terrorist crimes that may lead to withdrawal has been extended to art 134a Criminal Code, assistance in the commission of terrorist crimes or in the preparation of such crimes). Furthermore the Dutch Nationality Act 2010 was amended, on March 1st 2017, to expand the possibilities of revoking Dutch citizenship under the Dutch Nationality Act (article 14, section 4) to persons residing abroad who pose a threat to national security because they have joined a terrorist group. In this way an individual not only loses Dutch nationality, but also EU citizenship and all the privileges that come with it. In addition to the revocation of the Dutch citizenship, an individual receives an entry ban. With an entry ban an individual may not travel to the Netherlands, other EU / EEA countries and Switzerland. An individual may not be in these countries either. In case of an entry ban the personal data of the individual will be registered in the Schengen Information System (SIS) with the remark 'refuse entry'. If the entry ban is related to public order and national security the entry ban can be imposed for a maximum of 20 years. This provision of law is according to the Netherlands Alien Act, 2000, in article 66a.</p>

**2.** Article 14, section 2 of the Netherlands Nationality Act, 2010 is as follows: Our Minister may revoke the Dutch citizenship of a person irrevocably sentenced for: a. an offence set forth in Titles I-IV of the Second Book of the Dutch Criminal Code for which the law provides for a term of imprisonment of more than eight years; b. a criminal offence referred to in Articles 83, 134a or 205 of the Dutch Criminal Code; c. a criminal offence similar to the offences referred to in clause (a) for which the criminal legislation of either country of the Kingdom provides for a term of imprisonment of eight years or more, or an offence for which the criminal legislation of either country of the Kingdom provides for a similar definition as offences referred to in clause (b); d. a criminal offence referred to in Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court as 17 July 1998 (Trb 2000, 120) Article 14, section 4 of the Netherlands Nationality Act, 2010 is as follows: Our Minister may, for the reasons of the national security, revoke the Dutch citizenship of a person who has reached the age of sixteen and is outside of the Kingdom if it seems, based on his/her behavior, that he/she has joined an organization included by Our Minister, according to the advice of the Council of Ministers of the Kingdom, in a list of organizations participating in a national or international armed conflict and constituting a threat to the national security. <http://www.refworld.org/docid/4d3838932.html> And the legal act, article 66a of the Netherlands Alien Act 2000. This act states that our Minister can issue an entry ban against a foreigner. For more information, I attached the website that provides the full legislation (in Dutch): <http://wetten.overheid.nl/BWBR0011823/2018-05-01#Hoofdstuk6>

**3.** Article 14, section 2 of the Netherlands Nationality Act, 2010 refers to specific crimes and their location in our Criminal Code. Criminal code Article 83 is as follows: A “terrorist offence” shall be understood to mean: 1°. any of the serious offences defined in sections 92 to 96 inclusive, 108(2), 115(2), 117(2), 121, 122, 157( 3°), 161quater( 2°), 164(2), 166(3°), 168( 2°), 170(3°), 174(2) and 289, as well as in section 80(2) of the Nuclear Energy Act, if the serious offence has been committed with terrorist intent; 2°. any of the serious offences which carry a term of imprisonment under sections 114a, 114b, 120a, 120b, 130a, 176a, 176b, 282c, 289a, 304a, 304b, 415a and 415b, as well as section 80(3) of the Nuclear Energy Act; 3°. any of the serious offences defined in sections 140a, 282b, 285(3) and 288a, as well as in section 55(5) of the Weapons and Ammunition Act, section 6(4) of the Economic Offences Act [Wet op de Economische Delicten], section 33b of the Explosives for Civil Uses Act [Wet Explosieven voor Civiel Gebruik] and Section 79 of the Nuclear Energy Act. Section 83a “Terrorist intent” shall be understood to mean the intention of causing fear in the population or a part of the population of a country, or unlawfully compelling a public authority or international organisation to

			<p>act or to refrain from certain acts or to tolerate certain acts, or of seriously disrupting or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation. Section 83b “A serious offence for the preparation or facilitation of a terrorist offence” shall be understood to mean any of the serious offences defined in sections 131(2), 132(3), 205(3), 225(3), 285 Article 134(a) is as follows: Any person who intentionally obtains or attempts to obtain for himself or another person means or information for the commission of a terrorist offence or a serious offence for the preparation or facilitation of a terrorist offence, or gains knowledge or skills for that purpose or imparts this knowledge or these skills to another person, shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category. Article 205: 1. Any person who, without leave of the King, recruits another person for foreign military service or armed combat shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category. 2. If the offender commits any of the criminal offences defined in subsection (1) in the practice of his profession, he may be disqualified from the practice of that profession. 3. If the armed combat for which persons are recruited involves the commission of a terrorist offence, the term of imprisonment prescribed for the offence defined in subsection (1) shall be increased by one third. In addition, The Dutch House of Representatives passed a temporary bill (came into effect on 1e March, 2017) that imposes administrative sanctions to help further combat terrorist-related activities [Temporary Administrative Counter- Terrorism Measures Bill]. The law makes it possible for the ministry of Security and Justice to impose a number of measures involving the restriction of liberty of persons who constitute a threat to national security or who intend to join a terrorist fraction, in order to protect national security. These include area bans or police or police notification requirements. The minister is empowered to impose these measures, but does this in consultation with the concerning municipal authority.</p> <p><b>4.</b> At the moment no (further) amendment of the Dutch legislation is considered.</p>
	Slovak Republic	Yes	<p><b>1.</b> Yes. The Act on the Residence of Aliens n. 404/2011 Coll. contains a provision related to the administrative expulsion of TCNs (see Q2). However it does not explicitly state a possibility to return a person solely for espionage or terrorism.</p> <p><b>2.</b> The Act on the Residence of Aliens provides the following reasons for administrative expulsion of</p>

TCN: Article 82 (2) A police department can administratively expulse a third country national, if a) s/he represents a serious threat to the state security or public order; b) s/he threatens the state security, public order or public health; c) was lawfully sentenced for an intentional crime and not imposed the punishment of expulsion; (...) According to the Criminal Code a person who has committed a criminal offense can be imposed a punishment of expulsion, if being a foreign national.

**3.** Yes, the abovementioned issues (or related) are regulated by the Criminal Code as criminal acts as follows: Art. 140b Criminal act of terrorism Criminal acts of terrorism are: the criminal act of establishing, masterminding and supporting a terrorist group (art. 297), criminal act of terrorism and some forms of participation on terrorism (art. 419), criminal act committed by a member of a terrorist group and criminal act committed with a special motive (art. 140 d). Art. 297 Establishing, Masterminding and Supporting a Terrorist Group Any person who establishes or masterminds a terrorist group, is its member, actively participates in it or supports it shall be liable to a term of imprisonment of ten to fifteen years. Art. 419 Terrorism and some forms of participation on terrorism (1)Who a) with an intent to seriously intimidate inhabitants, seriously destabilize or defeat constitutional, political, economic or social establishment of the state or a structure of an international organisation, or to force a government of the state or an international organisation to act or to omit to act, threats by committing or who commits an offence endangering the life, health of people, their personal freedom or a property, or illegally produces, gains, owns, possesses, transports, delivers or otherwise uses explosives, nuclear, biological or chemical weapons, or performs illicit research and development of such weapons or weapons prohibited by law or by an international treaty, b) with the intent to cause death or serious bodily harm or considerable damage on property or environment possesses radioactive material, or has or produces nuclear explosive device or a device spreading radioactive material or emanating radiance, which may due to its radiological features cause death, serious bodily harm or serious damage on property or environment, or c) with the intent to cause death or serious bodily harm or considerable damage on property or environment, or to force natural person or legal person, international organisation or state to act or omit to act, uses radioactive material or nuclear explosive device or a system spreading radioactive material or emanating radiance which may cause death due to its radiological features, or serious bodily harm or considerable damage on property or on environment, or uses or damages a nuclear reactor including reactors installed on floats, vehicles, planes or cosmic objects, used as an energy source for driving such floats, vehicles, planes or cosmic objects, or for other purposes, or premises or traffic system used for production, storage, processing or

			<p>transport of radioactive material in a manner which releases or may release radioactive material, or threatens by such act under circumstances indicating credibility of the threat, or d) requests radioactive material, nuclear explosive system or system spreading radioactive material or emanating radiance which may due to its radiological features cause death, serious bodily harm or considerable damage on property or environment, or a nuclear reactor including reactors installed on watercraft, vehicles, planes or cosmic objects used as an energy source for driving such watercraft, vehicles, planes or cosmic objects or for other purposes, or premises or traffic system used for production, storage, processing or transport of radioactive material, with threatens under circumstances indicating credibility of the threats or use of power, shall be imposed an imprisonment sentence of 20 to 25 years or life imprisonment.</p> <p>(2) The same sanction as in the paragraph 1 shall be imposed to the person who a) gathers or provides financial or other means, personally or through another person, even partially, for the purposes of their use or allowing their use for commitment of the act listed in paragraph 1, b) gathers or provides financial or other means, to the perpetrator or the criminal act listed in paragraph 1 for other purposes than listed in the letter a) c) provides knowledge of methods or techniques for production and using of explosives, nuclear, biological or chemical weapons or other similarly harmful or dangerous substances for the purposes of commitment of the act listed in paragraph 1 or attempts for such act or participates on such act, d) publicly incites to commit the act listed in paragraph 1 in a manner defending or apologizing commitment of such act in case it is committed, and herewith causes a danger of its commitment or participates in it, e) asks another person to commit or participate in committing the act listed in paragraph 1 or attempts to ask or participate in the attempt, or f) plans to commit the act listed in the paragraph 1 with the intent to commit or enables its commitment.</p> <p><b>4.</b> There is no consideration to change the relevant legislation in this field at the moment.</p>
	Slovenia	Yes	<p><b>1.</b> No</p> <p><b>2.</b> n.a.</p> <p><b>3.</b> Chapter Thirty-Three CRIMINAL OFFENCES AGAINST THE SOVEREIGNTY OF THE REPUBLIC OF SLOVENIA AND ITS DEMOCRATIC CONSTITUTIONAL ORDER  <b>Treason</b>  Article 348 Whoever, by force or by threat of force, threatens the existence of the Republic of Slovenia or attempts to alter its constitutional order or to overthrow its principal state bodies shall be sentenced</p>

			<p>to imprisonment for not less than one and not more than ten years. Attack on Territorial Integrity Article 349 Whoever attempts to detach any part of the territory of the Republic of Slovenia or to attach the same to a foreign country by using or threatening force shall be sentenced to imprisonment for not less than one and not more than ten years. Attack on the State's Independence Article 350 A citizen of the Republic of Slovenia who attempts to bring the Republic of Slovenia into a position of subordination to or dependence on a foreign country shall be sentenced to imprisonment for not less than one and not more than ten years. Encroachment upon Territorial Inviolability Article 351 Whoever enters the territory of the Republic of Slovenia in order to encroach upon its territorial inviolability shall be sentenced to imprisonment for not less than one and not more than ten years. Assassination of the President of the State Article 352 Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, murders the President of the Republic of Slovenia or the person acting in his place, shall be sentenced to imprisonment for not less than fifteen years. Violence Against the Highest Representatives of the State Article 353 Whoever, with the intention of jeopardising the implementation of tasks in the democratic order or security of the Republic of Slovenia, kidnaps any of the highest representatives of the state, member of the National Assembly, member of the Government, judge of the Constitutional Court, or judge of the Supreme Court, or commits any other act of violence against him or a member of his family or retinue, or violates his official or residential premises or means of transport, shall be punished to imprisonment for not less than fifteen years. Violence Against the Representatives of Foreign Countries or International Organisations Article 354 Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, or causing damage to a foreign country, kidnaps the president of the foreign country or international organization or commits other act of violence against him or a member of his family or retinue, or violates his official or residential premises or means of transport, shall be punished to imprisonment for not less than three and not more than fifteen years. Armed Rebellion Article 355 (1) (1) Whoever organises or leads an armed rebellion with the intention of threatening the existence of the Republic of Slovenia, altering its constitutional order, or overthrowing its principal state bodies, shall be sentenced to imprisonment for not less than fifteen years. (2) Whoever participates in the armed rebellion under the preceding paragraph shall be sentenced to imprisonment for not more than five years. Diversion Article 356 Whoever, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, destroys, burns or otherwise demolishes any commercial building, means of communication or traffic installation, the</p>
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			<p>communication network or any part thereof, public installations for the conveyance of water or energy, or any other object relevant to the security or supply of the people or economy, shall be punished to imprisonment for not less than fifteen years. Sabotage Article 357 Whoever, in the performance of his working duties, causes substantial damage to the state body or organisation where he is employed or to any other state body or organisation in a malicious, perfidious or similar manner, with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, shall be sentenced to imprisonment for not less than one and not more than ten years. (2) If the offence under the preceding paragraph is committed at a nuclear facility, the perpetrator shall be punished by an imprisonment for not less than one and not more than twelve years. Espionage Article 358 (1) Whoever serves as an agent for a foreign country or organisation by collecting military, economic or official information or confidential documents, or by informing them of, or providing them with access to such information or documents, shall be sentenced to imprisonment for not less than one and not more than eight years. (2) Whoever, to the detriment of the Republic of Slovenia, establishes or directs an intelligence service for a foreign country or organisation, shall be sentenced to imprisonment for not less than three and not more than fifteen years. (3) Whoever joins a foreign intelligence service under the preceding paragraph or supports its operations, shall be sentenced to imprisonment for not less than six months and not more than five years. Incitement to Violent Change of the Constitutional Order Article 359 (1) Whoever, with the intention of threatening the existence, constitutional order or security of the Republic of Slovenia, incites or instigates the immediate execution of criminal offences under Articles 348 to 357 of this Penal Code, shall be sentenced to imprisonment for not more than five years. (2) Whoever commits the offence under the preceding paragraph with financial or other support from abroad, shall be sentenced to imprisonment for not less than six months and not more than five years. (3) Whoever manufactures or reproduces material serving to incite or instigate the execution of criminal offences under paragraph 1 of this Article with intention, that such material be disseminated by him or by a third person, or whoever keeps a larger quantity of such material with the same intention or disseminates such material, shall be sentenced to imprisonment for not more than three years. Punishment for the Gravest Types of Criminal Offences Article 360 (1) For the offences under Articles 348 to 351 and 353 to 357 of this Penal Code which entailed the death of one or more persons, severe violence or great devastation, the perpetrator shall be sentenced to imprisonment for not less than ten and not more than fifteen years. (2) If the perpetrator, in committing any of the criminal offences under the preceding paragraph, intentionally takes the lives of one or more persons, he shall be sentenced to imprisonment</p>
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			<p>for not less than fifteen years.</p> <p><b>4.</b> It is currently not under consideration.</p>
	Spain	Yes	<p><b>1.</b> Yes. Alien Law (Organic Law 4/2000)</p> <p><b>2.</b> Article 54, about the very serious infringements, sets as one of them: “Participation in activities contrary to national security or that may harm the relations of Spain with other countries, or involvement in activities contrary to public order considered very serious by the Organic Law on the Protection of Public Security”. Expulsion may be applied as a sanction for these cases according to article 57.</p> <p><b>3.</b> The above-mentioned provision is normally applied to terrorist-linked persons who have not been sentenced by a court (if they have been sentenced, a judicial expulsion could be ordered). If yes, could you please provide translation to English of the relevant provision/provisions? Terrorist activities are regulated as crimes in Spanish law according to the relevant EU Directive.</p> <p><b>4.</b> Not applicable.</p>
	Sweden	Yes	<p><b>1.</b> The Swedish Act on Special Control of Aliens, states in Section 1 that “an alien may be expelled from the country under this act, if 1. This is necessary for reasons of the security of the realm, or 2. In view of what is known about the alien’s previous activities and other circumstances, it may be feared that he or she will commit or assist in terrorist crimes according to Section 2 of the Act on Criminal Responsibility for Terrorist Offences [see below for link] or to attempt, prepare or conspire to commit such a crime” (unofficial translation). Chapter 1, Section 7 of the Swedish Aliens Act state the following: ”For the purposes of this Act, ‘security cases’ are cases in which the Swedish Security Service, for reasons relating to national security or otherwise bearing on public security, [i. a.] recommends - that an alien be refused entry or expelled, - that an alien’s application for a residence permit be rejected or - that an alien’s residence permit be withdrawn”. According to Chapter 8, Section 3, sub-section 1.4 of The Swedish Aliens Act an alien who is not an EES-citizen or belonging to such a persons family, may be expelled if the person can be expected to commit crime in Sweden or</p>

			<p>sabotage, espionage or unlawful intelligence activities. An alien who carries a residence permit in another EU-country may, according to Chapter 8, Section 2, sub-section 2.4 be expelled if the person is "a danger to public order and security". An EES-citizen or a person belonging to such an EES-citizens family may, according to Chapter 8, Section 11, be expelled due to "concern for public order and security". The Swedish Alien's Act states in chapter 4, Section 2c that a person who is eligible for subsidiary protection but where serious reasons exist for considering the person to be a danger to the security of the realm, is excluded from subsidiary protection. This provision is equivalent to article 17.1(d) of the EU Qualification Directive. Such a person may be denied residence permit and may face expulsion. Finally, according to Chapter 5, Section 1, sub-section 2.1 and 2.2 a refugee may be denied residence permit if the person through an extremely grave crime has shown that it would lead to a serious danger to public order and security to let him or her stay in Sweden, or if the person has had activities which have constituted danger to the security of the realm and where there is reason to believe that he or she would continue the activities in Sweden.</p> <p><b>2.</b> See above. The Swedish Aliens Act can be found through the following link, however it is not the current version but an older one. No up-to-date translation is available:  <a href="https://www.government.se/government-policy/migration-and-asylum/aliens-act/">https://www.government.se/government-policy/migration-and-asylum/aliens-act/</a></p> <p><b>3.</b> Yes. Regulation concerning espionage is found in Chapter 19, Sections 5 and 6 of the Swedish Penal Code. A full translation to English can be accessed via this link:  <a href="https://www.regeringen.se/rattsdokument/departementsserien-och-promemorior/1999/01/ds-199936/">https://www.regeringen.se/rattsdokument/departementsserien-och-promemorior/1999/01/ds-199936/</a></p> <p><b>4.</b> The Swedish Migration Agency has no information that the Swedish Department of Justice is considering amending the above mentioned legislation in this matter.</p>
	United Kingdom	Yes	<p><b>1.</b> No. However, there are provisions in the UK Borders Act 2007 requiring the Secretary of State to make a deportation order in respect of any non-EEA national criminal where all of the following apply:</p> <ul style="list-style-type: none"> <li>• the criminal was convicted in the United Kingdom and sentenced to a period of imprisonment</li> <li>• the period of imprisonment is 12 months or more</li> <li>• the sentence is a single sentence for a single offence, it must not be an aggregate sentence or consecutive sentences</li> <li>• the criminal was serving that sentence on or after 1 August 2008</li> <li>• the criminal had not been served with a notice of decision for the index crime to deport before 1 August 2008</li> <li>• none of the exceptions set out in section 33 of the 2007 Act apply</li> </ul>

(exceptions include where removal would breach our obligations under the ECHR or the Refugee Convention and where the person was under the age of 18 on the date of conviction) Note that this applies to any non-EEA national convicted in the UK; it is not limited to those convicted of terrorism or national security related offences. Where a person does not fall within the scope of deportation under the UK Borders Act 2007, for example where there is no conviction, or the person is convicted of an offence outside of the UK, consideration may be given to deportation under section 3(5) of the Immigration Act 1971 on the basis that the individual's deportation from the UK would be conducive to the public good. There is no legal obligation to make a deportation order under the Immigration Act 1971 and our obligations under the ECHR and Refugee Convention would apply. Part VA of the Nationality, Immigration and Asylum Act 2002 sets out the Article 8 ECHR public interest considerations that apply to decisions taken under the Immigration Acts with section 117C setting out the additional considerations to be taken into account in respect of the deportation of foreign criminals. EEA nationals and the family members of EEA nationals may be deported from the UK on grounds of public policy or public security in accordance with the Immigration (European Economic Area) Regulations 2016. Again decisions to deport under the Regulations have wider application than solely to those suspected of espionage or terrorism.

**2.** N/A - See links to: • Section 32(5) of the UK Borders Act 2007  
<http://www.legislation.gov.uk/ukpga/2007/30/section/32> • Section 33 of the UK Borders Act 2007  
<http://www.legislation.gov.uk/ukpga/2007/30/section/33> • Section 3(5) of the Immigration Act 1971  
<http://www.legislation.gov.uk/ukpga/1971/77/section/3> • Part VA of the Nationality, Immigration and Asylum Act 2002 (as inserted by the Immigration Act 2014)  
<http://www.legislation.gov.uk/ukpga/2014/22/section/19/enacted> • Regulation 23(6)(b) of the Immigration (European Economic Area) Regulations 2016  
<http://www.legislation.gov.uk/uksi/2016/1052/regulation/23/made>

**3.** In the UK we have two primary pieces of legislation on crimes relating to terrorism. The Counter-Terrorism and Security Act 2015 and The Terrorism Act 2006. Links to these legislative acts of parliament can be found below: The Terrorism Act 2006:  
<https://www.legislation.gov.uk/ukpga/2006/11/contents> The Counter-Terrorism and Security Act 2015:  
<http://www.legislation.gov.uk/ukpga/2015/6/enacted>

			<p>4. There are no current plans to amend the legislation.</p>
	<p>Norway</p>	<p>Yes</p>	<p>1. Yes. The Norwegian Immigration Act § 126. (third country nationals) The Norwegian Immigration Act § 122 Expulsion in the interests of public order or security (EEA nationals and family members)</p> <p>2. Section 126. Significance of fundamental national interests and foreign policy considerations in cases under the Immigration Act Out of regard for fundamental national interests or foreign policy considerations, an administrative decision or other decision may be made to refuse a permit or right that could otherwise have been granted under the Act or regulations. Correspondingly, limitations or conditions may be imposed, or an administrative decision concerning rejection may be made. Out of regard for fundamental national interests, an administrative decision may be made concerning expulsion or revocation of a granted permit or other rights. No administrative decision concerning expulsion or revocation may be made under the second paragraph if, in view of the seriousness of the matter and the foreign national's connection with the realm, it would be a disproportionate measure against the foreign national personally or against the closest family members. In cases concerning children, the best interests of the child shall be a fundamental consideration. Out of regard for fundamental national interests or foreign policy considerations, a foreign national may be granted a residence permit for Norway, or another administrative decision or other decision may be made in favour of the foreign national. In cases concerning protection under chapter 4 and protection against removal under chapter 9, the provisions of the said chapters take precedence over the provisions in the first and second paragraphs of this section. Protection against removal under section 73 first to third paragraphs, does not preclude the making of an administrative decision concerning expulsion out of regard for fundamental national interests, but the administrative decision may not be implemented until the grounds for non-refoulement no longer apply. No right to recognition as a refugee under section 28, first paragraph, (b), applies if there are grounds for expelling the foreign national out of regard for fundamental national interests. In addition to entitlement to free legal advice without means testing under section 92, first and second paragraphs, free legal advice shall be given without means testing in connection with administrative proceedings before the Directorate of Immigration if (a) the foreign national has applied for a residence permit under section 28 or has invoked protection against removal under section 73, and (b) the case may involve foreign policy considerations or fundamental national interests. The King may issue regulations containing further provisions, including on the effect of the</p>

procedural rules in chapter 11 of the Act and on exceptions to the right to free legal advice. Section 122 Expulsion in the interests of public order or security EEA nationals and their family members, and foreign nationals as mentioned in section 110, fourth paragraph, of this Act who have a right of residence under section 111, second paragraph, or section 114, second paragraph, may be expelled when this is in the interests of public order or security. It is a condition for expulsion that the personal circumstances of the foreign national pose, or must be assumed to pose, a real, immediate and sufficiently serious threat to fundamental societal interests. The King may by regulations make further provisions regarding the definition of public order and security. A foreign national who may be expelled under the first paragraph may nevertheless not be expelled if the foreign national (a) has a right of permanent residence under sections 115 or 116, unless weighty public order or security considerations indicate that it is necessary, (b) is an EEA national who has stayed in the realm for 10 years, unless it is compellingly necessary in the interests of public security, or (c) is an EEA national who is a minor, unless it is compellingly necessary in the interests of public security. However, this does not apply to minors if expulsion of the minor is necessary in order to safeguard the minor's best interests. A foreign national who has breached sections 147 a or 147 b of the General Civil Penal Code, or has provided a safe haven for someone whom the foreign national knows has committed such a crime, may be expelled regardless of the provisions in the second paragraph No decision is made for expulsion under the provisions of this paragraph if, in view of the seriousness of the offence and the foreign national's connection with the realm, it would constitute a disproportionate measure against the foreign national or against the foreign national's family members. In the assessment of whether expulsion constitutes a disproportionate measure, emphasis shall be given to, among other things, how long the person concerned has stayed in the realm, age, state of health, family situation, financial situation, social and cultural integration in the realm, and connection with the country of origin. In cases concerning children, the child's best interests shall be a fundamental consideration. The King may by regulations make further provisions.

**3.** Chapter 18 of the Penal Code of 2005 contains several criminal law offences for acts of terrorism and terror-related crimes. Norwegian criminal law for terrorist offences is built on Norwegian and European principles of law. Chapter 18 of the Penal Code fulfils the international obligations ensuing from all the treaties listed in the Appendix to The Council of Europe Convention on the Prevention of Terrorism (2005). The act of terrorism is defined in Section 131. The first paragraph enumerates various types of

		<p>general criminal offences (such as homicide, bomb attacks, hijacking etc.) that are defined as terrorist offences if they are committed with terrorist intent. Terrorist intent is defined in the second paragraph as the intention of (a) seriously disrupting a function of vital importance to society, (b) seriously intimidating a population, or (c) unlawfully compelling public authorities or an intergovernmental organization to perform, tolerate or refrain from performing any act of substantial importance for the country or the organization. To be regarded as an act of terrorism it is not required that the commission of the enumerated offences results in one of these harmful consequences. It is sufficient that one or more of these harmful consequences constitute part of the perpetrator's intent. It is the specific intent of the perpetrator that distinguishes terrorist offences from ordinary offences. The definition of terrorist intent set out in the provision corresponds closely with the definition in the EU Framework Decision 2002/475/RIA on combating terrorism. The Penal Code distinguishes between ordinary and grave acts of terrorism. The distinction depends on an assessment of the particular features of each individual case. Section 132 contains a non-exhaustive list of factors that shall be given particular consideration in determining whether an act of terrorism is grave. The factors referred to in Section 132 relate in particular to whether the stipulated serious harmful consequences have occurred or whether the act poses an imminent risk of such consequences. While ordinary acts of terrorism are punishable by imprisonment for a term not exceeding 21 years, grave acts of terrorism are subject to a maximum penalty of 30 years of imprisonment. The Penal Code contains specific provisions with regard to terrorist bombing, seizure of aircraft and ships, interference with the safe operation of aircraft and ships, releases of hazardous substances from ships, unlawful dealings with hazardous materials, the taking of hostages for purposes of terrorism and crimes against internationally protected persons (Sections 138– 144). Terror-related Offences Chapter 18 of The Penal Code also establishes offences for a number of terror-related crimes. Planning and preparation of an act of terrorism by means of conspiracy is punishable pursuant to Section 133. Conspiracy to terrorism requires that the perpetrator enters into an agreement with one or more persons to commit an act of terrorism. It is further required that the perpetrator conspires with the other person(s) for the purpose of committing one of the specified acts. Planning or preparation by means of conspiracy is subject to imprisonment for a term not exceeding ten years. Section 134 makes it an offence to threaten to commit one of the acts specified in Section 131 or Sections 137–144. The offender is liable to imprisonment for a term of up to 10 years, or up to 21 years if the threat actually results in the consequences specified in Section 131 second paragraph. Financing of terrorism is criminal pursuant to Section 135. The provision specifies different</p>
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		<p>forms of financial activities that may constitute an offence under the provision. The activities will, however, only represent an offence on conditions relating to the offender's intent. The offender needs to possess an intent or knowledge that such assets are to be used, in full or in part, a) to commit an offence as referred to in Section 131, 134, or 137–144 b) by a person or group with the intent to commit offences as referred to in Sections 131, 134, or 137–144, when the person or group has taken steps to fulfil its purpose by unlawful measures c) by an entity owned or controlled by anyone as referred to in letter b d) by an entity or person acting on behalf of, or at the direction from, anyone referred to in letter b. Section 135 second paragraph criminalizes the making available of funds or other assets, or bank services or other financial services, to anyone referred to in letters b, c or d. Violations of Section 135 are subject to imprisonment for a term not exceeding ten years. Measures against money laundering and terrorist financing were extended with the Measures Against Money Laundering and Financing of Terrorism Act of 2009, thereby fortifying the know-your-customer principle. The amendments were made to ensure that Norwegian legislation is in line with Norway's international obligations under the EEA agreement regarding the Third Money Laundering Directive (2005/60/EF), but were also enacted with consideration to recommendations from the Financial Task Force on Money Laundering (FATF). Section 136 establishes an offence for incitement to, recruitment and training for acts of terrorism. Incitement to and recruitment and training for acts of terrorism were not punishable as separate offences before 2008, but were until then considered as aiding and abetting in some situations, or as falling within the ambit of other provisions of the former Penal Code in other situations. The 2008 amendment therefore represented a modest expansion of the area of criminalization. The purpose of the amendment was to enable Norway to ratify the Council of Europe Convention on the Prevention of Terrorism of 16 May 2005. Section 136 is not just aimed at the active inciter, recruiter or instructor, but also the one who receives training in methods or techniques that are particularly suited to perform or to contribute to the performance of a terrorist or terror-related act (the receiver). This part of the offence was introduced in 2013 as a result of an increase in the number of people with experience in training camps and conflict areas, of which some were expected to return to Norway with the intention and capability to plan terrorist attacks. Section 136 a. was introduced in 2013. The provision provides for imprisonment for a term not exceeding 6 years for any person who establishes, participates in, recruits members to or provides financial or other material support to a terrorist organization, provided the organization has taken steps to fulfil its purpose by unlawful measures. A terrorist organization is defined in the travaux préparatoires as an organization whose main purpose is to commit acts of</p>
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		<p>terrorism or where committing acts of terrorism is an essential part of the group's activity. Violent elements in an organization are not sufficient to categorize it as a terror organization. Lists made by other states or the EU, where specific groups are categorized as terror organizations, are relevant in the assessment, but not binding. The organization must have demonstrated purpose or ability to commit an act of terrorism through a criminal offence, e.g. breaking into a storage to steal weapons. The scope of the provision is broad and extends to several forms of contribution to the organization. However, since the provision in fact represents a criminalization of a specific form of preparation and contribution to acts of terrorism, contribution to the offence in Section 136 a. is not criminal. Attempt and Contribution Attempt and contribution (aiding and abetting) are also punishable as a general rule pursuant to the Penal Code, unless otherwise specified, cf. Section 16 first paragraph (attempt) and Section 15 (contribution). Thus, attempt and contribution are criminal with regard to both acts of terrorism and terror-related offences. Contribution includes both tangible contributions to the commission of an act of terrorism and intangible contributions, such as incitement and other forms of encouragement. Also Section 137 targets all types of contribution to the evasion of criminal proceedings or convictions for anyone who has committed an act that constitutes a violation of Sections 131, 134, 135 or 138–144. The offence is punishable by imprisonment for a term not exceeding 6 years. For acts of terrorism, the concept of criminal attempt is more extensive than pursuant to the general rule. It follows from Section 131 third paragraph that any person who plans to perform an act of terrorism and commits preparatory acts aiming at and pointing to the execution of the implementation of such an act, shall be liable to imprisonment for attempt. For other offences criminal attempt extends to acts that lead directly to the commission of the offence, cf. the general rule in Section 16. Foreign Terrorist Fighters The Penal Code does not contain specific provisions on foreign terrorist fighters. The abovementioned provisions may – depending on the circumstances of the specific case – apply to foreign terrorist fighters. Sections 5 and 6 regulate the applicability of the Penal Code on acts committed abroad. Norwegian criminal law applies to acts of terrorism and terror-related activities committed abroad by Norwegian nationals as well as foreign nationals present in Norway. Moreover, Norwegian criminal law applies when Norway, in accordance with an agreement with foreign states or international law in general, is entitled or obliged to prosecute an offence. In 2016, the Parliament adopted amendments to the Penal Code with a view to raising efforts to prevent radicalization and violent extremism. Pursuant to Section 145 it is an offence to unlawfully participate in military activity in an armed conflict abroad on behalf of non-state actors. Section 146 provides that the recruiting of a person to participate in military activities abroad,</p>
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			<p>cf. Section 145, is punishable by a term of imprisonment not exceeding 3 years. The offences do not require any purpose of terrorism.</p> <p><b>4.</b> Norway has provisions in place to address return of non-nationals in circumstances as described in this query and a decision made based on § 126 of the Immigration Act would also make it imperative that the person leave Norway.</p>
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