

Digital information exchange in terrorism cases

2021/0393(COD) - 01/12/2021 - Legislative proposal

PURPOSE: to amend the Eurojust Regulation to clarify and strengthen the Member States legal obligation to share data regarding terrorist offences with Eurojust.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: combating terrorism has been part of Eurojust's mandate since its creation in 2002 and remains one of its core priorities. To combat terrorism effectively, it is crucial that competent authorities efficiently share relevant information among themselves and with EU agencies and bodies to prevent, detect, investigate or prosecute terrorist offences.

[Council Decision 2005/671/JHA](#) sets out that in order to combat terrorism it is essential to have the fullest and most up-to-date information possible. It obliges Member States' competent national authorities to provide Eurojust with information on prosecutions and convictions for terrorist offences, which affect or may affect two or more Member States. **Inconsistencies in the interpretation** of Decision 2005/671/JHA cause that information is not shared at the right time, not the appropriate information is shared or information is not shared at all. Eurojust needs to receive sufficient information to identify links between cross-border investigations.

Assisting the competent authorities of the Member States in ensuring the best possible coordination of investigations and prosecutions, including the identification of links, is an important task of Eurojust under [Regulation \(EU\) 2018/1727](#). It enables Eurojust to take a more proactive approach and provide better services to the Member States, for example suggesting the initiation of investigations, identifying coordination needs.

CONTENT: this proposal seeks to amend the Eurojust Regulation and Council Decision 2005/671/JHA in order to improve information sharing between Member States and Eurojust by setting out the information to be shared more clearly.

Objectives

The general objective of this initiative is to enable Eurojust to fulfil its role better and in a more proactive manner when supporting and strengthening the coordination and the cooperation between the national investigating and prosecuting authorities in relation to serious crime, in particular terrorist offences.

The specific objectives are to:

- enable Eurojust to identify links between parallel cross-border investigations and prosecutions regarding terrorist offences more efficiently and to provide proactively feedback on these links to the Member States;
- render the data exchange between the Member States, Eurojust and third countries more efficient and secure.

Modernisation of the Counter Terrorism Register

Eurojust set up the European Judicial Counter-Terrorism Register with the specific objective to identify potential links between judicial proceedings against suspects of terrorist offences and possible coordination needs stemming from these. However, the European Judicial Counter-Terrorism Register is neither technically well integrated at Eurojust. Therefore, this proposal seeks to integrate the European Judicial Counter Terrorism Register and its functionalities, in order to improve the capacity to identify potential links in cases.

Eurojust's case management system

The Commission proposes a modernised case management system for Eurojust to process the sensitive personal data securely. The new system needs to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve the capacities of Eurojust regarding link detection.

Moreover, the proposal lays down measures concerning secure communication channels and a more flexible data processing.

Budgetary implications

This proposal would have an impact on Eurojust's budget and its staff needs. It is estimated that a further EUR 33 million would be needed. The reinforced tasks for Eurojust under this proposal would therefore require more financial and human resources than compared to the resources earmarked in the 2021-2027 EU budget (MFF).