

Digital information exchange in terrorism cases

2021/0393(COD) - 11/10/2023 - Final act

PURPOSE: to modernise judicial cooperation in terrorist cases.

LEGISLATIVE ACT: Regulation (EU) 2023/2131 of the European Parliament and of the Council of 4 October 2023 amending Regulation (EU) 2018/1727 of the European Parliament and of the Council and Council Decision 2005/671/JHA, as regards digital information exchange in terrorism cases.

CONTENT: the regulation will promote the exchange of digital information in terrorism cases between national authorities and Eurojust. Through more effective exchange on the investigation and prosecution of terrorist offenses, all Member State authorities and EU agencies will have access to the most comprehensive and up-to-date information regarding terrorism cases.

The new rules will allow Eurojust to play a greater role in supporting coordination and cooperation between national authorities responsible for investigating and prosecuting terrorist offenses.

Eurojust's competence

Eurojust will assist in investigations and prosecutions involving only a Member State and a third country, or a Member State and an international organisation, provided that a cooperation agreement has been concluded with that third country or international organisation or that, in a particular case, there is an essential interest in providing such assistance.

National correspondent for Eurojust

Each Member State will designate a competent national authority as a **national correspondent for Eurojust on terrorism matters**. This correspondent will be empowered to collect this information and to transmit it to Eurojust, in accordance with national criminal procedural law and applicable data protection rules.

Exchange of information on terrorism cases

Under the new rules, Member States will **provide Eurojust** with information on any criminal investigations regarding terrorist offences as soon as such cases are referred to the judicial authorities.

The information transmitted will include the operational personal data and non-personal data set out in Annex III (information to identify the suspected, accused, convicted or acquitted person).

Secure digital communication and data exchange between competent national authorities and Eurojust

The regulation creates a **secure digital communication channel** between member states and Eurojust. Communication between the competent national authorities and Eurojust under this Regulation shall be carried out through the decentralised IT system. The case management system will be connected with a network of IT systems and interoperable e-CODEX access points, which operate under the individual responsibility and management of each Member State and Eurojust, enabling the secure and reliable cross-border exchange of information.

The Commission will be responsible for the creation, maintenance and development of reference implementation software which Member States and Eurojust may choose to apply as their back-end system.

Case management system

Eurojust will establish a case management system for the processing of operational personal data listed in Annex II, data listed in Annex III and non-personal data.

The purposes of the case management system will be to:

- support the management and coordination of investigations and prosecutions for which Eurojust is providing assistance;
- ensure secure access to and exchange of information on ongoing investigations and prosecutions;
- allow for the cross-checking of information and identifying links;
- allow for the extraction of data for operational and statistical purposes;
- facilitate monitoring to ensure that the processing of operational personal data is lawful.

Data storage

Eurojust should not store operational personal data transmitted in accordance with the regulation beyond the first of the following dates:

- the date on which prosecution is barred under the statute of limitations of all the Member States concerned by the investigation or prosecution;
- **five years** after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, or **two years** in the case of an acquittal or final decision not to prosecute;
- the date on which Eurojust is informed of the decision of the competent national authority.

Third country liaison prosecutors

A liaison prosecutor from a third country may be seconded to Eurojust on the basis of a cooperation agreement concluded before 12 December 2019 between Eurojust and the third country in question. The amending regulation simplifies cooperation with third countries by granting liaison prosecutors seconded to Eurojust **access to the case management system** for the purposes of secure data exchange.

Annex III

The amending regulation:

- adds to the list of information making it possible to identify the natural or legal person suspected, accused, convicted or acquitted of the following information: place of residence, business name, legal form, location of head office, telephone numbers, email addresses, bank account information held with banks or financial institutions;

- adds to the list of information relating to the terrorist offence information concerning legal entities involved in the preparation or commission of a terrorist offence.

ENTRY INTO FORCE: 31/10/2023.