Terrorism: police and judicial cooperation (Common position 2001/931/CFSP). Initiative Spain

2002/0808(CNS) - 29/04/2002 - Initial legislative proposal

PURPOSE : to present the Spanish initiative which aims to adopt a Council Decision on the implementation of specific measures for police and judicial co-operation to combat terrorism in accordance with Article 4 of Council Common Position 2001/931/CFSP (see CNS/2001/0228). CONTENT : the aim of this initiative is to increase mutual assistance in preventing and combating terrorist acts through the police and judicial co-operation with regard to persons, groups and entities (listed in the Annex to the common position). The document specifies that each Member State shall designate a contact point wihtin its police service, which will have access to and collect the information concerning and resulting from criminal investigations conducted by its law enforcement authorities with respect to terrorist offences involving any of the listed persons, groups or entities. The information shall include, as a minimum, and provided they are known, the following data: - data which identify the person, group or entity, - acts under investigation and their specific circumstances, - links with other cases, - the use of communication technologies, - the threat posed by the possession of weapons of mass destruction. - Each Member States shall ensure that the information referred to above, collected by the contact point, is communicated to Europol, in accordance with the provisions of the Europol Convention. Moreover, it is stated that each Member State shall designate a contact point within its judiciary, which will have access to and collect the information concerning and resulting from criminal proceedings conducted under the responsibility of its judicial authorities, with regard to terrorist offences involving any of the listed persons, groups, or entities. The contact point shall be the Eurojust national correspondent for terrorism matters in those Member States in which such a contact point has been designated. It is also suggested that the Member States shall fully exploit the possibilities and advantages of the joint investigation teams, in order to investigate and prosecute terrorist offences involving any of the listed persons, groups or entities. Member States shall also ensure that information communicated by them to Europol and Eurojust can be exchanged between these two entities pursuant to an agreement on co-operation with may be signed between these two bodies, in accordance with the Europol Convention and the Eurojust Decision. Each Member State shall also take the necessary measures to ensure that requests from other Member States for mutual legal assistance and recognition and enforcement ofjudgements in connection with terrorist offences involving any of the listed persons, groups or entities are dealt with urgently and as a matter of priority. Lastly, it is suggested that each Member State shall take the necessary measures to ensure that any document, file, item of information, object or other means of evidence, seized or confiscated in the course of criminal investigations or criminal proceedings against any of the listed persons, groups or entities, can be made accessible or available immediately to theauthorities of other Member States where investigations against those listed persons, groups or entities are being carried out or might be initiated. The Council has also declared that Europol and Eurojust shall facilitate the holding of regular meetings, at least once every quarter, for operational purposes and in order to achieve the best and most effective implementation of this Decision.