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

2002/0808(CNS) - 14/06/2002 - 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 : it should be noted that the Council reached a general approach on the text of the appended draft decision, subject to the opinion of the European Parliament and parliamentary scrutiny reservations from France, Portugal, Ireland, the Netherlands and the UK. The document specifies that each Member State shall designate a specialised service within 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 text stipulates that each Member State shall designate a Eurojust national correspondent for terrorism matters under Article 12 of the Eurojust Decision or a appropriate judicial or other competent authority or, where its legal system so provides, more than one authority, and shall - in accordance with national law - ensure that this correspondent or appropriate judicial or other competent authority has access to and can collect all relevant 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. 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. 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 orconfiscated 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 the authorities of other Member States where investigations against those listed persons, groups or entities are being carried out or might be initiated. In a separation declaration the Council invites Europol and Eurojust to hold regular meetings, for operational purposes and in order to achieve the best and most effective implementation of this Decision. The agreement to be concluded between Europol and Eurojust shall determine the modalities of the holding of such meetings.