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

2002/0808(CNS) - 19/12/2002 - Final act

PURPOSE : to implement specific measures for police and judicial cooperation to combat terrorism. COMMUNITY MEAUSRE : Council Decision 2003/48/JHA on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common position 2001/931/CFSP. CONTENT : the Council adopted this Decision on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common Position 2001/931/CFSP of 27 December 2001 on the implementation of specific measures in view of the fight against terrorism (please refer to CNS/2001/0228). This position provides that Member States shall, through police and judicial cooperation in criminal matters, within the framework of Title VI of the Treaty on European Union, afford each other the widest possible assistance in preventing and combating terrorist acts. More specifically, the Decision stipulates that each Member State shall designate a specialised service within its police services, which, in accordance with national law, will have access to and collect all relevant 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. Member States shall take necessary measures to ensure that at least the following information collected by the specialised service, is communicated to Europol, through the national unit of that Member State : - data which identify the person, group or entity; - acts under investigation and their specific circumstances; - links with other relevant cases of terrorist offences; - the use of communications technologies; - the threat posed by the possession of weapons of mass destruction. Moreover, each Member State shall designate a Eurojust national correspondent for terrorism matters 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. Necessary measures shall be take by the Member States to ensure that at least the following information, collected by the national correspondent or by the appropriate judicial or other competent authority, is communicated to Eurojust, in accordance with national law, and insofar as permitted by, the provisions of the Eurojust Decision, in order to enable it to carry out its tasks: data which identify the person, group or entity; acts under investigation or prosecution and their specific circumstances; links with other relevant cases of terrorist offences; the existence of mutual legal assistance requests, including letters rogatory, which may have been made by or to another Member State, as well as the results of these. Joint investigation teams shall be set up, where appropriate, bythe Member States with a view to taking the necessary measures to set up joint investigation teams in order to carry out criminal investigations into terrorist offences involving any of the listed persons, groups or entities. Member States shall ensure that all relevant data that they communicate to Europol and Eurojust, and that relate to any of the listed persons, groups or entities or to offences that they are deemed to have committed or are about to commit, can be exchanged between Europol and Eurojust insofar as provided by the agreement on cooperation to be signed between these two bodies, in accordance with the Europol Convention and the Eurojust Decision. Member States shall take the necessary measures to ensure that requests from other Member States for mutual legal assistance and recognition and enforcement of judgements in connection with terrorist offences involving any of the listed persons, groups or entities, are dealt with as a matter of urgency and shall be given priority. Member States shall take the necessary measures to ensure that any relevant information included in document, file, item of information, object or other means of evidence, seized or confiscated in the course of criminal investigations or criminal proceedings in connection with terrorist offences against any of the listed

persons, groups or entities, can be made accessible or available immediately to the authorities of other interested Member States in accordance with national law and relevant international legal instruments where investigations against those listed persons, groups or entities are being carried out in connection with terrorist offences or might be initiated. ENTRY INTO FORCE : 23/01/2003.