

Terrorism: exchange of information on terrorist offences while respecting the Charter of Fundamental Rights

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The committee adopted the report by Antoine DUQUESNE (ALDE, BE) amending the proposal under the consultation procedure. The amendments were aimed at restructuring and fleshing out the draft decision:

- the committee proposed creating a new **Article 1a** governing the exchange of information on terrorist offences between police services or other law enforcement agencies;
- **Article 2** was amended so that it specifically concerned the provision of information on terrorist offences to Europol and Eurojust;
- new provisions in Article 2 stipulated that information should be provided "about convictions for terrorist offences and the specific circumstances surrounding those offences; if convictions at first instance are overturned on appeal, the requested Member State shall notify the requesting Member State of the modified information without delay". MEPs argued that, although a conviction becomes final only when the time limits for appeals under domestic law have expired, this can lead to substantial delays which render the information useless. It should therefore be possible to provide information about terrorist convictions as soon as the initial judgment has been given;
- Europol and Eurojust should also have access to information about sentences, their execution, disqualifications and the previous criminal records of people or groups who are under criminal investigation, as such information is crucial to the fight against terrorism;
- a new **Article 2a** stipulated that Europol and Eurojust must be required to review regularly the databases available and to delete information which is no longer relevant to ongoing investigations;
- a new **Article 3a** specified that each Member State shall accept the jurisdiction of the EC Court of Justice "to give preliminary rulings on the validity and interpretation of this Decision in accordance with Article 35(2) of the TEU";
- new clauses in **Article 4** set a 12-hour deadline for the provision of the information requested or, "in the case of information which requires formalities or prior contacts with other authorities, 48 hours if the matter is urgent and otherwise 10 working days";
- a new **Article 4a** provided for authorities to forward information to each other without being requested "if there are serious objective reasons to believe that the information in question could assist in the prevention, investigation or detection of crimes or criminal activities which are linked to a terrorist offence";
- a new **Article 4b** made it incumbent on Member States to justify any refusal to supply information;
- new **Articles 4c, 4d, 4e and 4f** introduced a series of data protection provisions;

- a new **Article 5a** required Europol and Eurojust to submit an annual report to Parliament and the Council.