

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

2004/0069(CNS) - 20/09/2005 - Final act

PURPOSE: to improve the effectiveness of activities to combat terrorism and to boost cooperation between the Member States' authorities responsible for combating terrorism, Europol and Eurojust.

LEGISLATIVE ACT: Council Decision 2005/671/JHA on the exchange of information and cooperation concerning terrorist offences.

CONTENT: It is essential in the fight against terrorism for the relevant services to have the fullest and most up-to-date information possible in their respective fields, including information on convictions.

The purpose of this Decision is to extend the scope of information exchanged between Member States specialised national services, the judicial authorities Europol and Eurojust. The main points are as follows:

-Each Member State must designate a specialised service within its police services that 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 and send it to Europol.

-Member States must also designate an appropriate judicial or other competent authority, or more than one, that has access to and can collect all relevant information concerning prosecutions and convictions for terrorist offences and send it to Eurojust.

-The information to be to Europol shall be the following: data which identify the person, group or entity; acts under investigation and their specific circumstances; the offence concerned; links with other relevant cases; the use of communication technologies; the threat posed by the possession of weapons of mass destruction.

-The information to be transmitted to Eurojust shall be the following: data which identify the person, group or entity that is the object of a criminal investigation or prosecution; the offence concerned and its specific circumstances; information about final convictions for terrorist offences and the specific circumstances surrounding those offences; links with other relevant cases; requests for judicial assistance, including letters rogatory, addressed to or by another Member State and the response.

-Each Member State must take measures to ensure that any relevant information seized in the course of criminal investigations or proceedings in connection with terrorist offences can be made accessible as soon as possible, taking account not to jeopardize current investigations, to the authorities of other interested Member States.

-In appropriate cases Member States set up joint investigation teams to conduct criminal investigations into terrorist offences.

-Member States must ensure that requests from other Member States for mutual legal assistance and recognition and enforcement of judgments in connection with terrorist offences are dealt with as a matter of urgency and are given priority.

The Decision applies to Gibraltar.

DATE OF IMPLEMENTATION : 30/06/2006

DATE OF EFFECT : 30/09/2005.