Combating terrorism and internal security: relationship between Europol and national security and intelligence services, establish a mechanism to ensure the transmission of information

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PURPOSE: to establish a mechanism to ensure the transmission to Europol of information resulting from the activities of Member States' security and intelligence services with respect to terrorist offences.

PROPOSED ACT: Council Decision.

CONTEX: terrorism is an international phenomenon and no Member State can effectively tackle it alone. Europol has a pivotal role within the EU with regard to preventing and combating terrorism.

The Europol Convention already provides a legal framework enabling Member States to share information on terrorism with Europol. Information that originates from the activities of national security and intelligence services is, in principle, not excluded from being transmitted to Europol. However, Europol highlights that there is no structured provision of data from the security and intelligence service domain to Europol's analysis work files on terrorism. Europol estimates that most of the data contributions from Member States to the relevant analysis work file and projects of the Counter Terrorism Task Force are from law enforcement rather than from security and intelligence services.

CONTENT: the main objective of the proposed Council Decision is to ensure the transmission of information resulting from the activities of national security and intelligence services with respect to terrorist offences to Europol. As Europol is in a position to receive information from all Member States it is able to develop an EU approach and perspective to the prevention and combating of terrorism. This cannot be achieved by a Member State acting alone or by information transmission between a limited number of Member States.

In particular, this proposal provides for the designation of a contact point within the security and intelligence services of each Member State. These services shall transmit all relevant information resulting from their activities with respect to terrorist offences to the designated contact points. The Council Decision also makes provision for the transmission of information received by the contact points with respect to terrorist offences to Europol. The proposal equally makes provision for the transmission of information received by the contact point of a Member State to the contact points of other affected Member States with respect to terrorist offences.

This proposal is without prejudice to bilateral mechanisms between the Member States for the transmission of information. The "Bureau De Liaison" BDL network is an encrypted information technology tool which assists in the transmission of information. Both Member State law enforcement bodies and security and intelligence services and Europol should have access to this network. It could provide a useful mechanism for the transmission of information in accordance with this proposal for a Council Decision.

Lastly, it should be noted that the implementation of this proposed Council Decision will not impose an excessive burden or costs on the Member States. They will not be required to create new bodies or services.