Basic information

2002/0808(CNS) CNS - Consultation procedure Decision	Procedure completed
Terrorism: police and judicial cooperation (Common position 2001/931 /CFSP). Initiative Spain **Subject** 7.30 Police, judicial and customs cooperation in general 7.30.20 Action to combat terrorism	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	GALEOTE Gerardo (PPE-DE)	09/07/2002

Former committee responsible	Former rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	GALEOTE Gerardo (PPE-DE)	27/05/2002

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2437	2002-06-17
Justice and Home Affairs (JHA)	2477	2002-12-19
Justice and Home Affairs (JHA)	2436	2002-06-13

Key events

Date	Event	Reference	Summary
29/04/2002	Initial legislative proposal published	07756/2002	Summary
29/05/2002	Committee referral announced in Parliament		
13/06/2002	Debate in Council		
14/06/2002	Legislative proposal published	07756/4/2002	Summary
12/09/2002	Vote in committee		
12/09/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0305/2002	
24/09/2002	Decision by Parliament	T5-0428/2002	Summary
19/12/2002	Act adopted by Council after consultation of Parliament		
19/12/2002	End of procedure in Parliament		

22/01/2003	Final act published in Official Journal		

Technical information

Procedure reference	2002/0808(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on European Union (after Amsterdam) M 030 Treaty on European Union (after Amsterdam) M 034-p2 Treaty on European Union (after Amsterdam) M 031
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/16260

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0305/2002	12/09/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0428/2002 OJ C 273 14.11.2003, p. 0023-0091 E	24/09/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Initial legislative proposal	07756/2002 OJ C 126 28.05.2002, p. 0022	29/04/2002	Summary
Document attached to the procedure	07153/2002	21/05/2002	Summary
Legislative proposal	07756/4/2002	14/06/2002	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2003/0048
OJ L 016 22.01.2003, p. 0068-0070 Summary

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

2002/0808(CNS) - 29/04/2002 - Initial 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 : the aim of this initiative is to increase mutual assistance in preventing and combating terrorist acts through the police and judicial co-operation with regard to persons, groups and entities (listed in the Annex to the common position). The document specifies that each Member State shall designate a contact point wihtin 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 information shall include, as a minimum, and provided they are known, the following data: - data which identify the person, group or entity, - acts under investigation and their specific circumstances, - links with other cases, - the use of communication technologies, - the threat posed by the possession of weapons of mass destruction. - Each 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, in accordance with the Europol Convention and the Eurojust Decision. 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 or confiscated 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 theauthorities of other Member States where investigations against those listed persons, groups or entities are being carried out or might be initiated. The Council has also declared that Europol and Eurojust shall facilitate the holding of regular meetings, at least once every quarter, for operational purposes and in order to achieve the best and most effective implementation of this Decision.

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

2002/0808(CNS) - 21/05/2002 - Document attached to the procedure

In a cover note addressed to Mr. Javier SOLANA, Secretary-general of the Council of the European Union by Mr. Javier CONDE, of the Spanish permanent representation, a new version of the draft Spanish initiative is presented on police and judicial co-operation relating to the fight against terrorism. This note comprises of minor editorial changes (in particular, the provisions concerning the fight against organised crimes are underlined). To recall, the aim of this initiative is to increase mutual assistance in preventing and combating terrorist acts through the police and judicial co-operation with regard to persons, groups and entities listed in the Annex to common position 2001/931/CFSP.

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.

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

2002/0808(CNS) - 24/09/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Gerardo GALEOTE QUECEDO (EPP-ED, Spain) on the Spanish initiative on police and judicial cooperation to combat terrorism. (Please refer to the document dated 12/09/02.) On the specific question of the collection, storage and exchange of personal data, Parliament inserted an article stating that this will respect criteria equivalent to the provisions of Directive 95/46/EC. It also foresees a role for the European data-protection supervisor.

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.