Basic information

2004/0069(CNS) CNS - Consultation procedure Decision	Procedure completed
Terrorism: exchange of information on terrorist offences while respecting the Charter of Fundamental Rights Amended by 2015/0281(COD) Amended by 2021/0393(COD) Amended by 2021/0399(COD) **Subject** 7.30.05 Police cooperation 7.30.20 Action to combat terrorism	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DUQUESNE Antoine (ALDE)	27/07/2004

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	SZENT-IVÁNYI István (ALDE)	13/09/2004
JURI Legal Affairs	LÓPEZ-ISTÚRIZ WHITE Antonio (PPE-DE)	24/11/2004

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2626	2004-12-02
Agriculture and Fisheries	2677	2005-09-19

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
29/03/2004	Legislative proposal published	COM(2004)0221	Summary

15/09/2004	Committee referral announced in Parliament		
02/12/2004	Debate in Council		Summary
24/05/2005	Vote in committee		Summary
26/05/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0160/2005	
07/06/2005	Decision by Parliament	T6-0217/2005	Summary
07/06/2005	Results of vote in Parliament		
07/06/2005	Debate in Parliament		
19/09/2005	Act adopted by Council after consultation of Parliament		
19/09/2005	End of procedure in Parliament		
29/09/2005	Final act published in Official Journal		

Technical information

Procedure reference	2004/0069(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Amended by 2015/0281(COD) Amended by 2021/0393(COD) Amended by 2021/0399(COD)
Legal basis	Treaty on European Union (after Amsterdam) M 029 Treaty on European Union (after Amsterdam) M 034-p2 Treaty on European Union (after Amsterdam) M 031 Treaty on European Union (after Amsterdam) M 030-p1
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/22007

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	AFET	PE349.860	31/03/2005	
Amendments tabled in committee		PE357.860	10/05/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0160/2005	26/05/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0217/2005 OJ C 124 25.05.2006, p. 0021-0223 E	07/06/2005	Summary

Council of the EU

Document type	Reference	Date	Summary

Supplementary legislative basic document	15599/2004	06/12/2004	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2004)0221	29/03/2004	Summary
Commission response to text adopted in plenary	SP(2005)2882	13/07/2005	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Justice and Home Affairs act 2005/0671
OJ L 253 29.09.2005, p. 0022-0024 Summary

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.

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

2004/0069(CNS) - 02/12/2004

The Council agreed on a general approach on a Decision on the exchange of information and cooperation concerning terrorist offences. The draft Decision will reinforce Decision 2003/48/JHA of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism.

In executing the exchange of information, this Decision is without prejudice to essential national security interests, the jeopardizing of the success of a current investigation or the safety of individuals, or specific intelligence activities in the field of State security.

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

2004/0069(CNS) - 29/03/2004 - Legislative proposal

PURPOSE : to improve the exchange of information between national authorities relating to terrorist offences. PROPOSED ACT : Council Decision. CONTENT : since September 2001 European Union Heads of State have recognised that in order to act efficiently against terrorism they need to act in unity. The recent Madrid bombings have reinforced the message and reminded Member States that fighting terrorism is a priority objective of the European Union. One of the most effective ways in which to try and prevent future terrorist acts is to ensure that national security services are kept abreast of known information relating to terrorists. The Member States' specialised intelligence services, the judicial authorities as well as Europol and Eurojust need to be briefed on terrorist information if they are to act efficiently at preventing future attacks. The purpose of this Decision is to extend the scope of information exchanged. In order to achieve this objective the Decision proposes that each Member State designate a specialised service within its police services with responsibility for collecting, and having access to, all relevant information relating to criminal investigations and terrorist offences. Each Member State passes relevant information relating to criminal investigations, prosecutions and convictions for terrorist offences to Europol and Eurojust. The information transmitted should include: data relating to the identity of a person, group or entity; acts under investigation and their specific circumstances; the offence concerned; links with other relevant causes of terrorist offences; requests for judicial assistance, including letters rogatory, addressed to or by another Member State and the response; terrorist offences of which the person has already been convicted and the specific circumstances surrounding them; penalties imposed and information regarding their enforcement; disqualifications ordered by reason of the conviction; prior criminal record; information of on the use of communication technologies; information on the threat posed by the possession of weapons of mass destruction. Member States must make sure that all information connected to terrorist information is passed on to other interested Member States. Lastly, where appropriate, Member States may set up joint investigation teams to conduct criminal investigations into terrorist offences.

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

2004/0069(CNS) - 07/06/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Antoine DUQUESNE (ALDE, BE) and made some amendments to the Commission’s text. (Please see the summary of 24/05/2005.)

To clarify, the new Article 4c concerns the governing the collection and processing of data. Further new provisions of Article 4 are as follows:

Article 4d: Right of access to data of the person concerned

Article 4f: Remit of the joint personal data protection supervisory authority

Article 4g:Reports by Europol and Eurojust.

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

2004/0069(CNS) - 06/12/2004 - Supplementary legislative basic document

At the meeting of the Council on 2 December 2004, the delegations reached a general approach on a modified text of the proposal for a decision on the exchange of information and cooperation concerning terrorist offences. The amendments aim essentially to clarify the text of the initial proposal and to emphasise the principle of subsidiarity. The principal amendments may be summarised as follows:

- a new recital states that, in the execution of the exchange of information, the Decision is without prejudice to essential national security interests, the jeopardizing of the success of a current investigation or the safety of individuals, or specific intelligence activities in the field of State security;

- the text clarifies the nature of the information to be sent to each recipient; Accordingly, the following information must be sent to Europol:

- 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.

Information to be transmitted to Eurojust will comprise 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 these offences;

- links with other relevant cases;

- requests for judicial assistance, including letters rogatory, addressed to or by another Member State and the response.

In addition, Member States have specified that, if their legal systems so provide, they may designate more than one authority as Eurojust national correspondent for terrorism matters, which, in accordance with national law, shall have access to and can collect all relevant information concerning prosecutions and convictions for terrorist offences. In respect of Europol, the competent authority will be a specialised service within the police services of each Member State, or other law enforcement authorities, which, in accordance with national law, will have access to and collect all relevant information concerning criminal investigations conducted by its law enforcement authorities with respect to terrorist offences.

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 (and not 'immediately' as foreseen in the Commission's proposal), taking account not to jeopardize current investigations, to the authorities of other interested Member States.

Measures to comply with the Decision must be taken within 9 months of its entry into force.

It should be noted that the French, Irish, Dutch and British delegations still have parliamentary scrutiny reservations.