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COUNCIL DECISION 2005/671/JHA

of 20 September 2005

on the exchange of information and cooperation concerning terrorist offences

(OJ L 253, 29.9.2005, p. 22)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017	L 88	6	31.3.2017

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COUNCIL DECISION 2005/671/JHA

of 20 September 2005

on the exchange of information and cooperation concerning terrorist offences

Article 1

Definitions

For the purposes of this Decision, the following definitions shall apply:

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(a) 'terrorist offences': the offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council ([1]);

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(b) 'Europol Convention': the Convention of 26 July 1995 on the establishment of a European Police Office ([2]);

(c) 'Eurojust Decision': Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime ([3]);

(d) 'group or entity': 'terrorist groups' within the meaning of Article 2 of Council Framework Decision 2002/475/JHA and the groups and entities listed in the Annex to Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism ([4]).

Article 2

Provision of information concerning terrorist offences to Eurojust, Europol and the Member States

1. Each Member State shall designate a specialised service within its police services or other law enforcement authorities, 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 and send it to Europol in accordance with paragraphs 3 and 4.

2. Each Member State shall designate one, or where its legal system so provides more than one authority, as Eurojust national correspondent for terrorism matters or an appropriate judicial or other competent authority which, in accordance with national law, shall have access to and can collect all relevant information concerning prosecutions and convictions for terrorist offences and send it to Eurojust in accordance with paragraph 5.

([1]) Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

([2]) OJ C 316, 27.11.1995, p. 2. Convention as last amended by the Protocol of 27.11.2003 (OJ C 2, 6.1.2004, p. 3).

([3]) OJ L 63, 6.3.2002, p. 1. Decision as amended by Council Decision 2003/659/JHA (OJ L 245, 29.9.2003, p. 44).

([4]) OJ L 344, 28.12.2001, p. 93. Common Position as last amended by Common Position 2005/220/CFSP (OJ L 69, 16.3.2005, p. 59).

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3. Each Member State shall take the necessary measures to ensure that at least the information referred to in paragraph 4 concerning criminal investigations and the information referred to in paragraph 5 concerning prosecutions and convictions for terrorist offences which affect or may affect two or more Member States, gathered by the relevant authority, is transmitted to:

(a) Europol, in accordance with national law and with the provisions of the Europol Convention, for processing; and

(b) Eurojust, in accordance with national law and where the provisions of the Eurojust Decision so allow.

4. The information to be transmitted in accordance with paragraph 3 to Europol shall be the following:

(a) data which identify the person, group or entity;

(b) acts under investigation and their specific circumstances;

(c) the offence concerned;

(d) links with other relevant cases;

(e) the use of communication technologies;

(f) the threat posed by the possession of weapons of mass destruction.

5. The information to be transmitted in accordance with paragraph 3 to Eurojust shall be the following:

(a) data which identify the person, group or entity that is the object of a criminal investigation or prosecution;

(b) the offence concerned and its specific circumstances;

(c) information about final convictions for terrorist offences and the specific circumstances surrounding those offences;

(d) links with other relevant cases;

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

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6. Each Member State shall take the necessary measures to ensure that relevant information gathered by its competent authorities in the framework of criminal proceedings in connection with terrorist offences is made accessible as soon as possible to the competent authorities of another Member State where the information could be used in the prevention, detection, investigation or prosecution of terrorist offences as referred to in Directive (EU) 2017/541, in that Member State, either upon request or spontaneously, and in accordance with national law and relevant international legal instruments.

▼M1

7. Paragraph 6 is not applicable where the sharing of information would jeopardise current investigations or the safety of an individual, nor when it would be contrary to essential interests of the security of the Member State concerned.

8. Member States shall take the necessary measures to ensure that their competent authorities take, upon receiving the information referred to in paragraph 6, timely measures in accordance with national law, as appropriate.

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Article 3

Joint investigation teams

In appropriate cases Member States shall take the necessary measures to set up joint investigation teams to conduct criminal investigations into terrorist offences.

Article 4

Requests for judicial assistance and enforcement of judgments

Each Member State shall take the necessary measures to 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.

Article 5

Repeal of existing provisions

Decision 2003/48/JHA is hereby repealed.

Article 6

Implementation

Member States shall take the necessary measures to comply with the provisions of this Decision at the latest by 30 June 2006.

Article 7

Territorial Application

This Decision shall apply to Gibraltar.

Article 8

Entry into force

This Decision shall take effect on the day following its publication in the *Official Journal of the European Union*.