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► **B**

**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
► <b><u>M1</u></b>	Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017	L 88	6	31.3.2017
► <b><u>M2</u></b>	Directive (EU) 2023/2123 of the European Parliament and of the Council of 4 October 2023	L 2123	1	11.10.2023
► <b><u>M3</u></b>	Regulation (EU) 2023/2131 of the European Parliament and of the Council of 4 October 2023	L 2131	1	11.10.2023

**▼ B****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:

**▼ M1**

- (a) ‘terrorist offences’: the offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council
- <sup>(1)</sup>
- ;

**▼ M2**  
\_\_\_\_\_**▼ M3**  
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- (d) ‘group or entity’: terrorist group as defined in Article 2, point (3), of Directive (EU) 2017/541 and the groups and entities listed in the Annex to Council Common Position 2001/931/CFSP
- <sup>(2)</sup>
- .

**▼ B***Article 2***▼ M2****Provision of information concerning terrorist offences to Europol  
and the Member States****▼ B**

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.

**▼ M3**  
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<sup>(1)</sup> 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).

<sup>(2)</sup> Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344, 28.12.2001, p. 93).

**▼ M3**

3. Each Member State shall take the necessary measures to ensure that at least the information referred to in paragraph 4 concerning criminal investigations for terrorist offences which affect or may affect two or more Member States, gathered by the relevant authority, is transmitted to Europol, in accordance with national law and with Regulation (EU) 2016/794 of the European Parliament and of the Council <sup>(1)</sup>.

**▼ M2**

3a. Each Member State shall ensure that personal data are processed pursuant to paragraph 3 of this Article only for the purposes of the prevention, investigation, detection or prosecution of terrorist offences and other criminal offences for which Europol is competent, as listed in Annex I of Regulation (EU) 2016/794. Such processing shall be without prejudice to the limitations applicable to the processing of data under Regulation (EU) 2016/794.

**▼ B**

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.

**▼ M2**

The categories of personal data to be transmitted to Europol for the purposes referred to in paragraph 3a shall remain limited to those referred to in Section B, point 2, of Annex II to Regulation (EU) 2016/794.

**▼ M3**

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**▼ M1**

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.

<sup>(1)</sup> Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

**▼ M2**

The categories of personal data that may be exchanged between Member States for the purposes referred to in the first subparagraph shall remain limited to those referred to in Section B, point 2, of Annex II to Regulation (EU) 2016/794.

**▼ 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.

**▼ B***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*.