



# Digital Information Exchange in Terrorism Cases Stronger justice, safer Europe



## The European Judicial Counter-Terrorism Register: a unique operational tool to enhance the judicial response to terrorism

The European Judicial Counter-Terrorism Register (CTR) was set up at the European Union Agency for Criminal Justice Cooperation (Eurojust) on 1 September 2019 on the basis of Council Decision 2005/671/JHA on the exchange of information and cooperation concerning terrorist offences. The CTR collects information on judicial counter-terrorism (CT) proceedings from EU Member States, with the objective of identifying potential links between judicial proceedings and possible coordination needs.

As a result, transmission of information on judicial CT proceedings to Eurojust has increased and links have been identified, leading to enhanced judicial cooperation.

**What:** information on ongoing and concluded judicial CT proceedings

**When:** as soon as investigations are formally opened by the judicial authorities and in case of developments in the proceedings

**Where:** Eurojust Case Management System (CMS)

**Why:** to identify links and coordination needs

**How:** full respect for the applicable data protection rules and the ownership and confidentiality of data

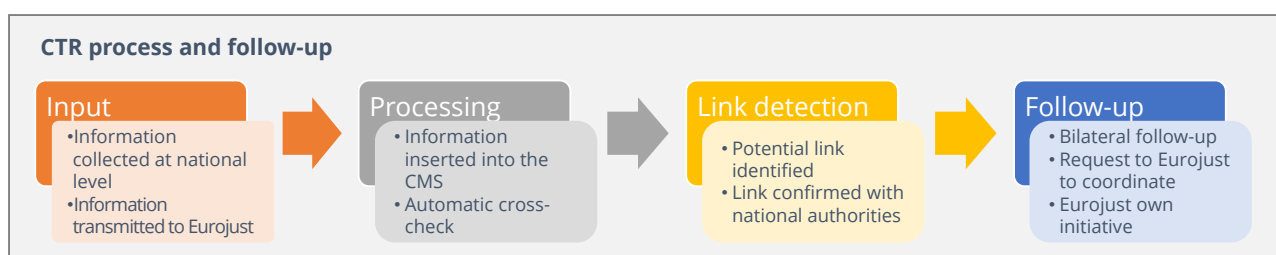
Read more about the [CTR](#) and its [main concepts, principles and benefits](#) on the Eurojust website.

## The CTR at work

Information collected by the national authorities and transmitted to Eurojust in the framework of the CTR is inserted into the secure environment of the Eurojust CMS, with full respect for the applicable data protection rules and the ownership and confidentiality of data. At Eurojust, the data is accessible only to the National Desk of the Member State that provided it and is not shared further. Based on the functionalities of the CMS, the CTR information is cross-checked against all other information in the system, allowing for potential links to be identified across jurisdictions but also across crime types. The CTR helps identify links between proceedings that were not known to the national authorities. It helps national authorities reveal the

cross-border nature of terrorist cells and/or activities and better understand the connections to other serious crimes.

Once a link is confirmed, national authorities may decide to follow up bilaterally or ask Eurojust for legal and operational assistance tailored to the specific needs of each case. Eurojust's coordination tools support national authorities in gaining a better understanding of the international dimension of investigations and prosecutions and provide a wide range of possibilities for cooperation to achieve better operational results and ensure successful outcomes of CT proceedings. Eurojust may also take a proactive role in coordinating cross-border cases and act on its own initiative, as provided for in [Article 2\(3\) of Regulation \(EU\) 2018/1727](#) ('the Eurojust Regulation').



## Regulation (EU) 2023/2131

Regulation (EU) 2023/2131 of the European Parliament and of the Council of 4 October 2023 amending Regulation (EU) 2018/1727 of the European Parliament and of the Council and Council Decision 2005/671/JHA, as regards digital information exchange in terrorism cases was published on 11 October 2023 and entered into force on 31 October 2023.

### Main objectives of the regulation

- ▶ Enhance Eurojust’s capacity to detect links between CT investigations and prosecutions
- ▶ Create a modern CMS to store operational information and a secure digital communication channel between Member States and Eurojust
- ▶ Simplify cooperation with third countries

The adoption of the regulation is part of the efforts to digitalise justice and improve information exchange and coordination.

### What is new

**Legal basis:** Relevant provisions concerning the obligation for Member States to transmit information about terrorism investigations and judicial proceedings to Eurojust are carved out from Council Decision 2005/671/JHA and included in the Eurojust Regulation (1). **Article 20(2a)**  
**Article 21a**

**Scope:** The competent national authorities are to inform their National Members of any: **Article 21a(1)**

- ▶ ongoing or concluded criminal investigations supervised by judicial authorities;
- ▶ ongoing or concluded prosecutions and court proceedings;
- ▶ court decisions on terrorist offences.

That obligation shall apply to all criminal investigations relating to terrorist offences regardless of whether there is a known link to another Member State or a third country unless the criminal investigation, due to its specific circumstances, clearly affects only one Member State.

Terrorist offences are offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council. **Article 21a(3)**

**Initial transmission:** Information is to be transmitted as soon as the case is referred to a judicial authority in accordance with national law. **Article 21a(1)**

Should a judicial authority be involved at later stages of proceedings, the regulation should not prevent competent national authorities from providing information at an earlier stage in accordance with their national law. **Recital 15**

The competent national authority shall not be obliged to provide such information where it has already been transmitted to Eurojust. **Article 21a(6)**

**Updates:** Competent national authorities are to inform their National Member about any changes to the information transmitted under Article 21a(1) without undue delay and, where possible, no later than 10 working days after such changes. **Article 21a(5)**

(1) Ireland is not taking part in the adoption of the regulation and is not bound by it or subject to its application, but it can opt in at any time.

Denmark is not taking part in the adoption of the regulation and is not bound by it or subject to its application. Council Decision 2005/671/JHA continues to apply to Denmark in its unrevised version.

**Acquittals and decisions not to prosecute:** With regard to concluded investigations, prosecutions and court proceedings, in addition to persons convicted for terrorist offences, Eurojust may continue to process the operational personal data of persons subject to concluded proceedings that have resulted in an acquittal or a final decision not to prosecute, unless the competent national authority decides otherwise on a case-by-case basis. The processing of such operational personal data shall take place only in order to identify links between ongoing, future or concluded investigations and prosecutions. **Article 27(5)**

**Categories of data:** The information to be transmitted to Eurojust is laid down in a new Annex III. It includes: **Article 21a(4)**

- ▶ information to identify the suspected, accused, convicted or acquitted natural or legal person; **Annex III(a)**
- ▶ information on the terrorist offence; **Annex III(b)**
- ▶ information on the national proceedings; **Annex III(c)**
- ▶ additional information to identify the suspect. **Annex III(d)**

The additional information to identify the suspect (point d of Annex III) refers to biometric data that are to be transmitted only if such personal data are held by or can be communicated to the competent national authorities in accordance with national law and if the transmission of those data is necessary to reliably identify a data subject. **Article 21a(4)**

For a natural person	For a legal person	Information on the terrorist offence	Information on the national proceedings	Additional information to identify the suspect
<ul style="list-style-type: none"> <li>• Surname (family name)</li> <li>• First names (given names)</li> <li>• Any aliases</li> <li>• Date of birth</li> <li>• Place of birth (town and country)</li> <li>• Nationality or nationalities</li> <li>• Identification document (type and number)</li> <li>• Gender</li> <li>• Place of residence</li> <li>• Telephone numbers</li> <li>• Email addresses</li> <li>• Details of accounts held with banks or other financial institutions</li> </ul>	<ul style="list-style-type: none"> <li>• Business name</li> <li>• Legal form</li> <li>• Place of head office</li> <li>• Telephone numbers</li> <li>• Email addresses</li> <li>• Details of accounts held with banks or other financial institutions</li> </ul>	<ul style="list-style-type: none"> <li>• Information concerning legal persons involved in the preparation or commission of a terrorist offence</li> <li>• Legal qualification of the offence under national law</li> <li>• Applicable form of serious crime from the list referred to in Annex I</li> <li>• Any affiliation with a terrorist group</li> <li>• Type of terrorism, such as jihadist, separatist, left-wing or right-wing</li> <li>• Brief summary of the case</li> </ul>	<ul style="list-style-type: none"> <li>• Status of such proceedings</li> <li>• Responsible public prosecutor's office</li> <li>• Case number</li> <li>• Date of opening of formal judicial proceedings</li> <li>• Links with other relevant cases</li> </ul>	<ul style="list-style-type: none"> <li>• Fingerprint data that have been collected in accordance with national law during criminal proceedings</li> <li>• Photographs</li> </ul>

The new categories of data to be transmitted in the framework of the CTR will help:

- ▶ confirm the identity of a person who may be subject to a potential link between investigations, prosecutions or court proceedings;
- ▶ establish links that are impossible to identify based on personal identity data only.

**Derogations:** The obligation to share information will not apply where the sharing would jeopardise an ongoing investigation or the safety of an individual, or would be contrary to essential security interests of the Member State. Such derogations should only be applied in exceptional circumstances and on a case-by-case basis. **Article 21a(2)**

When considering whether or not to derogate from the obligation, competent national authorities should take due account of the fact that Eurojust treats the information in compliance with EU law on data protection and of the confidentiality of the judicial proceedings. **Recital 17**

**Communication and transmission means:** At the latest 4 years after the entry into force of the amended Eurojust Regulation, communication between the competent national authorities and Eurojust shall be carried out through the decentralised IT system. The CMS is to be connected with a network of IT systems and interoperable e-CODEX access points in the Member States. Exceptionally, alternative means that are reliable and provide an equivalent level of security and data protection can be used. The competent national authorities shall transmit the information referred to in Articles 21 and 21a to Eurojust in a semi-automated and structured manner from national registers. The arrangements for such transmission shall be determined by the European Commission, in consultation with Eurojust, in an implementing act. **Article 22a**

**Data retention:** To ensure that new terrorist investigations can also be cross-checked with previous investigations and establish potential links, the retention period for data on previous investigations and convictions is extended to: **Article 29(1a)**

- ▶ up to 5 years for persons convicted of terrorist offences;
- ▶ up to 2 years for persons who are acquitted or subject to a final decision not to prosecute.

A review of the need to store the data shall also be carried out every 3 years after they were entered. If no decision is taken on the continued storage of operational personal data at the time of the review, those data shall be deleted automatically. **Article 29(2) and (3)**

**Handling codes:** Operational personal data can be shared with another Member State only if the exchange of data is authorised by the competent national authorities. In order to digitalise and speed up the follow-up on potential links while ensuring full control over the data, handling codes should be introduced. By selecting a specific handling code when transmitting the information to Eurojust, the Member States will be able to set the terms and restrictions to the access and use of this information. **Recital 24 and Article 24(3)**

**Follow-up action by Eurojust:** Eurojust will notify without undue delay any identified link to the competent national authorities, which may at any stage request the support of Eurojust in the follow-up action. **Article 21a(7)**

When following up on identified links, Eurojust may also act on its own initiative to ensure the best possible coordination between the concerned Member States.

## Eurojust national correspondents for terrorism matters

The key role of the Eurojust national correspondents for terrorism matters (NCTs) is confirmed by Regulation (EU) 2023/2131. The NCT shall have access to all relevant information in accordance with Article 21a(1) and shall be competent to collect such information and to send it to Eurojust.

**Article 20(2a)**

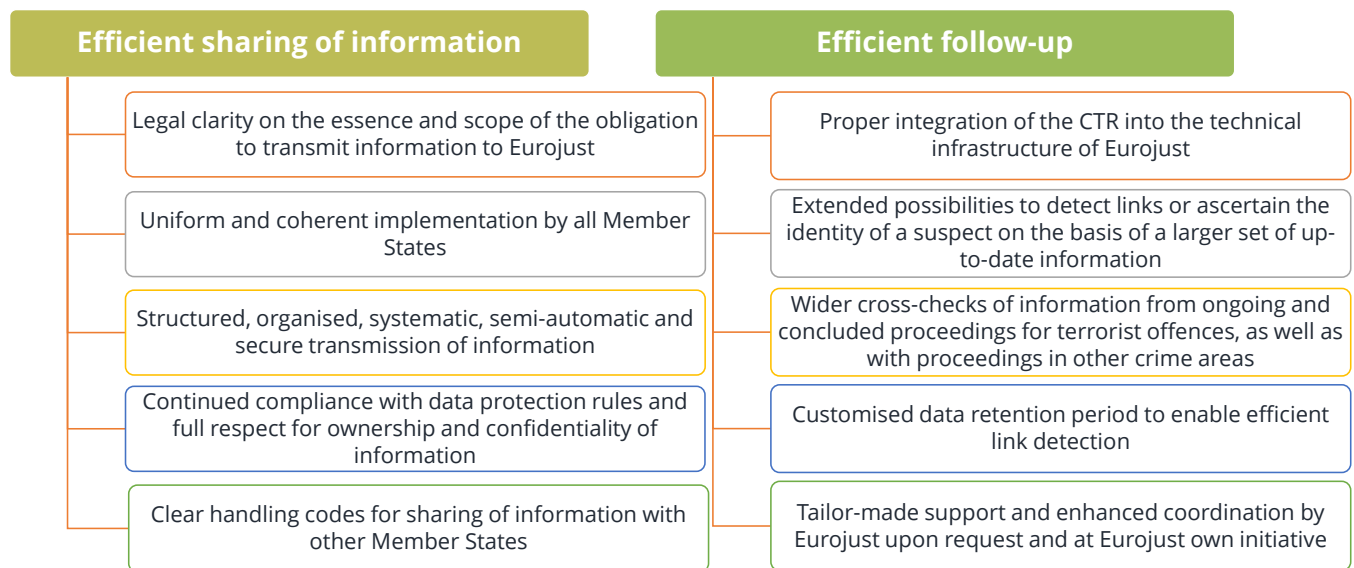
The NCTs shall be connected to the Eurojust CMS. Their National Member shall decide on the extend of the access granted, which shall be to no more than the following data:

**Article 20(8) and Article 25**

- (a) data controlled by the National Member of their Member State;
- (b) data controlled by National Members of other Member States and to which the National Member of their Member State has received access, unless the National Member who controls the data has denied such access.

Data provided in accordance with Article 21a may be accessed at the national level only by NCTs. Each Member State may decide, after consultation with its National Member, that NCTs may enter information in the CMS concerning their Member State, which shall be subject to validation by the respective National Member.

## Expected benefits for the Member States





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Print: ISBN 978-92-9404-012-1

doi:10.2812/366802

QP-09-23-443-EN-C

PDF: ISBN 978-92-9404-011-4

doi:10.2812/1873

QP-09-23-443-EN-N

*Printed by the Publications Office of the European Union in Luxembourg - PRINTED ON 100 % RECYCLED PAPER*



Publications Office  
of the European Union