

Seminar 7: Cooperation in criminal matters in the European Union: Judicial response to Terrorism

Barcelona (ES), 6-7 February 2013

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Improving Judicial Cooperation in Criminal Matters in the area of Freedom, Security and
Justice, Institutional Processes and Topical Areas

Seminar Venue

Hotel Catalonia Berna, Roger de Llúria 60, 08009 Barcelona

Trainers' Note

Target group: Judges, Prosecutors and Defense Lawyers from France, Denmark, Spain
and other Member States.

Description: Terrorism represents a major threat for all countries and therefore requires a
specific response. Committed to prevent and tackle this issue, the European Union has set
up both legal and operational frameworks aimed at enhancing cross-border cooperation
between Member States.

Method: Presentations complimented by discussions

Objectives: The seminar aims at examining legal instruments and practices regarding the
fight against terrorism

The first presentation seeks to provide a general understanding on exactly what threats counter-terrorism is to tackle and what international and European responses and frameworks have been developed so far. The presentation will also aim to put the fight against terrorism into a geopolitical and internal security context. The presentation will be complemented with slides.

- Terrorism overview: Geopolitical situation and types of threats (slides)

In order to adequately link national counter-terrorist structures and the framework the EU provide a presentation will especially tackle the joint working of the national and EU regimes and will give an introduction to the central piece of EU legislation on criminalizing terrorist activities, 2002/475/JHA Framework Decision on combating terrorism. Participants are directed to consult:

- Council Framework Decision of 13 June 2002 2002/475/JHA on combating terrorism as amended by Council Framework Decision 2008/919/JHA of 28 November 2008, (consolidated version of January 2008),
- The fight against terrorism: National frameworks and the EU's influence on national legislation (slides)

Information gathering is a central issue in the fight against terrorism where EU Member States increasingly rely on each other. The EU has been very working very intensively to provide adequate information mechanisms and tools so that relevant information can be shared in a timely and efficient manner. The presentation focuses on the main items through which information can be requested, forwarded and shared in relation to criminal investigations and to be ultimately used as evidence in criminal proceedings. Participants are invited to review:

- COUNCIL FRAMEWORK DECISION 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence,
- COUNCIL FRAMEWORK DECISION 2002/465/JHA of 13 June 2002 on joint investigation teams,
- COUNCIL DECISION 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ('Prüm Decision'),
- COUNCIL DECISION 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ('Prüm Implementing Decision'),
- DIRECTIVE 2006/24/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC ('Data Retention Directive'),
- COUNCIL FRAMEWORK DECISION 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union ('Swedish Initiative'),
- Cooperation through investigation techniques and exchange of data (slides).



One of the most important ways of fighting terrorism is to prevent the financing of terrorist activities. The EU has been particularly active in that field. Participants are invited to review the following documents complemented with a presentation.

- REGULATION (EC) No 1889/2005 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 October 2005 on controls of cash entering or leaving the Community,
- Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (corrigendum),
- Commission Directive 2006/70/EC of 1 August 2006 laying down implementing measures for Directive 2005/60/EC of the European Parliament and of the Council as regards the definition of politically exposed person and the technical criteria for simplified customer due diligence procedures and for exemption on grounds of a financial activity conducted on an occasional or very limited basis,
- Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing (consolidated version of January 2011),
- Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (consolidated version of December 2007),
- Terrorist Finance Tracking Programme,
- Combating the financing of terrorism – financial investigations (slides).

Presentations on the EU legal framework combating the fight against terrorism will be then coupled with presentations of how EU JHA agencies are involved in this fight. Special account will be given of the work of Europol and Eurojust and how information led investigation, information sharing and European level action facilitates the successful identification and prevention of terrorist acts and reduces threats. Participants are directed to make reference to the slides of the presentation

- Combating terrorism – the work of Europol and Eurojust (slides)

The seminar will be concluded with a presentation on Franco-Spanish examples to show how bilateral arrangements can facilitate joint work. Participants are directed to make reference to the slides of the presentation.

- Facing terrorism in the field: The Franco-Spanish experience (slides)