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*Plenary sitting*

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**A9-0247/2022**

13.10.2022

**\*\*\*I**

## **REPORT**

on the proposal for a directive of the European Parliament and of the Council on Information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA (COM(2021)0782 – C9-0457/2021 – 2021/0411(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Lena Düpont

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a directive of the European Parliament and of the Council on Information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA  
(COM(2021)0782 – C9-0457/2021 – 2021/0411(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0782),
  - having regard to Article 294(2) and Article 87(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0457/2021),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the opinion of the Committee on Budgetary Control,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0247/2022),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national Parliaments;

**Amendment 1**  
**Proposal for a directive**  
**Title 1**

*Text proposed by the Commission*

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA

*Amendment*

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on information exchange between **competent** law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA

**Amendment 2**  
**Proposal for a directive**  
**Recital 1**

*Text proposed by the Commission*

(1) Transnational **threats involving** criminal activities call for a coordinated, targeted and adapted response. While national authorities operating on the ground are on the frontline in the fight against organised crime and terrorism, action at Union level is paramount to ensure efficient and effective cooperation, **including** as regards the exchange of information. Furthermore, organised crime and terrorism, in particular, are emblematic of the link between internal and external security. Those threats spread across borders and manifest themselves in organised crime and terrorist groups that engage in a wide range of criminal activities.

*Amendment*

(1) Transnational criminal activities **pose a significant threat to the internal security of the Union and** call for a coordinated, targeted and adapted response. While national authorities operating on the ground are on the frontline in the fight against **serious and** organised crime and terrorism, action at Union level is paramount to ensure efficient and effective cooperation as regards the exchange of information. Furthermore, **serious and** organised crime and terrorism, in particular, are emblematic of the link between internal and external security. Those threats spread across borders and manifest themselves in organised crime and terrorist groups that engage in a wide range of **increasingly dynamic and complex** criminal activities, **which calls for an adaption of competent law enforcement authorities to ensure that they can detect, prevent and investigate criminal offences in a more efficient manner.**

### Amendment 3

#### Proposal for a directive

##### Recital 2

*Text proposed by the Commission*

(2) ***In an area without*** internal border controls, police officers in one Member State ***should*** have, within the framework of the applicable Union and national law, the possibility to obtain equivalent access to the information available to their colleagues in another Member State. In this regard, law enforcement authorities should cooperate effectively and by default across the Union. Therefore, an essential component of the measures that underpin public security in an interdependent area without internal border controls is police cooperation on the exchange of relevant information for ***law enforcement purposes***. Exchange of information on crime and criminal activities, including terrorism, serves the overall objective of protecting the security of natural persons.

*Amendment*

(2) ***For the development of the European area of freedom, security and justice, characterised by the absence of*** internal border controls, ***it is essential that*** police officers ***and the staff of other competent law enforcement authorities*** in one Member State have, within the framework of the applicable Union and national law, the possibility to obtain equivalent access to the information available to their colleagues in another Member State. In this regard, ***competent*** law enforcement authorities should cooperate effectively and by default across the Union. Therefore, an essential component of the measures that underpin public security in an interdependent area without internal border controls is police cooperation on the exchange of relevant information for ***the purpose of preventing, detecting and investigating criminal offences***. Exchange of information on crime and criminal activities, including terrorism, serves the overall objective of protecting the security of natural ***and legal*** persons.

### Amendment 4

#### Proposal for a directive

##### Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) A large majority of organised***

*crime groups are present in more than three Member States and are composed of members with multiple nationalities who engage in various criminal activities. The structure of such criminal groups is ever more sophisticated, with strong and efficient communication systems and cooperation between their members across borders.*

## **Amendment 5**

### **Proposal for a directive Recital 2 b (new)**

*Text proposed by the Commission*

*Amendment*

*(2b) To effectively fight cross-border crime, it is of paramount importance that competent law enforcement authorities swiftly exchange information and cooperate operationally with one another. Although cross-border cooperation between the competent law enforcement authorities of the Member States has improved in recent years, practical hurdles continue to exist. Such hurdles include the different ways in which competent law enforcement authorities are structured and the different competences they have, which in part derive from differences in national constitutional systems. In addition, language barriers and poor network coverage hamper effective cooperation, in particular in border regions.*

## **Amendment 6**

### **Proposal for a directive Recital 2 c (new)**



***(2c) Some Member States have developed pilot projects to strengthen cross-border cooperation, focusing for example on joint patrols of police officers from neighbouring Member States in border regions. A number of Member States have also adopted bilateral or even multilateral agreements. This Directive does not limit the possibility for Member States to establish such pilot projects or conclude such agreements, provided they are compatible with this Directive. On the contrary, Member States are encouraged to exchange best practice and lessons learnt from those pilot projects and agreements and to make use of available Union funding in that regard, in particular from the Internal Security Fund, established by Regulation (EU) 2021/1149 of the European Parliament and of the Council<sup>1a</sup>***

## **Amendment 7**

### **Proposal for a directive Recital 3**

(3) Exchange of information between Member States for the purposes of preventing and detecting criminal offences is regulated by the Convention Implementing the Schengen Agreement of 14 June 1985<sup>47</sup>, adopted on 19 June 1990, notably in its Articles 39 and 46. Council Framework Decision 2006/960/JHA<sup>48</sup> partially replaced those provisions and introduced new rules for the exchange of information and intelligence between Member States' law enforcement

(3) Exchange of information between Member States for the purposes of preventing and detecting criminal offences is regulated by the Convention Implementing the Schengen Agreement of 14 June 1985<sup>47</sup>, adopted on 19 June 1990, notably in its Articles 39 and 46. Council Framework Decision 2006/960/JHA<sup>48</sup> partially replaced those provisions and introduced new rules for the exchange of information and intelligence between Member States' **competent** law

authorities.

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<sup>47</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

<sup>48</sup> 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 (OJ L 386, 29.12.2006, p. 89).

enforcement authorities.

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<sup>47</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

<sup>48</sup> 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 (OJ L 386, 29.12.2006, p. 89).

## Amendment 8

### Proposal for a directive

#### Recital 4

##### *Text proposed by the Commission*

(4) Evaluations, including those carried under Council Regulation (EU) 1053/2013<sup>49</sup>, indicated that Framework Decision 2006/960/JHA is not sufficiently clear and does not ensure adequate and rapid exchange of relevant information between Member States. Evaluations also indicated that that Framework Decision is scarcely used in practice, in part due to the lack of clarity experienced in practice between the scope of the Convention Implementing the Schengen Agreement and of that Framework Decision.

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<sup>49</sup> Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen

##### *Amendment*

(4) Evaluations, including those carried **out** under Council Regulation (EU) 1053/2013<sup>49</sup>, indicated that Framework Decision 2006/960/JHA is not sufficiently clear and does not ensure adequate and rapid exchange of relevant information between Member States. Evaluations also indicated that that Framework Decision is scarcely used in practice, in part due to the lack of clarity experienced in practice between the scope of the Convention Implementing the Schengen Agreement and of that Framework Decision.

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<sup>49</sup> Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen

acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

## Amendment 9

### Proposal for a directive Recital 5

#### *Text proposed by the Commission*

(5) Therefore, the existing legal framework ***consisting of the relevant provisions of the Convention Implementing the Schengen Agreement and Framework Decision 2006/960/JHA*** should be updated ***and replaced, so as to facilitate and ensure, through the establishment of*** clear and harmonised rules, the adequate and rapid exchange of information between the competent law enforcement authorities of different Member States.

#### *Amendment*

(5) Therefore, the existing legal framework should be updated ***with a view to eliminating discrepancies and establishing*** clear and harmonised rules ***to facilitate and ensure*** the adequate and rapid exchange of information between the competent law enforcement authorities of different Member States ***and to allowing the competent law enforcement authorities to adapt to a rapidly changing and expanding organised crime landscape, in the context of the globalisation and digitalisation of society.***

## Amendment 10

### Proposal for a directive Recital 6

#### *Text proposed by the Commission*

(6) In particular, ***the discrepancies between the relevant provisions of the Convention Implementing the Schengen Agreement and Framework Decision 2006/960/JHA*** should ***be addressed by covering*** information exchanges for the purpose of preventing, detecting or

#### *Amendment*

(6) In particular, ***this Directive*** should ***cover*** information exchanges for the purpose of preventing, detecting or investigating criminal offences, thereby fully superseding, insofar as such exchanges are concerned, Articles 39 and 46 of ***the Convention Implementing the***

investigating criminal offences, thereby fully superseding, insofar as such exchanges are concerned, Articles 39 and 46 of *that* Convention and hence providing the necessary legal certainty. In addition, the relevant rules should be simplified and clarified, so as to facilitate their effective application in practice.

*Schengen Agreement* and hence providing the necessary legal certainty. In addition, the relevant rules *of Framework Decision 2006/960/JHA, which this Directive repeals*, should be simplified and clarified, so as to facilitate their effective application in practice.

## Amendment 11

### Proposal for a directive Recital 7

#### *Text proposed by the Commission*

(7) It is necessary to lay down rules governing the cross-cutting aspects of such information exchange between Member States. The rules *of* this Directive should not affect the application of rules of Union law on specific systems or frameworks for such exchanges, such as under Regulations (EU) 2018/1860<sup>50</sup>, (EU) 2018/1861<sup>51</sup>, (EU) 2018/1862<sup>52</sup>, *and* (EU) 2016/794<sup>53</sup> of the European Parliament and of the Council, Directives (EU) 2016/681<sup>54</sup> and 2019/1153<sup>55</sup> of the European Parliament and of the Council, and Council Decisions 2008/615/JHA<sup>56</sup> and 2008/616/JHA<sup>57</sup>.

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<sup>50</sup> Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).

<sup>51</sup> Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment,

#### *Amendment*

(7) It is necessary to lay down *harmonised* rules governing the cross-cutting aspects of such information exchange between Member States. The rules *laid down in* this Directive should not affect the application of rules of Union law on specific systems or frameworks for such exchanges, such as under Regulations (EU) 2018/1860<sup>50</sup>, (EU) 2018/1861<sup>51</sup>, (EU) 2018/1862<sup>52</sup>, (EU) 2016/794<sup>53</sup> *and (EU) .../...<sup>[57a]</sup> [on automated data exchange for police cooperation (“Prüm II”)]* of the European Parliament and of the Council, Directives (EU) 2016/681<sup>54</sup> and 2019/1153<sup>55</sup> of the European Parliament and of the Council, and Council Decisions 2008/615/JHA<sup>56</sup> and 2008/616/JHA<sup>57</sup>.

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<sup>50</sup> Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).

<sup>51</sup> Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment,

operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

<sup>52</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation No 1986/2006 and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

<sup>53</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).

<sup>54</sup> Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132).

<sup>55</sup> Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122).

<sup>56</sup> Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border

operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

<sup>52</sup> Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation No 1986/2006 and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).

<sup>53</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).

<sup>54</sup> Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132).

<sup>55</sup> Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122).

<sup>56</sup> 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 (OJ L 210, 6.8.2008, p. 1).

<sup>57</sup> 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 (OJ L 210, 6.8.2008, p. 12). A proposal for a Regulation on automated data exchange for police cooperation ("Prüm II"), intends to repeal parts of those Council Decisions.

crime (OJ L 210, 6.8.2008, p. 1).

<sup>57</sup> 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 (OJ L 210, 6.8.2008, p. 12). A proposal for a Regulation on automated data exchange for police cooperation ("Prüm II"), intends to repeal parts of those Council Decisions.

## Amendment 12

### Proposal for a directive Recital 8

#### *Text proposed by the Commission*

(8) This Directive does not govern the provision and use of information as evidence in judicial proceedings. In particular, it should not be understood as establishing a right to use the information provided under this Directive as evidence and, consequently, it leaves unaffected any requirement provided for in the applicable law to obtain the consent from the Member State providing the information for such use. This Directive leaves acts of Union law on evidence, such as Regulation (EU) .../...<sup>58</sup> [on European Production and Preservation Orders for electronic evidence in criminal matters] and **Directive** (EU) .../...<sup>59</sup> [laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings], unaffected.

#### *Amendment*

(8) This Directive does not govern the provision and use of information as evidence in judicial proceedings. In particular, it should not be understood as establishing a right to use the information provided under this Directive as evidence and, consequently, it leaves unaffected any requirement provided for in the applicable law to obtain the consent from the Member State providing the information for such use. ***However, a Member State providing information under this Directive should be able to authorise another Member State, at the moment of providing the information, to use it as evidence in judicial proceedings resulting from the relevant criminal investigation.*** This Directive leaves acts of Union law on evidence, such as Regulation (EU) .../... ***of the European Parliament and of the Council***<sup>58</sup> [on European Production and Preservation Orders for electronic evidence in criminal matters] and ***Directives 2014/41/EU<sup>58a</sup> and (EU) .../...<sup>59</sup>*** [laying down harmonised rules on the appointment



of legal representatives for the purpose of gathering evidence in criminal proceedings] *of the European Parliament and of the Council*, unaffected.

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<sup>58</sup> Regulation proposal, COM/2018/225 final - 2018/0108 (COD).

<sup>59</sup> Directive proposal, COM/2018/226 final - 2018/0107 (COD).

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<sup>58</sup> Regulation proposal, COM/2018/225 final - 2018/0108 (COD).

<sup>59</sup> Directive proposal, COM/2018/226 final - 2018/0107 (COD).

## Amendment 13

### Proposal for a directive Recital 9

#### *Text proposed by the Commission*

(9) All exchanges of information under this Directive should be subject to three general principles, namely those of availability, equivalent access and confidentiality. While those principles are without prejudice to the more specific provisions of this Directive, they should guide its interpretation and application where relevant. **For example**, the principle of availability should be understood as indicating that relevant information available to the Single Point of Contact or the law enforcement authorities of one Member State should also be available, to the largest extent possible, to those of other Member States. However, the principle should not affect the application, where justified, of specific provisions of this Directive restricting the availability of information, such as those on the grounds for refusal of requests for information and judicial authorisation. **In addition**, pursuant to the principle of equivalent access, the access of the Single Point of Contact and the law enforcement authorities of other Member States to

#### *Amendment*

(9) All exchanges of information under this Directive should be subject to three general principles, namely those of availability, equivalent access and confidentiality. While those principles are without prejudice to the more specific provisions of this Directive, they should guide its interpretation and application where relevant. **First**, the principle of availability should be understood as indicating that relevant information available to the Single Point of Contact or the **competent** law enforcement authorities of one Member State should also be available, to the largest extent possible, to those of other Member States **for the same purposes in a similar domestic case**. However, the principle should not affect the application, where justified, of specific provisions of this Directive restricting the availability of information, such as those on the grounds for refusal of requests for information and judicial authorisation. **Second**, pursuant to the principle of equivalent access, the access of the Single Point of Contact and the **competent** law

relevant information should be substantially the same as, and thus be neither stricter nor less strict than, the access of those of one and the same Member State, subject to the Directive's more specific provisions.

enforcement authorities of other Member States to relevant information should be substantially the same as, and thus be neither stricter nor less strict than, the access of those of one and the same Member State, subject to the Directive's more specific provisions. ***Third, the principle of confidentiality requires Member States to respect one another's national rules on confidentiality when treating information marked as confidential that is provided to the Single Point of Contact or to the competent law enforcement authority, by ensuring a similar level of confidentiality in accordance with the rules on confidentiality set out in national law.***

## Amendment 14

### Proposal for a directive Recital 10

#### *Text proposed by the Commission*

(10) In order to achieve the objective to facilitate and ensure the adequate and rapid exchange of information between Member States, provision should be made for obtaining such information by addressing a request for information to the Single Point of Contact of the other Member State concerned, in accordance with certain clear, ***simplified and harmonised*** requirements. ***Concerning the content of such requests for information, it should in particular be specified, in an exhaustive and sufficiently detailed manner and without prejudice to the need for a case-by-case assessment***, when they are to be considered as urgent ***and*** which ***explanations*** they are to contain as minimum.

#### *Amendment*

(10) In order to achieve the objective to facilitate and ensure the adequate and rapid exchange of information between Member States, provision should be made for obtaining such information by addressing a request for information to the Single Point of Contact of the other Member State concerned, in accordance with certain clear requirements ***as to when*** requests ***can be sent***, when they are to be considered as urgent, which ***details*** they are to contain as ***a*** minimum, ***and in which language they are to be submitted***.



## Amendment 15

### Proposal for a directive

#### Recital 11

##### *Text proposed by the Commission*

(11) Whilst the Single Points of Contact of each Member State should in any event have the possibility to submit requests for information to the Single Point of Contact of another Member State, in the interest of flexibility, Member States should be allowed to decide that, in addition, their law enforcement authorities *may also* submit such requests. In order for Single Points of Contact to be able to perform their coordinating functions under this Directive, it is however necessary that, where a Member State takes such a decision, its Single Point of Contact is made aware of all such outgoing requests, as well as of any communications relating thereto, by always being put in copy.

##### *Amendment*

(11) Whilst the Single Points of Contact of each Member State should in any event have the possibility to submit requests for information to the Single Point of Contact of another Member State, in the interest of flexibility, Member States should be allowed to decide that, in addition, their **competent** law enforcement authorities **can** submit such requests. ***The rules for such requests should be laid down in national law and communicated to the Commission. Each Member States should send the Commission a list of the national competent law enforcement authorities authorised to send such requests and notify it of any changes to that list. The Commission should publish a list of all competent law enforcement authorities of Member States and any changes thereto in the Official Journal of the European Union.*** In order for Single Points of Contact to be able to perform their coordinating functions under this Directive, it is however necessary that, where a Member State takes such a decision, its Single Point of Contact is made aware of all such outgoing requests, as well as of any communications relating thereto, by always being put in copy. ***Meanwhile, the Member States should seek to reduce the double storage of personal data to a strict minimum.***

## Amendment 16

### Proposal for a directive Recital 12

*Text proposed by the Commission*

*(12) Time limits are necessary to ensure rapid processing of requests for information submitted to a Single Point of Contact. Such time limits should be clear and proportionate and take into account whether the request for information is urgent and whether a prior judicial authorisation is required. In order to ensure compliance with the applicable time limits whilst nonetheless allowing for a degree of flexibility where objectively justified, it is necessary to allow, on an exceptional basis, for deviations only where, and in as far as, the competent judicial authority of the requested Member State needs additional time to decide on granting the necessary judicial authorisation. Such a need could arise, for example, because of the broad scope or the complexity of the matters raised by the request for information.*

*Amendment*

*deleted*

## Amendment 17

### Proposal for a directive Recital 12

*Text proposed by the Commission*

*(12) Time limits are necessary to ensure rapid processing of requests for information submitted to a Single Point of Contact. Such time limits should be clear and proportionate **and take** into account whether the request for information is urgent **and** whether a prior judicial authorisation is required. **In order to ensure compliance with the applicable***

*Amendment*

*(12) **Clearly specified** time limits are necessary to ensure rapid processing of requests for information submitted to a Single Point of Contact **or a competent law enforcement authority**. Such time limits should be clear and proportionate, **taking** into account whether the request for information is urgent, **whether it concerns a serious crime, whether the requested***

*time limits whilst nonetheless allowing for a degree of flexibility* where objectively justified, *it is necessary to allow, on an exceptional basis, for deviations only* where, *and in as far as*, the competent judicial authority of the requested Member State needs additional time to decide on granting the necessary judicial authorisation. Such a need could arise, for example, because of the broad scope or the complexity of the matters raised by the request for information.

*information is directly accessible or it has to be obtained from a public authority or private party established in that Member State, or* whether a prior judicial authorisation is required *under national law*. Where objectively justified, *namely* where the competent judicial authority of the requested Member State needs additional time to decide on granting the necessary judicial authorisation, *the Single Point of Contact or the competent law enforcement authority, as applicable, should be able to deviate from the fixed time limits*. Such a need could arise, for example, because of the broad scope or the complexity of the matters raised by the request for information.

## Amendment 18

### Proposal for a directive Recital 13

#### *Text proposed by the Commission*

(13) In exceptional cases, it may be objectively justified for a Member State to refuse a request for information submitted to a Single Point of Contact. In order to ensure the effective functioning of the system created by this Directive, those cases should be exhaustively specified and interpreted restrictively. When only parts of the information concerned by such a request for information relate to the reasons for refusing the request, the remaining information *is to* be provided within the time limits set by this Directive. *Provision should be made for the possibility to ask for clarifications, which should suspend the applicable time limits. However, such possibility should only exist where the clarifications are objectively necessary and proportionate, in that the request for information would*

#### *Amendment*

(13) In exceptional cases, it may be objectively justified for a Member State to refuse a request for information submitted to a Single Point of Contact. In order to ensure the effective functioning of the system created by this Directive, those cases should be exhaustively specified and interpreted restrictively. *In particular, necessary safeguards should be established to prevent any misuse of the mechanism for exchanging information for politically motivated purposes and manifest breaches of fundamental rights. Moreover, due diligence should be exercised as regards requests submitted by a Single Point of Contact or a competent law enforcement authority from a Member State subject to a procedure under Article 7 of the Treaty on European Union.* When only parts of the information

*otherwise have to be refused for one of the reasons listed in this Directive.* In the interest of effective cooperation, it should remain possible to request necessary clarifications also in other situations, without this however leading to suspension of the time limits.

concerned by such a request for information relate to the reasons for refusing the request, the remaining information *should* be provided within the time limits set by this Directive. *In order to prevent unnecessary refusals, the Single Point of Contact or the competent law enforcement authority of the requesting Member State, as applicable, should seek additional clarifications needed to process the request for information.* The applicable time limits should *be suspended from the moment the requesting Member State receives the request for* clarifications *until the moment the requested clarifications are provided.* *However, in order to prevent unjustified delays in the provision of requested information, requests for clarifications for the purpose of preventing refusals on one of the grounds listed in this Directive should only be possible provided that they* are objectively necessary and proportionate *to evaluate* the request for information. In the interest of effective cooperation, it should remain possible to request necessary clarifications also in other situations, without this however leading to *a* suspension of the time limits.

## Amendment 19

### Proposal for a directive Recital 14

#### *Text proposed by the Commission*

(14) In order to allow for the necessary flexibility in view of operational needs that may vary in practice, provision should be made for two other means of exchanging information, in addition to requests for information submitted to the Single Points of Contact. The first one is the spontaneous provision of information, *that is, on the*

#### *Amendment*

(14) In order to allow for the necessary flexibility in view of operational needs that may vary in practice, provision should be made for two other means of exchanging information, in addition to requests for information submitted to the Single Points of Contact. The first one is the spontaneous provision of information *by a Single Point*

*own initiative of either* the Single Point of Contact or the *law enforcement authorities* without a prior request. The second one is the provision of information upon requests for information submitted either by Single Points of Contact or by law enforcement authorities *not to the Single Point of Contact, but rather* directly to the law enforcement authorities of another Member State. In respect of both means, only a limited number of minimum requirements should be set, in particular on keeping the Single Points of Contact informed and, as regards own-initiative provision of information, the situations in which information is to be provided and the language to be used.

*of Contact or the competent law enforcement authorities to* the Single Point of Contact or the *competent law-enforcement authority of another Member State* without a prior request, *namely the provision of information on their own initiative*. The second one is the provision of information upon requests for information submitted either by Single Points of Contact or by *competent* law enforcement authorities directly to the *competent* law enforcement authorities of another Member State. In respect of both means, only a limited number of minimum requirements should be set, in particular on keeping the *relevant* Single Points of Contact informed and, as regards own-initiative provision of information, the situations in which information is to be provided and the language to be used.

## Amendment 20

### Proposal for a directive Recital 15

#### *Text proposed by the Commission*

(15) The requirement of a prior judicial authorisation for the provision of information *can be* an important safeguard. The Member States' legal systems are different in this respect and this Directive should not be understood as affecting *such requirements established under* national law, other than subjecting them to the condition that domestic exchanges and exchanges between Member States are treated in an equivalent manner, both on *the* substance and procedurally. Furthermore, in order to keep any delays and complications relating to the application of such a requirement to a minimum, the Single Point of *Contact or the* law enforcement authorities, as

#### *Amendment*

(15) The requirement of a prior judicial authorisation for the provision of information, *where provided in national law, constitutes* an important safeguard *which should be respected. However,* the Member States' legal systems are different in this respect and this Directive should not be understood as affecting *the rules and conditions concerning prior judicial authorisation laid down in* national law, other than subjecting them to the condition that domestic exchanges and exchanges between Member States are treated in an equivalent manner, both on substance and procedurally. Furthermore, in order to keep any delays and complications relating to the application of such a requirement to a

applicable, of the Member State of the competent judicial authority should take all practical and legal steps, where relevant in cooperation with the Single Point of Contact or the law enforcement authority **of another Member State that requested the information**, to obtain the judicial authorisation **as soon as possible**.

minimum, the Single Point of **Contact** **the competent** law enforcement authorities, as applicable, of the Member State of the competent judicial authority should take all practical and legal steps, where relevant in cooperation with the **requesting** Single Point of Contact or the **competent** law enforcement authority , to obtain the judicial authorisation **within the applicable time limits**.

## Amendment 21

### Proposal for a directive Recital 16

#### *Text proposed by the Commission*

(16) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, **the rules of** this Directive should be **aligned** with Directive (EU) 2016/680 of the European Parliament and of the Council<sup>60</sup> . In particular, it should be specified that any personal data exchanged by Single Points of Contacts and law enforcement authorities is to remain limited to the categories of data listed in **Section B point 2, of Annex II to Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>61</sup>** . Furthermore, as far as possible, any such personal data should be distinguished according to their degree of accuracy and reliability, whereby facts should be distinguished from personal assessments, in order to ensure both **the protection of individuals and the quality and reliability of the information exchanged**. If it appears that the personal data are incorrect, they should be rectified or erased without delay. **Such rectification or erasure, as well as any other**

#### *Amendment*

(16) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, **any personal data processing by a Single Point of Contact or a competent law enforcement authority under this Directive should be carried out in full compliance** with Directive (EU) 2016/680 of the European Parliament and of the Council<sup>60</sup>. **The European Union Agency for Law Enforcement Cooperation(Europol) should process data in accordance with the rules set out in Regulation (EU) 2016/794 of the European Parliament and the Council<sup>61</sup>. That Regulation remains unaffected by this Directive**. In particular, it should be specified that any personal data exchanged by Single Points of Contacts and **competent** law enforcement authorities is to remain limited to the categories of data **per category of data subject** listed in Annex II to Regulation (EU) 2016/794. **Accordingly, a clear distinction should be made between the data concerning suspects and the data concerning**



*processing of personal data in connection to the activities under this Directive, should be carried out in compliance with the applicable rules of Union law, in particular Directive (EU) 2016/680 and Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>62</sup>, which rules this Directive leaves unaffected.*

*witnesses, victims, or persons belonging to other groups, for which stricter limitations apply.* Furthermore, as far as possible, any such personal data should be distinguished according to their degree of accuracy and reliability, whereby facts should be distinguished from personal assessments, in order to ensure both. *The Single Points of Contact or, where applicable, competent law enforcement authorities should process the requests for information pursuant to this Directive as quickly as possible to ensure the accuracy and reliability of the personal data, to avoid unnecessary double storage of data and to reduce the risk of data becoming outdated or no longer being available to the requested competent law enforcement authority.* If it appears that the personal data are incorrect, they should be rectified or erased without delay.

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<sup>60</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119 4.5.2016, p. 89).

<sup>61</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).

<sup>62</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of

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<sup>60</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119 4.5.2016, p. 89).

<sup>61</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).

<sup>62</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of

personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 4.5.2016, p. 1).

personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 4.5.2016, p. 1).

## Amendment 22

### Proposal for a directive Recital 17

#### *Text proposed by the Commission*

(17) In order to allow for adequate and rapid provision of information by Single Points of Contact, either upon request or on their own initiative, it is important that the relevant **officials** of the Member States concerned understand each other. Language barriers **often hamper the cross-border exchange of information. For this reason, rules should be established on the use of languages in which requests for information submitted to the Single Points of Contact, the information to be provided by Single Points of Contact as well as any other communications relating thereto, such as on refusals and clarifications, are to be provided. Those rules should strike a balance between, on the one hand, respecting the linguistic diversity within the Union and keeping costs of translation as limited as possible and, on the other hand, operational needs associated with adequate and rapid exchanges of information across borders. Therefore, Member States should establish a list containing one or more official languages of the Union of their choice, but containing also one language that is broadly understood and used in practice, namely, English.**

#### *Amendment*

(17) In order to allow for adequate and rapid provision of information by Single Points of Contact, either upon request or on their own initiative, it is important that the relevant **competent law enforcement authorities** of the Member States concerned understand each other. **To prevent delays in the provision of requested information caused by language barriers and to limit translation costs, Member States should establish a list of one or more official languages of the Union in which their Single Point of Contact can be addressed and in which it can communicate. All follow-up communications related to a specific request should be transmitted in the language in which that request was submitted. Such follow-up communications should include the provision of the requested information, refusals, including the reasons for refusals, and, where applicable, requests for clarifications and the clarifications provided. Member States should also engage in the overall improvement of their staff's foreign language skills by, for example, delivering specific training courses.**



## Amendment 23

### Proposal for a directive Recital 18

*Text proposed by the Commission*

(18) ***The further development of the European Union Agency for Law Enforcement Cooperation (Europol) as the Union's criminal information hub is a priority. That is why, when information or any related communications are exchanged, irrespective of whether that is done pursuant to a request for information submitted to a Single Point of Contact or law enforcement authority, or on their own-imitative, a copy should be sent to Europol, however only insofar as it concerns offences falling within the scope of the objectives of Europol. In practice, this can be done through the ticking by default of the corresponding SIENA box.***

*Amendment*

(18) ***To ensure that Europol can fulfil its role as the Union's criminal information hub and thereby supporting the competent law enforcement authorities, an assessment should be made, on a case-by-case basis, as to whether a copy of information or any related communications exchanged pursuant to this Directive should be sent to Europol, however, only insofar as it concerns offences falling within the scope of the objectives of Europol. Member States should ensure that their staff is adequately supported and trained to quickly and accurately identify which information exchanged in the context of this Directive falls within the mandate of Europol and is necessary for the Agency to fulfil its objectives.***

## Amendment 24

### Proposal for a directive Recital 19

*Text proposed by the Commission*

(19) The proliferation of communication channels used for the transmission of law enforcement information between Member States and of communications relating thereto should be remedied, as it hinders the adequate and rapid exchange of such information. Therefore, the use of the secure information exchange network application ***called*** SIENA, managed by Europol in accordance with Regulation (EU) 2016/794, should be made mandatory for all such transmissions and

*Amendment*

(19) The proliferation of communication channels used for the transmission of law enforcement information between Member States and of communications relating thereto should be remedied, as it hinders the adequate and rapid exchange of such information ***and increases the risks concerning the security of personal data.*** Therefore, the use of the secure information exchange network application ('SIENA'), managed by Europol in accordance with Regulation (EU)

communications under this Directive, including the sending of requests for information submitted to Single Points of Contact and directly to law enforcement authorities, the provision of information upon such requests and on their own initiative, communications on refusals and clarifications, as well as copies to Single Points of Contact and Europol. To that *aim*, all Single Points of Contact, as well as all law enforcement authorities that may be involved in such exchanges, should be directly connected to SIENA. In this regard, a transition period should be provided for, however, in order to allow for the full roll-out of SIENA.

2016/794, should be made mandatory for all such transmissions and communications under this Directive, including the sending of requests for information submitted to Single Points of Contact and directly to *competent* law enforcement authorities, the provision of information upon such requests and on their own initiative, communications on refusals and clarifications, as well as copies to Single Points of Contact and Europol. To that *end*, all Single Points of Contact, as well as all *competent* law enforcement authorities that may be involved in such exchanges, should be directly connected to SIENA. *To allow frontline officers, such as police officers involved in dragnet operations, to benefit from SIENA, it should also be operational on mobile devices.* In this regard, a *short* transition period should be provided for, however, in order to allow for the full roll-out of SIENA, *as it entails a change of the current practices in some Member States and requires that staff be trained.*

## Amendment 25

### Proposal for a directive Recital 20

#### *Text proposed by the Commission*

(20) In order to simplify, facilitate and better manage information flows, Member States should each *establish or* designate one Single Point of Contact competent for coordinating information exchanges under this Directive. The Single Points of Contact should, in particular, contribute to mitigating the fragmentation of the law enforcement authorities' landscape, *specifically in relation to information flows*, in response to the growing need to jointly tackle cross-border crime, such as drug trafficking and terrorism. For the

#### *Amendment*

(20) In order to simplify, facilitate and better manage information flows, Member States should each designate one Single Point of Contact competent for coordinating *and facilitating* information exchanges under this Directive. The Single Points of Contact should, in particular, contribute to mitigating the *obstacles to information flows resulting from the* fragmentation of the *competent* law enforcement authorities' landscape, in response to the growing need to jointly tackle cross-border crime, such as drug

Single Points of Contact to be able to effectively fulfil their coordinating functions in respect of the cross-border exchange of information for law enforcement purposes under this Directive, they should be assigned a number of specific, minimum tasks and also have certain minimum capabilities.

trafficking, **cybercrime, trafficking of human beings**, and terrorism. For the Single Points of Contact to be able to effectively fulfil their coordinating functions in respect of the cross-border exchange of information for law enforcement purposes under this Directive, they should be assigned a number of specific, minimum tasks and also have certain minimum capabilities.

## Amendment 26

### Proposal for a directive Recital 21

#### *Text proposed by the Commission*

(21) Those capabilities of the Single Points of Contact should include having access to all information available within **its** own Member State, including by having user-friendly access to all relevant Union and international databases and platforms, in accordance with the modalities specified in the applicable Union and national law. In order to be able to meet the requirements of this Directive, especially those on the time limits, the Single Points of Contact should be provided with adequate resources, including adequate translation capabilities, and function around the clock. In that regard, having a front desk that is able to screen, process and channel incoming requests for information **may** increase their efficiency and effectiveness. Those capabilities should also include having at their disposition, at all times, judicial authorities competent to grant necessary judicial authorisations. In practice, this can be done, for example, by ensuring the physical presence or the functional availability of such judicial authorities, either within the premises of the Single

#### *Amendment*

(21) Those capabilities of the Single Points of Contact should include having access to all information available within **their** own Member State, including by having user-friendly access to all relevant Union and international databases and platforms, in accordance with the modalities specified in the applicable Union and national law. In order to be able to meet the requirements of this Directive, especially those on the time limits, the Single Points of Contact should be provided with adequate resources **in terms of budget and staff**, including adequate translation capabilities, and function around the clock. In that regard, having a front desk that is able to screen, process and channel incoming requests for information **could** increase their efficiency and effectiveness. Those capabilities should also include having at their disposition, at all times, judicial authorities competent to grant necessary judicial authorisations. In practice, this can be done, for example, by ensuring the physical presence or the functional availability of such judicial authorities,

Point of Contact or directly available on call.

either within the premises of the Single Point of Contact or directly available on call.

## Amendment 27

### Proposal for a directive

#### Recital 22

##### *Text proposed by the Commission*

(22) In order for them to be able to effectively perform their coordinating functions under this Directive, the Single Points of Contact should be composed of **representatives of national** law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive. While it is for each Member State to decide on the precise organisation and composition needed to meet that requirement, **such representatives may include** police, customs and other law enforcement authorities **competent** for preventing, detecting or investigating criminal offences, **as well as** possible contact points for the regional and bilateral offices, such as liaison officers and attachés seconded or posted in other Member States and relevant Union law enforcement agencies, such as Europol. However, in the interest of effective coordination, at minimum, the Single Points of Contact should be composed of representatives of the Europol national unit, the SIRENE Bureau, the passenger information unit and the Interpol National Central Bureau, as established under the relevant legislation and notwithstanding this Directive not being applicable to information exchanges specifically regulated by such Union legislation.

##### *Amendment*

(22) In order for them to be able to effectively perform their coordinating functions under this Directive, the Single Points of Contact should be composed of **staff of competent** law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive. While it is for each Member State to decide on the precise organisation and composition needed to meet that requirement, police, customs and other **competent** law enforcement authorities **responsible** for preventing, detecting or investigating criminal offences **and** possible contact points for the regional and bilateral offices, such as liaison officers and attachés seconded or posted in other Member States and relevant Union law enforcement agencies, such as Europol, **should be able to be represented in Single Points of Contact**. However, in the interest of effective coordination, at minimum, the Single Points of Contact should be composed of representatives of the Europol national unit, the SIRENE Bureau, the passenger information unit and the Interpol National Central Bureau, as established under the relevant legislation **or international agreement** and notwithstanding this Directive not being applicable to information exchanges specifically regulated by such Union

legislation.

## Amendment 28

### Proposal for a directive Recital 22 a (new)

*Text proposed by the Commission*

*Amendment*

***(22a) Given the specific requirements of cross-border law enforcement cooperation, including the handling of sensitive information in that context, it is essential for the staff of the Single Points of Contact and the competent law enforcement authorities to have the necessary knowledge and skills to carry out their tasks in an efficient manner. For that reason, the staff of the competent law enforcement authorities in the national Single Point of Contact should be offered regular training courses at Union and national level which correspond to their professional needs and specific backgrounds and facilitate their contact with Single Points of Contact and competent law enforcement authorities from other Member States. Particular attention should be paid to the areas of data processing, to imparting knowledge about the Union legal framework in the area of Justice and Home Affairs, with a particular focus on law enforcement cooperation and data protection, and to foreign languages, with a view to helping overcome language barriers in an increasingly diverse Europe. For the purpose of providing those training courses, Member States should also make use of the training courses and relevant tools offered by the European Union Agency for Law Enforcement Training (CEPOL), the possibility for law enforcement staff to spend a week at Europol, and relevant offers made by***

*programmes and projects funded by the Union budget, such as the CEPOL exchange programme.*

**Amendment 29**  
**Proposal for a directive**  
**Recital 22 b (new)**

*Text proposed by the Commission*

*Amendment*

*(22b) In addition to technical skills and legal knowledge, mutual trust and common understanding are prerequisites for effective cross-border law enforcement cooperation. Personal contacts acquired through joint operations and the sharing of expertise facilitate the building of trust and the development of a common Union culture of policing. Therefore, Member States should encourage more joint operations, joint tactical and technical trainings and staff exchanges which focus on the transfer of knowledge about the working methods, investigative approaches and organisational structures of competent law enforcement authorities in other Member States.*

**Amendment 30**  
**Proposal for a directive**  
**Recital 22 c (new)**

*Text proposed by the Commission*

*Amendment*

*(22c) To increase participation in training courses for the staff of the competent law enforcement authorities within the Single Points of Contact and to enhance the attractiveness of a secondment to a Single Point of Contact*

*or participation in cross-border joint operations, Member States could also consider specific incentives for staff.*

## Amendment 31

### Proposal for a directive

#### Recital 23

##### *Text proposed by the Commission*

(23) The deployment and operation of an electronic single Case Management System **having** certain minimum functions and capabilities by the Single Points of Contact is necessary to allow them to carry out their tasks under this Directive in an effective and efficient manner, in particular as regards information management.

##### *Amendment*

(23) The deployment and operation of an electronic single Case Management System, ***which serves as a repository and has*** certain minimum functions and capabilities, by the Single Points of Contact is necessary to allow them to carry out their tasks under this Directive in an effective and efficient manner, in particular as regards ***the exchange, processing and storage of*** information. ***The Case Management System should store information provided to the Single Point of Contact by domestic competent law enforcement authorities and requests for information sent by other Member States to the Single Point of Contact. The requesting law enforcement authorities should process the personal data stored in the Case Management System in accordance with Directive (EU) 2016/680 and as quickly as possible in order to limit the double storage of the data to the strict minimum. Where it is no longer necessary and proportionate to process that data, they should be irrevocably deleted from the Case Management System.***

## Amendment 32



**Proposal for a directive**  
**Recital 23 a (new)**

*Text proposed by the Commission*

*Amendment*

***(23a) To encourage practical cooperation under this Directive and to foster a common European police culture between Member States, the Commission should organise regular meetings of the Single Points of Contact, at least once a year. Those meetings should facilitate the sharing of good practices in the field of the exchange of information for the purposes of this Directive.***

**Amendment 33**

**Proposal for a directive**  
**Recital 24**

*Text proposed by the Commission*

*Amendment*

(24) To enable the necessary monitoring and evaluation of the application of this Directive, Member States should be required to collect and annually provide to the Commission certain data. This requirement is necessary, in particular, to remedy the lack of comparable data quantifying relevant information exchanges and also facilitates the reporting obligation of the Commission.

(24) To enable the necessary monitoring and evaluation of the application of this Directive, Member States should be required to collect and annually provide to the Commission certain data ***concerning the implementation of this Directive***. This requirement is necessary, in particular, to remedy the lack of comparable data quantifying relevant ***cross-border*** information exchanges ***between competent law enforcement authorities*** and also facilitates the reporting obligation of the Commission ***regarding the implementation of this Directive***.

**Amendment 34**



**Proposal for a directive**  
**Recital 25**

*Text proposed by the Commission*

(25) The cross-border nature of crime and terrorism requires Member States to rely on one another to **tackle** such criminal offences. Adequate and rapid information flows between relevant law enforcement authorities and to Europol cannot be sufficiently achieved by the Member States acting alone. Due to the scale and effects of the action, this can be better achieved at Union level through the establishment of common rules on the exchange of information. Thus, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

*Amendment*

(25) The cross-border nature of crime and terrorism requires Member States to rely on one another to **prevent, detect or investigate** such criminal offences. **Experience has shown that** adequate and rapid information flows between relevant **competent** law enforcement authorities and to Europol cannot be sufficiently achieved by the Member States acting alone. Due to the scale and effects of the action, this can be better achieved at Union level through the establishment of common rules **and a common culture** on the exchange of information **and through modern tools and communication channels**. Thus, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

**Amendment 35**

**Proposal for a directive**  
**Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

**(25a) The European Data Protection Supervisor was consulted in accordance with Article 41(2) of Regulation (EU) 2018/1725 of the European Parliament and the Council, and delivered an opinion on 7 March 2022.**

## Amendment 36

### Proposal for a directive Recital 25 b (new)

*Text proposed by the Commission*

*Amendment*

***(25b) This Directive respects the fundamental rights and safeguards and observes the principles recognised by the Charter of Fundamental Rights of the European Union (the ‘Charter’), in particular the right to respect for private and family life and the right to the protection of personal data as provided for by Articles 7 and 8 of the Charter, as well as by Article 16 of the Treaty on the Functioning of the European Union (TFEU). Any processing of personal data under this Regulation should be limited to that which is strictly necessary and proportionate and subject to clear conditions, strict requirements and effective supervision by the national supervisory authorities and the European Data Protection Supervisor, in accordance with their respective mandates.***

## Amendment 37

### Proposal for a directive Article 1 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

1. This Directive establishes rules for the exchange of information between the law enforcement authorities of the Member States where necessary for the purpose of preventing, detecting or investigating criminal offences.

1. This Directive establishes ***harmonised*** rules for the ***adequate and rapid*** exchange of information between the ***competent*** law enforcement authorities of the Member States where necessary ***and proportionate*** for the purpose of preventing, detecting or investigating

criminal offences.

## Amendment 38

### Proposal for a directive

#### Article 1 – paragraph 1 – subparagraph 2 – point a

##### *Text proposed by the Commission*

(a) requests for information submitted to the Single Points of Contact ***established or*** designated by the Member States, in particular on the content of such requests, mandatory time limits for providing the requested information, reasons for refusals of such requests ***and the channel of communication to be used in connection to such requests***;

##### *Amendment*

(a) requests for information submitted to the Single Points of Contact designated by the Member States, in particular on the content of such requests, ***the provision of information pursuant to such requests, the working languages of the Single Points of Contact***, mandatory time limits for providing the requested information ***and the*** reasons for refusals of such requests ***and obligations to correct incorrect information and verify outgoing information***;

## Amendment 39

### Proposal for a directive

#### Article 1 – paragraph 1 – subparagraph 2 – point b

##### *Text proposed by the Commission*

(b) the own-initiative provision of relevant information to Single Points of Contact or to the law enforcement authorities of other Member States, in particular the situations and the manner in which such information is to be provided;

##### *Amendment*

(b) the own-initiative provision of relevant information to Single Points of Contact or to the ***competent*** law enforcement authorities of other Member States, in particular the situations and the manner in which such information is to be provided;

## Amendment 40

### Proposal for a directive

#### Article 1 – paragraph 1 – subparagraph 2 – point c

*Text proposed by the Commission*

(c) the channel of communication to be used for all exchanges of information and the information to be provided to the Single Points of Contact in relation to exchanges of information directly between the law enforcement authorities of the Member States;

*Amendment*

(c) the **single** channel of communication to be used for all exchanges of information **pursuant to this Directive** and the information to be provided to the Single Points of Contact in relation to exchanges of information directly between the **competent** law enforcement authorities of the Member States;

## Amendment 41

### Proposal for a directive

#### Article 1 – paragraph 1 – subparagraph 2 – point d

*Text proposed by the Commission*

(d) the **establishment**, tasks, composition and capabilities of **the** Single **Point** of Contact, including on the deployment of a single electronic Case Management System for the fulfilment of **its** tasks.

*Amendment*

(d) the **designation, organisation**, tasks, composition and capabilities of **Member States'** Single **Points** of Contact, including on the deployment **and operation** of a single electronic Case Management System for the fulfilment of **their** tasks **under this Directive**;

## Amendment 42

### Proposal for a directive

#### Article 1 – paragraph 2

*Text proposed by the Commission*

2. This Directive shall not apply to exchanges of information between the law

*Amendment*

2. This Directive shall not apply to exchanges of information between the

enforcement authorities of the Member States for the purpose of preventing, detecting or investigating criminal offences **that** are specifically regulated by other acts of Union law.

**competent** law enforcement authorities of the Member States for the purpose of preventing, detecting or investigating criminal offences, **where those exchanges** are specifically regulated by other acts of Union law **or to exchanges of information for the purpose of prosecuting criminal offences**.

#### Amendment 43

##### Proposal for a directive

##### Article 1 – paragraph 3 – point a

*Text proposed by the Commission*

(a) obtain information by means of coercive measures, **taken in accordance with national law**, for the purpose of providing it to the law enforcement authorities of other Member States;

*Amendment*

(a) obtain information by means of coercive measures for the purpose of providing it to the **competent** law enforcement authorities of other Member States;

#### Amendment 44

##### Proposal for a directive

##### Article 1 – paragraph 3 – point b

*Text proposed by the Commission*

(b) store information for the purpose **referred to in point (a)**;

*Amendment*

(b) store **any** information for the purpose **of providing it to the competent law enforcement authorities of other Member States**;

#### Amendment 45

Compromise amendment replacing Amendment(s): 43, 192

**Proposal for a directive**

**Article 1 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) provide information to the law enforcement authorities of other Member States to be used as evidence in judicial proceedings

*Amendment*

(c) provide information to the **competent** law enforcement authorities of other Member States to be used as evidence in judicial proceedings.

**Amendment 46**

**Proposal for a directive**

**Article 1 – paragraph 4**

*Text proposed by the Commission*

4. This Directive does not establish any right to use the information provided in accordance with this Directive as evidence in judicial proceedings.

*Amendment*

4. This Directive does not establish any right to use the information provided in accordance with this Directive as evidence in judicial proceedings. ***Where a requesting Member State wishes to use information obtained in accordance with this Directive as evidence in judicial proceedings, it shall obtain the consent of the requested Member State for such use by means of existing instruments of judicial cooperation between the Member States. Where the requested Member State consents to such use at the moment it transmits the information, the requesting Member State shall be allowed to use the information accordingly.***

**Amendment 47**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 1**

*Text proposed by the Commission*

(1) 'law enforcement authority' means any authority of the Member States competent under national law for the purpose of preventing, detecting or investigating criminal offences;

*Amendment*

(1) '**competent** law enforcement authority' means any **police, customs or other** authority of the Member States competent under national law **to exercise authority and to take coercive measures** for the purpose of preventing, detecting or investigating criminal offences;

**Amendment 48**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – introductory part**

*Text proposed by the Commission*

(2) 'criminal offences' means any of the following:

*Amendment*

(2) '**serious** criminal offences' means any of the following:

**Amendment 49**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 2 – point c**

*Text proposed by the Commission*

(c) **tax crimes relating to direct and indirect taxes, as laid down in national law;**

*Amendment*

**deleted**

**Amendment 50**

**Proposal for a directive**

**Article 2 – paragraph 1 – point 3**

*Text proposed by the Commission*

(3) 'information' means any content concerning one or more natural persons, facts or circumstances relevant to law enforcement authorities ***in connection to the exercise of*** their tasks under national law of preventing, detecting or investigating criminal offences;

*Amendment*

(3) 'information' means any content concerning one or more natural ***or legal*** persons, facts or circumstances relevant to ***competent*** law enforcement authorities ***for the purpose of exercising*** their tasks under national law of preventing, detecting or investigating criminal offences;

**Amendment 51**

**Proposal for a directive  
Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ***'available' information means information that is either held by the Single Point of Contact or the law enforcement authorities of the requested Member State, or information that those Single Points of Contact or those law enforcement authorities can obtain from other public authorities or from private parties established in that Member State without coercive measures;***

*Amendment*

***deleted***

**Amendment 52**

**Proposal for a directive  
Article 2 – paragraph 1 – point 5**

*Text proposed by the Commission*

(5) ***'SIENA' means the secure information exchange network application, managed by Europol, aimed at facilitating the exchange of information between Member States and***

*Amendment*

***deleted***



*Europol;*

#### **Amendment 53**

##### **Proposal for a directive**

##### **Article 2 – paragraph 1 – point 6**

*Text proposed by the Commission*

(6) ‘personal data’ means personal data as defined in Article 4, point (1) of **Regulation (EU) 2016/679**.

*Amendment*

(6) ‘personal data’ means personal data as defined in Article 3, point (1), of **Directive (EU) 2016/680**.

#### **Amendment 54**

##### **Proposal for a directive**

##### **Article 3 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) any relevant information available to **the** Single Point of Contact or the law enforcement authorities of Member States is provided to the Single **Point** of Contact or the law enforcement authorities of other Member States (‘principle of availability’);

*Amendment*

(a) any relevant information available to **their** Single Point of Contact or the **competent** law enforcement authorities of Member States, **namely information that they can directly access or that they can obtain from other public authorities or from private parties established in that Member State without coercive measures under national law**, is provided to the Single **Points** of Contact or the **competent** law enforcement authorities of other Member States (‘principle of availability’);

#### **Amendment 55**

##### **Proposal for a directive**

##### **Article 3 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the conditions for requesting information from the Single Point of Contact or the ***law enforcement authorities of other Member States, and those for providing information to the Single Points of Contact and the*** law enforcement authorities of other Member States, are equivalent to those applicable for requesting ***and providing*** similar information from and to their own law enforcement authorities ('principle of equivalent access');

*Amendment*

(b) the conditions for requesting information from ***and providing it to*** the Single Point of Contact or the ***competent*** law enforcement authorities of other Member States, are equivalent to those applicable for requesting similar information from and ***providing it*** to their own ***competent*** law enforcement authorities ***for the same purposes in a similar domestic case*** ('principle of equivalent access');

**Amendment 56**

**Proposal for a directive**

**Article 3 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) information provided to the Single Point of Contact or the law enforcement authorities of another Member State that is marked as confidential is protected by ***those*** law enforcement authorities in accordance with the requirements set out in the national law of that Member State offering a similar level of confidentiality ('principle of confidentiality').

*Amendment*

(c) information provided to the Single Point of Contact or the ***competent*** law enforcement authorities of another Member State that is marked as confidential is protected by ***the Single Point of Contact or the competent*** law enforcement authorities in accordance with the requirements set out in the national law of that Member State offering a similar level of confidentiality ('principle of confidentiality').

**Amendment 57**

**Proposal for a directive**

**Article 3 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) information provide to the Single Point of Contact or otherwise exchanged under this Directive that is found to be incorrect, inaccurate or outdated is corrected or deleted, as appropriate, and any correction or deletion is communicated to all recipients without delay.***

## **Amendment 58**

### **Proposal for a directive**

#### **Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that their Single Point of Contact and, where they have so decided, their law enforcement authorities submit requests for information to the Single Points of Contact of other Member States in accordance with the conditions set out in paragraphs 2 to 5.

1. Member States shall ensure that their Single Point of Contact and, where they have so decided, their ***competent*** law enforcement authorities submit requests for information to the Single Points of Contact of other Member States in accordance with the conditions set out in paragraphs 2 to 5.

## **Amendment 59**

### **Proposal for a directive**

#### **Article 4 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Where a Member State has ***decided*** that, in addition to its Single Point of Contact, its law enforcement authorities may also submit requests for information to the Single Points of Contact of other Member States, it shall ensure that those authorities send, at the same time as submitting such

Where a Member State has ***provided in national law*** that, in addition to its Single Point of Contact, its ***competent*** law enforcement authorities may also submit requests for information ***directly*** to the Single Points of Contact of other Member States, it ***shall send the Commission a list***

requests, a copy of those requests, and of any other communication relating thereto, to the Single Point of Contact of that Member State.

*of competent law enforcement authorities and, where necessary, notify it of any changes thereto. The Commission shall publish a list of all competent law enforcement authorities and any changes thereto in the Official Journal of the European Union. Member States shall ensure that those authorities send, at the same time as submitting such requests, a copy of those requests, and of any other communication relating thereto, to the Single Point of Contact of that Member State.*

## Amendment 60

### Proposal for a directive

#### Article 4 – paragraph 2 – point b

*Text proposed by the Commission*

(b) the requested information is available to the *law enforcement authorities of the requested* Member State.

*Amendment*

(b) the requested information is available to the *Single Point of Contact of that* Member State;

## Amendment 61

### Proposal for a directive

#### Article 4 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. Any request for information to the Single Point of Contact of another Member State shall specify whether or not it is urgent.

*Amendment*

3. Any request for information to the Single Point of Contact of another Member State *concerning a serious criminal offence* shall specify *and justify* whether or not it is urgent.

## Amendment 62

### Proposal for a directive

#### Article 4 – paragraph 3 – subparagraph 2 – point b

*Text proposed by the Commission*

(b) necessary in order to ***protect a person's vital interests which are at imminent risk***;

*Amendment*

(b) necessary in order to ***prevent an imminent threat to life or the physical integrity of a person***;

## Amendment 63

### Proposal for a directive

#### Article 4 – paragraph 3 – subparagraph 2 – point d

*Text proposed by the Commission*

(d) at imminent risk of losing relevance if not provided urgently.

*Amendment*

(d) at imminent risk of losing relevance if not provided urgently ***and the information is considered vitally important***.

## Amendment 64

### Proposal for a directive

#### Article 4 – paragraph 4 – introductory part

*Text proposed by the Commission*

4. Requests for information to the Single Point of Contact of another Member State shall contain all necessary ***explanations*** to allow for their adequate and rapid processing in accordance with this Directive, including at least the following:

*Amendment*

4. Requests for information to the Single Point of Contact of another Member State shall contain all necessary ***details*** to allow for their adequate and rapid processing in accordance with this Directive, including at least the following:

## Amendment 65

### Proposal for a directive

#### Article 4 – paragraph 4 – point c

##### *Text proposed by the Commission*

(c) the objective reasons according to which it is believed that the requested information is available to the **law enforcement authorities of the requested** Member State;

##### *Amendment*

(c) the objective reasons according to which it is believed that the requested information is available to the **Single Point of Contact of that** Member State;

## Amendment 66

### Proposal for a directive

#### Article 4 – paragraph 4 – point e

##### *Text proposed by the Commission*

(e) the reasons for which the request is considered urgent, where applicable.

##### *Amendment*

(e) the reasons for which the request is considered urgent, where applicable, **in accordance with paragraph 3.**

## Amendment 67

### Proposal for a directive

#### Article 5 – paragraph 1 – subparagraph 1 – introductory part

##### *Text proposed by the Commission*

1. **Subject to paragraph 2 of this Article and to Article 6(3),** Member States shall ensure that their Single Point of Contact provides the information requested in accordance with Article 4 as soon as possible and in any event within the following time limits, as applicable:

##### *Amendment*

1. Member States shall ensure that their Single Point of Contact provides the information requested in accordance with Article 4 as soon as possible and in any event within the following time limits, as applicable:

## Amendment 68

### Proposal for a directive

#### Article 5 – paragraph 1 – subparagraph 1 – point a

*Text proposed by the Commission*

(a) eight hours, for urgent requests relating to information that ***is available to the law enforcement authorities*** of the requested Member State without having to obtain a judicial authorisation;

*Amendment*

(a) eight hours for urgent requests relating to information ***concerning a serious criminal offence*** that ***the Single Point of Contact*** of the requested Member State ***can directly access*** without having to obtain a judicial authorisation;

## Amendment 69

### Proposal for a directive

#### Article 5 – paragraph 1 – subparagraph 1 – point b

*Text proposed by the Commission*

(b) three calendar days, for urgent requests relating to information that ***is available to the law enforcement authorities*** of the requested Member State ***subject to a requirement to obtain a judicial authorisation***;

*Amendment*

(b) three calendar days for urgent requests relating to information ***concerning a serious criminal offence*** that ***the Single Point of Contact*** of the requested Member State ***can***:

## Amendment 70

### Proposal for a directive

#### Article 5 – paragraph 1 – subparagraph 1 – point b – point i (new)

*Text proposed by the Commission*

*Amendment*

(i) ***directly access but that is subject to a requirement to obtain a judicial authorisation and relating to information concerning a serious criminal offence***;

## Amendment 71

### Proposal for a directive

#### Article 5 – paragraph 1 – subparagraph 1 – point b – point ii (new)



*Text proposed by the Commission*

*Amendment*

(ii) ***obtain from other public authorities or from private parties established in that Member State without coercive measures under national law without judicial authorisation;***

## **Amendment 72**

### **Proposal for a directive**

#### **Article 5 – paragraph 1 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) five calendar days for urgent requests relating to information concerning a serious criminal offence that the Single Point of Contact of the requested Member State can obtain from other public authorities or from private parties established in that Member State without coercive measures under national law and that is subject to a requirement to obtain a judicial authorisation;***

## **Amendment 73**

### **Proposal for a directive**

#### **Article 5 – paragraph 1 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) seven calendar days, for all requests that are not urgent.

(c) seven calendar days, for all requests that are not urgent ***and do not require a judicial authorisation.***

## **Amendment 74**

## Proposal for a directive

### Article 5 – paragraph 1 – subparagraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) ten calendar days for all requests that are not urgent and require a judicial authorisation.**

## Amendment 75

### Proposal for a directive

#### Article 5 – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The time **periods** laid down in the first subparagraph shall commence at the moment of the reception of the request for information.

The time **limits** laid down in the first subparagraph shall commence at the moment of the reception of the request for information.

## Amendment 76

### Proposal for a directive

#### Article 5 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

2. Where under its national law in accordance with Article 9 the requested information is available only after having obtained a judicial authorisation, the requested Member State may deviate from the time limits referred to paragraph 1 **insofar** as necessary for obtaining such authorisation.

2. Where, under its national law in accordance with Article 9, the requested information is available only after having obtained a judicial authorisation, the requested Member State may deviate from the time limits referred to **in** paragraph 1, **first subparagraph, points (b) and (ca), as applicable, in so far** as necessary for obtaining such authorisation.

## Amendment 77

### Proposal for a directive

#### Article 5 – paragraph 2 – subparagraph 2 – point i

##### *Text proposed by the Commission*

(i) immediately inform the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State of the expected delay, specifying the length of the expected delay and the reasons therefore;

##### *Amendment*

(i) immediately inform the Single Point of Contact or, where applicable, the **competent** law enforcement authority of the requesting Member State of the expected delay, specifying the length of the expected delay and the reasons therefore;

## Amendment 78

### Proposal for a directive

#### Article 5 – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

3. Member States shall ensure that their Single Point of Contact provides the information requested in accordance with Article 4 to the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State, in the language in which that request for information was submitted in accordance with Article 4(5).

##### *Amendment*

3. Member States shall ensure that their Single Point of Contact provides the information requested in accordance with Article 4 to the Single Point of Contact or, where applicable, the **competent** law enforcement authority of the requesting Member State, in the language in which that request for information was submitted in accordance with Article 4(5).

## Amendment 79

### Proposal for a directive

#### Article 5 – paragraph 3 – subparagraph 2

##### *Text proposed by the Commission*

Member States shall ensure that, where their Single Point of Contact provides the requested information to the law

##### *Amendment*

Member States shall ensure that, where their Single Point of Contact provides the requested information to the **competent** law

enforcement authority of the requesting Member State, it also sends, at the same time, a copy of the information to the Single Point of Contact of that Member State.

enforcement authority of the requesting Member State, it also sends, at the same time, a copy of the information to the Single Point of Contact of that Member State.

## **Amendment 80**

### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

(a) the requested information is not available to the Single Point of Contact and the law enforcement authorities of the requested Member State;

*Amendment*

(a) the requested information is not available to the Single Point of Contact and the **competent** law enforcement authorities of the requested Member State;

## **Amendment 81**

### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the requested information has been found to be outdated or inaccurate and has not yet been updated or corrected;***

## **Amendment 82**

### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

**(db) the request for information is not sufficiently specific and would require the Single Point of Contact to provide a large amount of non-specific information;**

## **Amendment 83**

### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 1 – point e – point i**

*Text proposed by the Commission*

*Amendment*

(i) be contrary to the essential interests of the security of the requested Member State;

(i) be contrary to the essential interests of the **internal** security of the requested Member State;

## **Amendment 84**

### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 1 – point e – point iii**

*Text proposed by the Commission*

*Amendment*

(iii) unduly harm the vital interests of a natural or legal person.

(iii) unduly harm the vital interests of a natural or legal person **or pose an imminent threat to life or the physical integrity of a natural person;**

## **Amendment 85**

### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 1 – point e – point iii a (new)**

*Text proposed by the Commission*

*Amendment*

***(iiia) be used for politically motivated purposes or for manifest breaches of fundamental rights;***

## **Amendment 86**

### **Proposal for a directive**

#### **Article 6 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall exercise due diligence when assessing requests submitted to their points of contact by a Member State that is subject to the procedure referred to in Article 7(1) or (2) of the Treaty on European Union.***

## **Amendment 87**

### **Proposal for a directive**

#### **Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Member States shall ensure that their Single Point of Contact informs the Single Point of Contact or, where applicable, the law enforcement authority ***of the requesting Member State*** of the refusal, specifying the reasons for the refusal, within the time limits provided for in Article 5(1).

2. Member States shall ensure that their Single Point of Contact informs the Single Point of Contact or, where applicable, the ***competent*** law enforcement authority ***that requested the information*** of the refusal, specifying the reasons for the refusal, within the time limits provided for in Article 5(1).

## Amendment 88

### Proposal for a directive

#### Article 6 – paragraph 2 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***The Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State whose request for information has been refused shall have the right to provide clarifications or request that such a decision to refuse be reassessed.***

## Amendment 89

### Proposal for a directive

#### Article 6 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

3. Member States shall ensure that their Single Point of Contact immediately requests additional clarifications needed to process a request for information that otherwise would have to be refused from the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State.

3. ***Where relevant,*** Member States shall ensure that their Single Point of Contact immediately requests additional clarifications needed to process a request for information that otherwise would have to be refused from the Single Point of Contact or, where applicable, the ***competent*** law enforcement authority of the requesting Member State.

## Amendment 90

### Proposal for a directive

#### Article 6 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The time limits referred to in Article 5(1) shall be suspended from the moment that

The time limits referred to in Article 5(1) shall be suspended from the moment that



the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State receives the request for clarifications, until the moment ***that the Single Point of Contact of the requested Member State receives the*** clarifications.

the Single Point of Contact or, where applicable, the ***competent*** law enforcement authority of the requesting Member State receives the request for clarifications, until the moment the requested clarifications ***are provided.***

## Amendment 91

### Proposal for a directive Article 7 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that their Single Point of Contact or their law enforcement authorities provide, on their own initiative, any information available to them to the Single Points of Contact or to the law enforcement authorities of other Member States, where there are objective reasons to believe that such information could be relevant to that Member State for the purpose referred to in Article 1(1). However, no such obligation shall exist ***insofar*** as the reasons referred to in points (c), (d) or (e) of Article 6(1) apply in respect of such information.

#### *Amendment*

1. Member States shall ensure that their Single Point of Contact or their ***competent*** law enforcement authorities provide, on their own initiative, any information available to them to the Single Points of Contact or to the ***competent*** law enforcement authorities of other Member States, where there are objective reasons to believe that such information could be relevant to that Member State for the purpose referred to in Article 1(1). However, no such obligation shall exist ***in so far*** as the reasons referred to in points (c), (d) or (e) of Article 6(1) apply in respect of such information.

## Amendment 92

### Proposal for a directive Article 7 – paragraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***1a. The rules provided for in this Article shall also apply where, upon the request of a competent law enforcement***

*authority, the Single Point of Contact designated by the Member State of that competent law enforcement authority provides information to a Single Point of Contact or to the competent law enforcement authorities of another Member State.*

## Amendment 93

### Proposal for a directive

#### Article 7 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities provide information on their own-initiative in accordance with **paragraph 1**, they do so in one of the languages included in the list established by the requested Member State and published in accordance with Article 11.

*Amendment*

2. Member States shall ensure that, where their Single Point of Contact or their **competent** law enforcement authorities provide information on their own-initiative in accordance with **paragraph 1 or 1a**, they do so in one of the languages included in the list established by the requested Member State and published in accordance with Article 11.

## Amendment 94

### Proposal for a directive

#### Article 7 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

Member States shall ensure that, where their Single Point of Contact **or their law enforcement authorities provide** such information to the law enforcement authority of another Member State, **they also send**, at the same time, a copy of that information to the Single Point of Contact of that other Member State.

*Amendment*

Member States shall ensure that, where their Single Point of Contact **provides** such information **directly** to the **competent** law enforcement authority of another Member State, **it also sends**, at the same time, a copy of that information to the Single Point of Contact of that other Member State.

## Amendment 95

### Proposal for a directive

#### Article 7 – paragraph 2 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that, where their competent law enforcement authorities provide such information to the competent law enforcement authority of another Member State, they also send, at the same time, a copy of that information to the Single Point of Contacts of both Member States concerned.***

## Amendment 96

### Proposal for a directive

#### Article 8 – paragraph 1

*Text proposed by the Commission*

*Amendment*

Member States shall ensure that, where Single Points of Contact or law enforcement authorities submit requests for information directly to the law enforcement authorities of another Member State, their Single Points of Contact or their law enforcement authorities send, at the same time as they send such requests, provide information pursuant to such requests or send any other communications relating thereto, a copy thereof to the Single Point of Contact of that other Member State and, where the sender is a law enforcement authority, also to the Single Point of Contact of its own Member State.

Member States shall ensure that, where Single Points of Contact or ***competent*** law enforcement authorities submit requests for information directly to the ***competent*** law enforcement authorities of another Member State, their Single Points of Contact or their ***competent*** law enforcement authorities send, at the same time as they send such requests, provide information pursuant to such requests or send any other communications relating thereto, a copy thereof to the Single Point of Contact of that other Member State and, where the sender is a ***competent*** law enforcement authority, also to the Single Point of Contact of its own Member State.

**Amendment 97**  
**Proposal for a directive**

**Article 8 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that their competent law enforcement authorities reply to requests pursuant to paragraph 1 within the time limits referred to in Article 5(1), except where a judicial authorisation is required or where Article 6(1) applies. Where a judicial authorisation is required, Article 5(2) shall apply mutatis mutandis.***

**Amendment 98**

**Proposal for a directive**  
**Article 9 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall not require any judicial authorisation for the provision of information to the Single Points of Contact or law enforcement authority of another Member State under Chapters II and III, where no such requirement applies in respect of ***similar*** provision of information to their own Single Point of Contact or their own law enforcement authorities.

1. Member States shall not require any judicial authorisation for the provision of information to the Single Points of Contact or ***competent*** law enforcement authority of another Member State under Chapters II and III, where no such requirement applies in respect of provision of ***the same*** information ***in a similar context*** to their own Single Point of Contact or their own ***competent*** law enforcement authorities.

**Amendment 99**  
**Proposal for a directive**

**Article 9 – paragraph 2**

*Text proposed by the Commission*

2. Member States shall ensure that, where their national law requires a judicial authorisation for the provision of information to the Single Points of Contact or the law enforcement authority of another Member State in accordance with paragraph 1, their Single Points of Contact **or their law enforcement authorities** immediately **take** all necessary steps, in accordance with their national law, to obtain such judicial authorisation as soon as possible.

*Amendment*

2. Member States shall ensure that, where their national law requires a judicial authorisation for the provision of information to the Single Points of Contact or the **competent** law enforcement authority of another Member State in accordance with paragraph 1, their Single Points of Contact immediately **takes** all necessary steps, in accordance with their national law, to obtain such judicial authorisation as soon as possible **and within the time limits provided for in Article 5(1).**

**Amendment 100**

**Proposal for a directive**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

3. The requests for judicial authorisation referred to in paragraph **1** shall be assessed and decided upon in accordance with the national law of the Member State of the competent judicial authority.

*Amendment*

3. The requests for judicial authorisation referred to in paragraph **2** shall be assessed and decided upon in accordance with the national law of the Member State of the competent judicial authority.

**Amendment 101**

**Proposal for a directive**  
**Article 10 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities provide information under Chapters II and III that constitutes personal data:

*Amendment*

Member States shall ensure that, where their Single Point of Contact or their law ***competent*** enforcement authorities provide information under Chapters II and III that constitutes personal data:

**Amendment 102**

**Proposal for a directive**

**Article 10 – paragraph 1 – point -i (new)**

*Text proposed by the Commission*

*Amendment*

***(-i) the personal data are accurate, complete and up to date;***

**Amendment 103**

**Proposal for a directive**

**Article 10 – paragraph 1 – point i**

*Text proposed by the Commission*

*Amendment*

(i) the categories of personal data provided remain limited to those listed in ***Section B, point 2, of*** Annex II to Regulation (EU) 2016/794;

(i) the categories of personal data provided ***per category of data subject*** remain limited to those listed in Annex II to Regulation (EU) 2016/794 ***and necessary for and proportionate to achieving the purpose of the request;***

**Amendment 104**

**Proposal for a directive**

**Article 10 – paragraph 1 – point ii**

*Text proposed by the Commission*

(ii) their Single Point of Contact or their law enforcement authorities also provide, at the same time and ***insofar*** as possible, the necessary elements enabling the Single Point of Contact or the law enforcement authority of the other Member State to assess the degree of accuracy, completeness and reliability of the personal data, as well as the extent to which the personal data are up to date.

*Amendment*

(ii) their Single Point of Contact or their ***competent*** law enforcement authorities also provide, at the same time and ***in so far*** as possible, the necessary elements enabling the Single Point of Contact or the ***competent*** law enforcement authority of the other Member State to assess the degree of accuracy, completeness and reliability of the personal data, as well as the extent to which the personal data are up to date.

**Amendment 105**

**Proposal for a directive  
Article 11 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall establish and keep up to date a list with one or more of the official languages of the Union in which their Single Point of Contact is able to provide information upon a request for information or on its own initiative. That list shall include English.

*Amendment*

1. Member States shall establish and keep up to date a list with one or more of the official languages of the Union in which their Single Point of Contact is able to ***receive and*** provide information upon a request for information or on its own initiative. That list shall include English.

**Amendment 106**

**Proposal for a directive  
Article 12 – paragraph 1**

*Text proposed by the Commission*

Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities send requests for information, provide information pursuant

*Amendment*

Member States shall ensure that, where their Single Point of Contact or their ***competent*** law enforcement authorities send requests for information, provide



to such requests, provide information on their own initiative or send other communications relating thereto under Chapters II and III, ***they*** also send, ***at the same time***, a copy thereof to Europol, ***insofar*** as the information to which the communication relates concerns offences falling within the scope of the objectives of Europol in accordance with Regulation (EU) 2016/794.

information pursuant to such requests, provide information on their own initiative or send other communications ***and relevant information*** relating thereto under Chapters II and III, ***qualified staff of their Single Point of Contact or their competent law enforcement authorities*** also ***assess, on a case-by-case basis, whether it is necessary to*** send a copy thereof to Europol, ***in so far*** as the information to which the communication relates concerns offences falling within the scope of the objectives of Europol in accordance with Regulation (EU) 2016/794.

#### **Amendment 107**

##### **Proposal for a directive Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall ensure that the purposes of the processing and any possible restrictions pursuant to Article 19 of Regulation (EU) 2016/794 are duly communicated to Europol when information is transmitted pursuant to paragraph 1.***

#### **Amendment 108**

##### **Proposal for a directive Article 13 – title**

*Text proposed by the Commission*

*Amendment*

***Use of SIENA***

***Secure communication channel***

## Amendment 109

### Proposal for a directive Article 13 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities send requests for information, provide information pursuant to such requests, provide information on their own initiative or send other communications relating thereto under Chapters II and III or under Article 12, they do so through SIENA.

#### *Amendment*

1. Member States shall ensure that, where their Single Point of Contact or their **competent** law enforcement authorities send requests for information, provide information pursuant to such requests, provide information on their own initiative or send other communications relating thereto under Chapters II and III or under Article 12, they do so **only** through **the Secure Information Exchange Network Application of Europol (SIENA)**.

## Amendment 110

### Proposal for a directive Article 13 – paragraph 2

#### *Text proposed by the Commission*

2. Member States shall ensure that their Single Point of Contact, as well as all their law enforcement authorities that may be involved in the exchange of information under this Directive, are directly connected to SIENA.

#### *Amendment*

2. Member States shall ensure that their Single Point of Contact, as well as all their **competent** law enforcement authorities that may be involved in the exchange of information under this Directive, are directly connected to SIENA, **including, where appropriate, from mobile devices**.

## Amendment 111

### Proposal for a directive Article 14 – title

*Text proposed by the Commission*

*Amendment*

***Establishment***, tasks and capabilities

***Designation***, tasks and capabilities

## **Amendment 112**

### **Proposal for a directive**

#### **Article 14 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Each Member State shall ***establish*** ***or*** designate ***one*** national Single Point of Contact, which shall be the central entity responsible for coordinating exchanges of information under this Directive.

1. Each Member State shall designate ***a single*** national Single Point of Contact, which shall be the central entity responsible for coordinating ***and facilitating*** exchanges of information under this Directive.

## **Amendment 113**

### **Proposal for a directive**

#### **Article 14 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. Member States shall ensure that their Single Point of Contact is empowered to carry out at least all of the following tasks:

2. Member States shall ensure that their Single Point of Contact is ***equipped and*** empowered to carry out at least all of the following tasks:

## **Amendment 114**

### **Proposal for a directive**

#### **Article 14 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) receive and evaluate requests for information;

*Amendment*

(a) receive and evaluate requests for information ***in the languages notified pursuant to Article 11(2)***;

**Amendment 115**

**Proposal for a directive**

**Article 14 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) channel requests for information to the appropriate ***national*** law enforcement ***authority or*** authorities and, where necessary, coordinate among them the processing of such requests and the provision of information upon such requests;

*Amendment*

(b) channel requests for information to the appropriate ***competent*** law enforcement authorities and, where necessary, coordinate among them the processing of such requests and the provision of information upon such requests;

**Amendment 116**

**Proposal for a directive**

**Article 14 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) analyse and structure information with a view to providing it to the Single Points of Contact and, where applicable, to the law enforcement authorities of other Member States;

*Amendment*

(c) analyse and structure information with a view to providing it to the Single Points of Contact and, where applicable, to the ***competent*** law enforcement authorities of other Member States;

**Amendment 117**

## Proposal for a directive

### Article 14 – paragraph 2 – point d

#### *Text proposed by the Commission*

(d) provide, upon request or upon its own initiative, information to the Single Points of Contact ***and, where applicable,*** to the law enforcement authorities of other Member States in accordance with Articles 5 and 7;

#### *Amendment*

(d) provide, upon request or upon its own initiative, information to the Single Points of Contact ***or*** to the ***competent*** law enforcement authorities of other Member States in accordance with Articles 5 and 7;

## Amendment 118

## Proposal for a directive

### Article 14 – paragraph 3 – point a

#### *Text proposed by the Commission*

(a) their Single Point of Contact has access to all information available to their law enforcement authorities, ***insofar*** as necessary to carry out its tasks under this Directive;

#### *Amendment*

(a) their Single Point of Contact has access to all information available to their ***competent*** law enforcement authorities, ***in so far*** as necessary to carry out its tasks under this Directive ***and in compliance with rules relating to the protection of personal data set out in Directive (EU) 2016/680;***

## Amendment 119

## Proposal for a directive

### Article 14 – paragraph 3 – point c

#### *Text proposed by the Commission*

(c) their Single Point of Contact is provided with ***the*** staff, resources and capabilities, including for translation, necessary to carry out its tasks in an adequate and rapid manner in accordance with this Directive and in particular the

#### *Amendment*

(c) their Single Point of Contact is provided with ***qualified*** staff, ***state-of-the-art operational tools and technical resources, premises, infrastructure, financial*** resources and capabilities, including for translation, necessary to carry

time limits set out in Article 5(1);

out its tasks in an adequate, **effective** and rapid manner in accordance with this Directive and in particular the time limits set out in Article 5(1);

## **Amendment 120**

### **Proposal for a directive Article 15 – title**

*Text proposed by the Commission*

Composition

*Amendment*

**Organisation**, composition **and training**

## **Amendment 121**

### **Proposal for a directive Article 15 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall determine the organisation and the composition of **its** Single Point of Contact in such a manner that it can carry out its tasks under this Directive in an efficient and effective manner.

*Amendment*

1. Member States shall determine the organisation and the composition of **their** Single Point of Contact in such a manner that it can carry out its tasks under this Directive in an efficient and effective manner.

## **Amendment 122**

### **Proposal for a directive Article 15 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. Member States shall ensure that their Single Point of Contact is composed

*Amendment*

2. Member States shall ensure that their Single Point of Contact is composed

of ***representatives of national*** law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive, including at least the following ***insofar*** as the Member State concerned is bound by the relevant legislation to establish ***or designate*** such units or bureaux:

of ***staff of their competent*** law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive, including at least the following ***in so far*** as the Member State concerned is bound by the relevant legislation ***or international agreement*** to establish such units or bureaux:

## Amendment 123

### Proposal for a directive Article 15 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that the staff operating in the Single Point of Contact and competent law enforcement authorities are adequately qualified for their tasks in order to enable them to perform their functions under this Directive. To that end, Member States shall provide the staff of their competent law enforcement authorities in their Single Point of Contact with access to adequate and regular training, in particular as regards:***

- (a) data processing;***
- (b) national and Union law in the areas of data protection and confidentiality and of Justice and Home Affairs, in particular concerning law enforcement cooperation and the mandate and objectives of Europol for the purpose of applying Article 12;***
- (c) foreign languages.***

## Amendment 124

### Proposal for a directive

#### Article 15 – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

**2b. The training referred to in paragraph 2a may include:**

**(a) language courses, with a particular focus on English and the official languages of the Member States with which the Single Point of Contact has most exchanges;**

**(b) IT training, including on the proper use of relevant software and databases;**

**(c) a practical week at Europol or presentations by the liaison officers at Europol;**

**(d) relevant tools and training courses offered by the European Union Agency for Law Enforcement Training (CEPOL).**

## Amendment 125

### Proposal for a directive

#### Article 16 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

(a) recording incoming and outgoing requests for information referred to in Articles 5 and 8, as well as any other communications with Single Points of Contact and, where applicable, law enforcement authorities of other Member States relating to such requests, including the information about refusals and the requests for and provision of clarifications referred to in Article 6(2) and (3) respectively;

(a) recording incoming and outgoing requests for information referred to in Articles 5 and 8, as well as any other communications with Single Points of Contact and, where applicable, **competent** law enforcement authorities of other Member States relating to such requests, including the information about refusals, **requests for the reassessment of refusals**, and the requests for and provision of clarifications referred to in Article 6(2) and (3) respectively;



## Amendment 126

### Proposal for a directive

#### Article 16 – paragraph 1 – point b

##### *Text proposed by the Commission*

(b) recording communications between the Single Point of Contact and ***national*** law enforcement authorities, pursuant to Article 15(2), point (b);

##### *Amendment*

(b) recording communications between the Single Point of Contact and ***the competent*** law enforcement authorities ***of its own Member State***, pursuant to Article 15(2), point (b);

## Amendment 127

### Proposal for a directive

#### Article 16 – paragraph 1 – point c

##### *Text proposed by the Commission*

(c) recording provisions of information to the Single Point of Contact and, where applicable, to the law enforcement authorities of other Member States in accordance with Articles 5, 7 and 8;

##### *Amendment*

(c) recording provisions of information to the Single Point of Contact and, where applicable, to the ***competent*** law enforcement authorities of other Member States in accordance with Articles 5, 7 and 8;

## Amendment 128

### Proposal for a directive

#### Article 16 – paragraph 3

##### *Text proposed by the Commission*

3. Member States shall ensure that any personal data processed by their Single Point of Contact are contained in the Case

##### *Amendment*

3. Member States shall ensure, ***in accordance with Article 4 (1), point (e), and Article 5 of Directive (EU) 2016/680,***

Management System only for as long as *is* necessary ***and proportionate for the purposes for which the personal data are processed and are subsequently*** irrevocably deleted.

that any personal data processed by their Single Point of Contact are contained in the Case Management System only for as long as necessary ***for all authorities concerned to download them. Once they have been downloaded, the data shall be*** irrevocably deleted ***to limit the double storage of such data to the strict minimum. The retention period shall not exceed four weeks.***

## **Amendment 129**

### **Proposal for a directive Article 16 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 16a***

#### ***Cooperation between Single Points of Contact***

- 1. Member States shall encourage practical cooperation between their Single Point of Contact and competent law enforcement authorities for the purposes of this Directive.***
- 2. The Commission shall organise regular meetings between the Single Points of Contact, at least once a year, to support the sharing of best practice related to the exchange of information between law enforcement authorities.***

## **Amendment 130**

### **Proposal for a directive Article 17 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Member States shall provide the

1. ***By 1 March of each year,*** Member

Commission with statistics on the exchanges of information with other Member States under this Directive, *by 1 March of each year*.

States shall provide the Commission with statistics on the exchanges of information with other Member States *during the previous calendar year* under this Directive.

## **Amendment 131**

### **Proposal for a directive**

#### **Article 17 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) the number of requests for information submitted by their Single Point of Contact and by their law enforcement authorities;

*Amendment*

(a) the number of requests for information submitted by their Single Point of Contact and, *where relevant*, by their *competent* law enforcement authorities;

## **Amendment 132**

### **Proposal for a directive**

#### **Article 17 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) the number of requests for information received and replied to by the Single Point of Contact and by their law enforcement authorities, broken down by urgent and non-urgent, and broken down by the other Member States receiving the information;

*Amendment*

(b) the number of requests for information received and replied to by the Single Point of Contact and by their *competent* law enforcement authorities, broken down by urgent and non-urgent, and broken down by the other Member States receiving the information;

## **Amendment 133**

### **Proposal for a directive**

#### **Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The Commission shall compile the statistics provided by Member States in accordance with paragraph 1 and make them available to the European Parliament and to the Council.**

#### **Amendment 134**

##### **Proposal for a directive Article 18 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission shall, by [date of entry into force + 3 years], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive.

1. The Commission shall, by [date of entry into force + 2 years], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive **and containing detailed information on how each Member State has implemented it. In compiling that report, the Commission shall pay particular attention to the efficiency of the exchange of information between competent authorities, the grounds for which requests for information were refused, in particular where the request falls outside the scope of the objectives of this Directive, and the compliance with provisions on data protection and the transferring of information to Europol.**

#### **Amendment 135**

##### **Proposal for a directive Article 18 – paragraph 2**

*Text proposed by the Commission*

2. The Commission shall, by [date of entry into force + **5** years], submit a report to the European Parliament and to the Council assessing the **effectivity and** effectiveness of this Directive. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if **necessary**, a legislative proposal.

*Amendment*

2. The Commission shall, by [date of entry into force + **4** years], **and every three years thereafter**, submit a report to the European Parliament and to the Council assessing the effectiveness of this Directive, **in particular its impact on law enforcement cooperation, the obligations laid down in Article 14(3), point (c), and the protection of personal data**. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive, **including, where applicable, practical obstacles that hamper its effective implementation**. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if **appropriate**, a legislative proposal.

**Amendment 136**

**Proposal for a directive**

**Article 21 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date of entry into force + **2 years**]. They shall forthwith communicate to the Commission the text of those provisions.

*Amendment*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date of entry into force + **12 months**]. They shall forthwith communicate to the Commission the text of those provisions.

**Amendment 137**

**Proposal for a directive**

**Article 21 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

They shall apply those provisions from that date. However, they shall apply Article 13 from [date of entry into force + **4** years].

*Amendment*

They shall apply those provisions from that date. However, they shall apply Article 13 from [date of entry into force + **2** years].

## EXPLANATORY STATEMENT

On 8 December 2022, the Commission presented its proposal for a *Directive on information exchange between competent law enforcement authorities of Member States (IED)*, repealing *Council Framework Decision 2006/960/JHA*. Together with the proposals for a Regulation on automated data exchange for police cooperation (“Prüm II”) and for a Council Recommendation on operational police cooperation, the proposed legislation forms part of the ‘EU Police Cooperation Code’.

The objective of the proposed Directive is to **strengthen the internal security within the Union** by providing clear rules and procedures as well as timeframes for the cross-border exchange of information by police and other law enforcement authorities of the Member States. The proposal furthermore strengthens Europol’s role in the process by obliging the authorities to use the Agency’s secure information exchange network application (‘SIENA’) as well as to send copies of all information relating to crimes falling within Europol’s scope of competence to Europol.

The proposed Directive builds on the **existing legal framework**, namely the Convention Implementing the Schengen Agreement of 14 June 1985<sup>1</sup>, notably in its Articles 39 and 46, and Council Framework Decision 2006/960/JHA<sup>2</sup> (‘Swedish Framework Decision’), which partially replaced those provisions and introduced new rules for the exchange of information and intelligence between Member States’ competent law enforcement authorities. Both laws have been in place for over fifteen years but have **not been used to their full potential due to discrepancies which created legal uncertainty** in practice.

The **rapporteur welcomes the Commission’s proposal** to update the legal framework for law enforcement information exchange and to harmonise the rules for such exchanges, thereby facilitating and ensuring adequate and rapid information exchanges. The rapporteur agrees with the **different elements of the proposal but proposes a number of changes and additions** to improve the text and to step up the level of ambition.

First, the rapporteur proposes to **extend the scope from serious crime to all crimes**. Not only would a limitation to serious crimes as proposed by the Commission enable less exchanges than under the Swedish Framework Directive, which covers all crimes. It would also impact the interplay between the Prüm II Regulation and the Directive, as the former applies to all crimes and authorities could therefore not rely on the Directive when requesting the actual data if the request for which they received a ‘hit’ when querying the database of another Member State under Prüm concerned a non-serious crime.

Second, to ensure a rapid exchange of information, it is justified to set harmonised time-limits. At the same time, it is necessary to keep those time limits proportionate to enable the

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<sup>1</sup> Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

<sup>2</sup> 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 (*OJ L 386, 29.12.2006, p. 89*).

Single Point of Contact (SPoC) or the competent law enforcement authority to provide the requested information. The rapporteur considers the gradual approach proposed by the Commission justified but believes that the **time-limits should be further refined** and divided into **five categories**, taking into account the urgency of the request, the type of crime, the level of availability (direct or indirect access), and the need to request judicial authorisation. Priority should be given to urgent requests relating to information concerning a serious crime, which can be directly accessed by the requested SPoC/authority (eight hours), while ten days should apply to all non-urgent requests that require judicial authorisation. To ensure that requests directly transmitted to a competent law enforcement authority in another Member State are treated with same level of vigour, the rapporteur furthermore proposes to apply the **same time-limits for direct exchanges between law enforcement authorities**.

Third, given the sensitivity of the personal data which will be exchanged under this Directive, it is important to provide a **robust data protection framework**. All exchanges under this Directive need to comply with **Directive (EU) 2016/680** ('Law Enforcement Directive'), with the exception of data processing by Europol, to which Europol's own specific data protection rules laid down in Regulation (EU) 2016/794 apply. It is particularly important that Member States comply with their obligations under Article 5 LED and Article 4(1)(e) LED, which require them to set appropriate time limits for data storage and to make sure that data are no longer kept in a form which permits identification of data subjects than is necessary for the purpose of processing. Responding to the concern raised by the European Data Protection Supervisor in its opinion on the draft legislation, the draft report furthermore clarifies that the data categories exchanged per data subject category must be in line with Annex II of Regulation (EU) 2016/794. Consequently, the data categories which can be exchanged concerning victims and witnesses will be more limited than those on suspects.

Fourth, the rapporteur wishes to stress that **trust between the cooperating authorities** is just as important for adequate and rapid information exchange as functioning structures, safe communication channels and harmonised time-limits. Trust is built through personal contacts, knowledge of the internal organisational structures, working methods and investigative approaches. To this end, the rapporteur considers that the Directive should also encourage the Member States to exchange best practice on existing cooperation (such as relevant cross-border projects and bi-/multilateral agreements) and to offer relevant trainings and exchange programmes to their law-enforcement authorities. For the representatives in the SPoCs, **Member States should be obliged to offer relevant trainings**. This requires the addition of a legal basis - point (b) of Article 87(2) - to the Directive. Member States are also invited **address other practical obstacles faced by front-line officers** involved in cross-border operations in their daily work. These can range from language barriers to lack of mobile access to secure communications channels or poor network coverage in border regions.

Finally, the rapporteur proposes to introduce the following changes:

- the **notification** by Member States to the Commission and the **publication of the lists of designated competent law enforcement authorities** that may directly send and receive requests for information;
- the **availability of SIENA on mobile devices** to facilitate the exchange of information between frontline-officers, especially in border regions;
- the **shortening of the transposition** (12 months) and **reporting periods** (two years and four years).



14.7.2022

## **OPINION OF THE COMMITTEE ON BUDGETARY CONTROL**

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a directive of the European Parliament and of the Council on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA (COM(2021)0782 – C9-0457/2021 – 2021/0411(COD))

Rapporteur for opinion: Caterina Chinnici

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## AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a directive

##### Recital 1

###### *Text proposed by the Commission*

(1) Transnational threats involving criminal activities call for a coordinated, targeted and adapted response. While national authorities operating on the ground are on the frontline in the fight against organised crime and terrorism, action at Union level is paramount to ensure efficient and effective cooperation, including as regards the exchange of information. Furthermore, organised crime and terrorism, in particular, are emblematic of the link between internal and external security. Those threats spread across borders and manifest themselves in organised crime and terrorist groups that engage in a wide range of criminal activities.

###### *Amendment*

(1) Transnational threats involving criminal activities call for a coordinated, targeted and adapted response. While national authorities operating on the ground are on the frontline in the fight against organised crime and terrorism, action at Union level is paramount to ensure efficient and effective cooperation, including as regards the exchange of information. ***In addition to the cooperation between national authorities, it is also important to highlight the need for those authorities to continue and enhance their cooperation with Union bodies, offices and agencies, in particular the European Anti-Fraud Office (OLAF), the European Union Agency for Law Enforcement Cooperation (Europol), the European Union Agency for Criminal Justice Cooperation (Eurojust) and the European Public Prosecutor's Office (EPPO), under the existing rules contained in the Union legislation, among others in Regulations (EU, Euratom) No 883/2013, (EU) 2016/794, (EU) 2017/1939 and (EU) 2019/1896. In that respect it is also vital that the Member States are instructed to make more effective and regular use of the Union's blacklist and to share information in a transparent manner in order to protect the Union's financial interests and budgetary resources more effectively against fraud.*** Furthermore, organised crime and terrorism, in particular, are emblematic of the link between internal and external security. Those threats spread across

borders and manifest themselves in organised crime and terrorist groups that engage in a wide range of criminal activities.

## Amendment 2

### Proposal for a directive

#### Recital 2

##### *Text proposed by the Commission*

(2) In an area without internal border controls, police officers in one Member State should have, within the framework of the applicable Union and national law, the possibility to obtain equivalent access to the information available to their colleagues in another Member State. In this regard, law enforcement authorities should cooperate effectively and by default across the Union. Therefore, an essential component of the measures that underpin public security in an interdependent area without internal border controls is police cooperation on the exchange of relevant information for law enforcement purposes. Exchange of information on crime and criminal activities, including terrorism, serves the overall objective of protecting the security of natural persons.

##### *Amendment*

(2) In an area without internal border controls, police officers in one Member State should have, within the framework of the applicable Union and national law, the possibility to obtain equivalent access to the information available to their colleagues in another Member State. In this regard, law enforcement authorities should cooperate effectively and by default across the Union. Therefore, an essential component of the measures that underpin public security in an interdependent area without internal border controls is police cooperation on the exchange of relevant information for law enforcement purposes. Exchange of information on crime and criminal activities, including terrorism, serves the overall objective of protecting the security of natural persons. ***Effective exchange of information also contributes to the fight against the grey economy, financial crime, fraud and money laundering.***

## Amendment 3

### Proposal for a directive

#### Recital 11

##### *Text proposed by the Commission*

(11) Whilst the Single Points of Contact of each Member State should in any event have the possibility to submit requests for information to the Single Point of Contact

##### *Amendment*

(11) Whilst the Single Points of Contact of each Member State should in any event have the possibility to submit requests for information to the Single Point of Contact

of another Member State, in the interest of flexibility, Member States should be allowed to decide that, in addition, their law enforcement authorities may also submit such requests. In order for Single Points of Contact to be able to perform their coordinating functions under this Directive, it is however necessary that, where a Member State takes such a decision, its Single Point of Contact is made aware of all such outgoing requests, as well as of any communications relating thereto, by always being put in copy.

of another Member State, in the interest of flexibility, Member States should be allowed to decide that, in addition, their law enforcement authorities may also submit such requests ***in accordance with the procedure laid down in a specific national legal framework***. In order for Single Points of Contact to be able to perform their coordinating functions under this Directive, it is however necessary that, where a Member State takes such a decision, its Single Point of Contact is made aware of all such outgoing requests, as well as of any communications relating thereto, by always being put in copy.

#### **Amendment 4**

##### **Proposal for a directive Recital 16**

###### *Text proposed by the Commission*

(16) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, the rules of this Directive should be aligned with Directive (EU) 2016/680 of the European Parliament and of the Council<sup>60</sup>. In particular, it should be specified that any personal data exchanged by Single Points of Contacts and law enforcement authorities is to remain limited to the categories of data listed in Section B point 2, of Annex II to Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>61</sup>. Furthermore, as far as possible, any such personal data should be distinguished according to their degree of accuracy and reliability, whereby facts should be distinguished from personal assessments, in order to ensure both the protection of individuals and the quality and reliability of the information exchanged. If it appears that the personal data are incorrect, they should be rectified or erased without delay.

###### *Amendment*

(16) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, the rules of this Directive should be aligned with Directive (EU) 2016/680 of the European Parliament and of the Council<sup>60</sup>. In particular, it should be specified that any personal data exchanged by Single Points of Contacts and law enforcement authorities is to remain limited to the categories of data listed in Section B point 2, of Annex II to Regulation (EU) 2016/794 of the European Parliament and of the Council<sup>61</sup>. Furthermore, as far as possible, any such personal data should be distinguished according to their degree of accuracy and reliability, whereby facts should be distinguished from personal assessments, in order to ensure both the protection of individuals and the quality and reliability of the information exchanged. If it appears that the personal data are incorrect, they should be rectified or erased without delay.

Such rectification or erasure, as well as any other processing of personal data in connection to the activities under this Directive, should be carried out in compliance with the applicable rules of Union law, in particular Directive (EU) 2016/680 **and Regulation (EU) 2016/679 of the European Parliament and of the Council**<sup>62</sup>, which rules this Directive leaves unaffected.

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<sup>60</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119 4.5.2016, p. 89).

<sup>61</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).

<sup>62</sup> **Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 4.5.2016, p. 1).**

Such rectification or erasure, as well as any other processing of personal data in connection to the activities under this Directive, should be carried out in compliance with the applicable rules of Union law, in particular Directive (EU) 2016/680, which rules this Directive leaves unaffected.

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<sup>60</sup> Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119 4.5.2016, p. 89).

<sup>61</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).

#### *Justification*

*GDPR reference not relevant for personal data processing envisaged by this Proposal, see also EDPS opinion.*

## Amendment 5

### Proposal for a directive Recital 18

#### *Text proposed by the Commission*

(18) The further development of the European Union Agency for Law Enforcement Cooperation (Europol) as the Union's criminal information hub is a priority. That is why, when information or any related communications are exchanged, irrespective of whether that is done pursuant to a request for information submitted to a Single Point of Contact or law enforcement authority, or on their own-initiative, a copy should be sent to Europol, however only insofar as it concerns offences falling within the scope of the objectives of Europol. In practice, this can be done through the ticking by default of the corresponding SIENA box.

#### *Amendment*

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## Amendment 6

### Proposal for a directive Recital 19

#### *Text proposed by the Commission*

(19) The proliferation of communication channels used for the transmission of law enforcement information between Member States and of communications relating thereto should be remedied, as it hinders the adequate and rapid exchange of such information. Therefore, the use of the

#### *Amendment*

(19) The proliferation of communication channels used for the transmission of law enforcement information between Member States and of communications relating thereto should be remedied, as it hinders the adequate and rapid exchange of such information. Therefore, ***it is justified to***

secure information exchange network application called SIENA, managed by Europol in accordance with Regulation (EU) 2016/794, should be made mandatory for all such transmissions and communications under this Directive, including the sending of requests for information submitted to Single Points of Contact and directly to law enforcement authorities, the provision of information upon such requests and on their own initiative, communications on refusals and clarifications, as well as copies to Single Points of Contact and Europol. To that aim, all Single Points of Contact, as well as all law enforcement authorities that may be involved in such exchanges, should be directly connected to SIENA. In this regard, a transition period should be provided for, however, in order to allow for the full roll-out of SIENA.

***make*** the use of the secure information exchange network application called SIENA, managed by Europol in accordance with Regulation (EU) 2016/794, ***the main channel for exchange of information and*** mandatory for all such transmissions and communications under this Directive, including the sending of requests for information submitted to Single Points of Contact and directly to law enforcement authorities, the provision of information upon such requests and on their own initiative, communications on refusals and clarifications, as well as copies to Single Points of Contact and Europol. To that aim, all Single Points of Contact, as well as all law enforcement authorities that may be involved in such exchanges, should be directly connected to SIENA. In this regard, ***it is essential that*** the full roll-out of SIENA ***takes place no later than three years after the date of entry into force of this Directive. The full roll-out of SIENA entails a significant change in current practices in some Member States and requires extensive national information system reforms and training of personnel, which in turn requires additional resources.***

## Amendment 7

### Proposal for a directive Recital 20

*Text proposed by the Commission*

(20) In order to simplify, facilitate and better manage information flows, Member States should each establish or designate one Single Point of Contact competent for coordinating information exchanges under this Directive. The Single Points of Contact should, in particular, contribute to mitigating the fragmentation of the law enforcement authorities' landscape, specifically in relation to information flows, in response to the growing need to

*Amendment*

(20) In order to simplify, facilitate and better manage information flows, Member States should each establish or designate one Single Point of Contact competent for coordinating information exchanges under this Directive. The Single Points of Contact should, in particular, contribute to mitigating the fragmentation of the law enforcement authorities' landscape, specifically in relation to information flows, in response to the growing need to



jointly tackle cross-border crime, such as drug trafficking and terrorism. For the Single Points of Contact to be able to effectively fulfil their coordinating functions in respect of the cross-border exchange of information for law enforcement purposes under this Directive, they should be assigned a number of specific, minimum tasks and also have certain minimum capabilities.

jointly tackle cross-border crime, such as drug trafficking and terrorism. For the Single Points of Contact to be able to effectively fulfil their coordinating functions in respect of the cross-border exchange of information for law enforcement purposes under this Directive, they should be assigned a number of specific, minimum tasks and also have certain minimum capabilities. ***It is important to produce an assessment of the costs of the Single Points of Contact at an early stage, with the greatest possible accuracy, in order to be able to prepare comprehensively for the impacts and implementation of the proposed reforms. In that respect it is appropriate that the financing of needed ICT-reforms be fully secured from the Internal Security Fund while respecting sound financial management and safeguarding the economic interests of the Union.***

## Amendment 8

### Proposal for a directive

#### Article 2 – paragraph 1 – point 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) criminal offences affecting the financial interests of the European Union, understood as all revenues, expenditures and assets covered by, acquired through, or due to the Union budget, the budgets of the Union institutions, bodies, offices and agencies established under the Treaties and budgets managed and monitored by the Union institutions, bodies, offices and agencies;***

## Amendment 9

### Proposal for a directive

#### Article 2 – paragraph 1 – point 6

*Text proposed by the Commission*

*Amendment*

(6) ‘personal data’ means personal data as defined in Article 4, point (1) of **Regulation (EU) 2016/679**.

(6) ‘personal data’ means personal data as defined in Article 3, point (1) of **Directive (EU) 2016/680**.

*Justification*

*Not the GDPR reference, but the LED reference is relevant for personal data processing envisaged by this Proposal.*

**Amendment 10**

**Proposal for a directive**

**Article 4 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Member States shall ensure that their Single Point of Contact and, where they have so decided, their law enforcement authorities submit requests for information to the Single Points of Contact of other Member States in accordance with the conditions set out in paragraphs 2 to 5.

1. Member States shall ensure that their Single Point of Contact and, where they have so decided **and laid down in a specific national legal framework**, their law enforcement authorities submit requests for information to the Single Points of Contact of other Member States in accordance with the conditions set out in paragraphs 2 to 5.

**Amendment 11**

**Proposal for a directive**

**Article 4 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where a Member State has **decided** that, in addition to its Single Point of Contact, its law enforcement authorities may also submit requests for information to the Single Points of Contact of other Member States, it shall ensure that those authorities send, at the same time as submitting such requests, a copy of those requests, and of any other communication relating thereto, to the Single Point of Contact of that Member State.

Where a Member State has **laid down in a specific national legal framework** that, in addition to its Single Point of Contact, its law enforcement authorities may also submit requests for information to the Single Points of Contact of other Member States, it shall ensure that those authorities send, at the same time as submitting such requests, a copy of those requests, and of any other communication relating thereto, to the Single Point of Contact of that

Member State.

## Amendment 12

### Proposal for a directive

#### Article 4 – paragraph 3 – subparagraph 2 – point a

*Text proposed by the Commission*

(a) essential for the prevention of an immediate and serious threat to the public security of a Member State;

*Amendment*

(a) essential for the prevention of an immediate and serious threat to the public security of ***the Union or*** a Member State;

## Amendment 13

### Proposal for a directive

#### Article 5 – paragraph 1 – point c

*Text proposed by the Commission*

(c) ***seven*** calendar days, for all requests that are not urgent.

*Amendment*

(c) ***five*** calendar days, for all requests that are not urgent.

## Amendment 14

### Proposal for a directive

#### Article 8 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 8a***

***Information exchange and procedures under Article 7 of the Treaty on European Union***

***Authorities of a Member State which is subject to a procedure referred to in Article 7(1) or 7(2) of the Treaty on European Union wishing to request information from another Member State via the Single Point of Contact shall submit its request to Europol for assessment before it can be addressed to the Single Point of Contact of the other Member State.***

*Article 8a is inserted in Chapter IV before article 9.*

## **Amendment 15**

### **Proposal for a directive**

#### **Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities send requests for information, provide information pursuant to such requests, provide information on their own initiative or send other communications relating thereto under Chapters II and III or under Article 12, they do so through SIENA.

*Amendment*

1. Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities send requests for information, provide information pursuant to such requests, provide information on their own initiative or send other communications relating thereto under Chapters II and III or under Article 12, they do so **only** through SIENA.

## **Amendment 16**

### **Proposal for a directive**

#### **Article 14 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) their Single Point of Contact is provided with the staff, resources and capabilities, including for translation, necessary **to carry out its tasks in an** adequate and rapid **manner** in accordance with this Directive and in particular the time limits set out in Article 5(1);

*Amendment*

(c) their Single Point of Contact is provided with the staff, **financial and technical** resources, **premises, infrastructure** and capabilities, including for translation, necessary **for the effective, adequate and rapid performance of its tasks** in accordance with this Directive and in particular the time limits set out in Article 5(1);

## **Amendment 17**

### **Proposal for a directive**

#### **Article 17 – paragraph 1**

*Text proposed by the Commission*

1. Member States shall provide the Commission with statistics on the exchanges of information with other

*Amendment*

1. Member States shall provide the Commission with statistics on the exchanges of information with other

Member States under this Directive, by 1 March of each year.

Member States under this Directive, by 1 March of each year. ***The statistics as submitted by the Member States shall be made available to the European Parliament.***

## Amendment 18

### Proposal for a directive

#### Article 17 – paragraph 2 – point (d)

*Text proposed by the Commission*

(d) the number of cases where the time limits referred to in Article 5(1) were deviated from ***due to having to obtain a judicial authorisation in accordance with Article 5(2)***, broken down by the Member States having submitted the requests for information concerned.

*Amendment*

(d) the number of cases where the time limits referred to in Article 5(1) were deviated from, broken down by ***type of deviation*** and the Member State having submitted the requests for information concerned.

## Amendment 19

### Proposal for a directive

#### Article 17 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The Commission shall compile the statistics and use them for the reporting obligation laid down in Article 18. The compiled statistics shall be made available to the European Parliament.***

## Amendment 20

### Proposal for a directive

#### Article 18 – paragraph 1

*Text proposed by the Commission*

1. The Commission shall, by [date of entry into force + 3 years], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive.

*Amendment*

1. The Commission shall, by [date of entry into force + 3 years], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive. ***The report shall contain***

*detailed information on the implementation of this Directive by each of the Member States.*

## Amendment 21

### Proposal for a directive Article 18 – paragraph 2

#### *Text proposed by the Commission*

2. The Commission shall, by [date of entry into force + 5 years], submit a report to the European Parliament and to the Council assessing the effectivity and effectiveness of this Directive. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if necessary, a legislative proposal.

#### *Amendment*

2. The Commission shall, by [date of entry into force + 5 years], submit a report to the European Parliament and to the Council assessing the effectivity and effectiveness of this Directive. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive, ***with specific regard to the obligations laid down in Article 14(3), point (c).*** On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if necessary, a legislative proposal, ***including potentially increasing the scope of this Directive.***

#### *Justification*

*The report from the Commission should contain information allowing the European Parliament and Council to consider the performance of this directive and the possibility of extending its scope as needed.*

## Amendment 22

### Proposal for a directive Article 21 – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

They shall apply those provisions from that date. **However, they shall apply Article 13 from [date of entry into force + 4 years].**

#### *Amendment*

They shall apply those provisions from that date. However, they shall apply Article 13 from [date of entry into force + 3 years].



## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA
<b>References</b>	COM(2021)0782 – C9-0457/2021 – 2021/0411(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 27.1.2022
<b>Opinion by</b> Date announced in plenary	CONT 27.1.2022
<b>Rapporteur for the opinion</b> Date appointed	Caterina Chinnici 21.2.2022
<b>Discussed in committee</b>	15.6.2022
<b>Date adopted</b>	13.7.2022
<b>Result of final vote</b>	+ : 20 - : 1 0 : 0
<b>Members present for the final vote</b>	Matteo Adinolfi, Gilles Boyer, Olivier Chastel, Lefteris Christoforou, José Manuel Fernandes, Daniel Freund, Isabel García Muñoz, Jean-François Jalkh, Sándor Rónai, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Maria Grapini, Sophia in 't Veld, David Lega, Marian-Jean Marinescu, Andrey Novakov, Tsvetelina Penkova, Viola von Cramon-Taubadel, Michal Wiezik
<b>Substitutes under Rule 209(7) present for the final vote</b>	Malte Gallée, Andželika Anna Mozdżanowska, Jörgen Warborn



## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

20	+
ECR	Andželika Anna Mozdżanowska
ID	Matteo Adinolfi
PPE	Lefteris Christoforou, José Manuel Fernandes, David Lega, Marian-Jean Marinescu, Andrey Novakov, Jörgen Warborn, Tomáš Zdechovský
RENEW	Gilles Boyer, Olivier Chastel, Sophia in 't Veld, Michal Wiezik
S&D	Isabel García Muñoz, Maria Grapini, Tsvetelina Penkova, Sándor Rónai
VERTS/ALE	Daniel Freund, Malte Gallée, Viola von Cramon-Taubadel

1	-
ID	Jean-François Jalkh

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA	
<b>References</b>	COM(2021)0782 – C9-0457/2021 – 2021/0411(COD)	
<b>Date submitted to Parliament</b>	9.12.2021	
<b>Committee responsible</b> Date announced in plenary	LIBE 27.1.2022	
<b>Committees asked for opinions</b> Date announced in plenary	BUDG 27.1.2022	CONT 27.1.2022
<b>Not delivering opinions</b> Date of decision	BUDG 13.1.2022	
<b>Rapporteurs</b> Date appointed	Lena Düpont 31.3.2022	
<b>Discussed in committee</b>	27.6.2022	10.10.2022
<b>Date adopted</b>	10.10.2022	
<b>Result of final vote</b>	+: 42 -: 12 0: 1	
<b>Members present for the final vote</b>	Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Pietro Bartolo, Malin Björk, Patrick Breyer, Saskia Bricmont, Patricia Chagnon, Clare Daly, Andrzej Halicki, Evin Incir, Assita Kanko, Alice Kuhnke, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Terry Reintke, Karlo Ressler, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Ramona Strugariu, Tomas Tobé, Yana Toom, Milan Uhrík, Elissavet Vozemberg-Vrionidi, Elena Yoncheva, Javier Zarzalejos	
<b>Substitutes present for the final vote</b>	Romeo Franz, Erik Marquardt, Peter Pollák, Michal Šimečka, Paul Tang, Róza Thun und Hohenstein, Miguel Urbán Crespo	
<b>Substitutes under Rule 209(7) present for the final vote</b>	Gilles Boyer, Jonás Fernández, Vlad Gheorghe, Hannes Heide, Eero Heinäluoma, Othmar Karas, Georgios Kyrtos, Karsten Lucke, Evelyn Regner, Antonio Maria Rinaldi, Simone Schmiedtbauer, Ralf Seekatz, Ivan Štefanec	
<b>Date tabled</b>	13.10.2022	

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

42	+
ECR	Assita Kanko, Vincenzo Sofo
ID	Antonio Maria Rinaldi,
PPE	Andrzej Halicki, Othmar Karas, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Nadine Morano, Peter Pollák, Emil Radev, Paulo Rangel, Karlo Ressler, Simone Schmiedtbauer, Ralf Seekatz, Sara Skyttedal, Ivan Štefanec, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
RENEW	Abir Al-Sahlani, Malik Azmani, Gilles Boyer, Vlad Gheorghe, Georgios Kyrtos, Maite Pagazaurtundúa, Michal Šimečka, Ramona Strugariu, Róza Thun und Hohenstein, Yana Toom
S&D	Pietro Bartolo, Jonás Fernández, Hannes Heide, Eero Heinäluoma, Evin Incir, Karsten Lucke, Javier Moreno Sánchez, Evelyn Regner, Isabel Santos, Birgit Sippel, Paul Tang, Elena Yoncheva

12	-
ID	Patricia Chagnon
THE LEFT	Konstantinos Arvanitis, Malin Björk, Clare Daly, Miguel Urbán Crespo
VERTS/ALE	Patrick Breyer, Saskia Bricmont, Romeo Franz, Alice Kuhnke, Erik Marquardt, Terry Reintke, Diana Riba i Giner

1	0
NI	Milan Uhrík

Key to symbols:

+ : in favour

- : against

0 : abstention