

Joint Investigation Teams collaboration platform

2021/0391(COD) - 01/12/2021 - Legislative proposal

PURPOSE: to establish a dedicated IT platform to support the functioning of the Joint Investigation Teams (JITs) – the JITs collaboration platform.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Joint Investigation Teams (JITs) are set up by two or more States and possibly non-EU countries for specific criminal investigations with a cross border impact and for a limited period of time. A JIT can be set up, in particular, when a Member State's investigations into criminal offences require difficult and demanding investigations having links with other Member States or third countries. JITs are one of the most successful tools for cross-border investigations and prosecutions in the EU. They enable direct cooperation and communication between judicial and law enforcement authorities of several States to organise their actions and investigations to efficiently investigate cross-border cases.

Although JITs have proven to be one of the most successful tools for cross-border investigations and prosecutions in the EU, practice shows they have been facing **several technical difficulties** preventing them from gaining the highest possible efficiency. The main difficulties concern secure electronic exchange of information and evidence (including large files), secure electronic communication with other JIT members and JIT participants, such as Eurojust, Europol and the European Anti-Fraud Office (OLAF), as well as a joint daily management of a JIT.

PURPOSE: with a view to remedying these technical difficulties, the Commission proposal seeks to establish a **dedicated IT platform**, to be used on a voluntary basis, to support the functioning of JITs – the JITs collaboration platform.

Scope

The proposal:

- lays down rules on the division of responsibilities between the JITs collaboration platform users and the agency responsible for the development and maintenance of the JITs collaboration platform;
- sets out conditions, under which the JITs collaboration platform users may be granted access to the JITs collaboration platform;
- lays down specific data protection provisions needed to supplement the existing data protection arrangements and to provide for an adequate overall level of data protection, data security and protection of the fundamental rights of the persons concerned.

Objectives

The general objective of the proposal is to provide technological support to those involved in JITs to increase the efficiency and effectiveness of their cross-border investigations and prosecutions.

The specific objectives of the proposal are to:

- ensure that the members and participants of JITs can more easily share information and evidence collected in the course of the JIT activities;
- ensure that the members and participants of JITs can more easily and more safely communicate with each other in the context of the JIT activities;
- facilitate the joint daily management of a JIT, including planning and coordination of parallel activities, enhanced traceability of shared evidence and coordination with third countries, especially where physical meetings are too expansive or time consuming.

Key functions

The JITs collaboration platform will offer the following key functions:

- secure, untraceable communication stored locally on the devices of the users, including a communication tool offering an instant messaging system, a chat feature, audio/video-conferencing and a function replacing standard emails;
- exchange of information and evidence, including large files, through an upload/download system designed to store the data centrally only for the limited time needed to technically transfer the data. As soon as the data are downloaded by all addresses, it would be automatically deleted from the platform;
- evidence traceability – an advanced logging mechanism logging a trail of who did what and when regarding all evidence shared through the platform and supporting the need to ensure admissibility of evidence before a court.

Access rights

The JITs collaboration platform will be accessible to all actors involved in JIT proceedings, i.e. Member States' representatives fulfilling the role of members of a given JIT, representatives of third countries invited to cooperate in the context of a given JIT, and the competent Union bodies, offices and agencies such as Eurojust, Europol, the European Public Prosecutor's Office and OLAF.

Monitoring

The design, development, technical management and maintenance of the JIT collaboration platform will be entrusted to the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA). Four years after the start of the JITs collaboration platform's operations and every four years after that, the Commission will conduct an overall evaluation of the JITs collaboration platform.

Budgetary implications

The costs incurred to establish and operate the JITs collaboration platform must be borne by the general budget of the Union.

eu-LISA costs: the following financial and human resources are proposed to develop, maintain and operate the JITs collaboration platform: (i) one-off build cost – EUR 8.4 million; (ii) annual maintenance and operation cost – EUR 1.7 million; (iii) staff – 4 as of 2024, 4 as of 2025 and 2 as of 2026 (10 in total). The costs for eu-LISA apply to hosting the platform in its operational site in Strasbourg/France and the back-up site in Sankt Johann/Austria.

Eurojust (including the JIT Secretariat): this would require the following financial and human resources: (i) for development maintenance and operations of the required technical adaptations of Eurojust IT systems, i.e. JITs funding, JITs evaluation and JITs restricted area, in order to partially integrate them with the platform: EUR 0.250 million in 2025 (one-off) and 1 technical profile – as of 2025 onwards; (ii) for administrative support of the JIT Secretariat to the platform’s users on behalf of JIT space administrator (s): 2 posts as of 2026 onwards.