

Law enforcement information exchange

2021/0411(COD) - 09/12/2021 - Legislative proposal

PURPOSE: to legislate on organisational and procedural aspects of information exchange between law enforcement authorities in the EU with a view to contributing to the effective and efficient exchange of such information, hence protecting a fully functioning and resilient Schengen area.

PROPOSED ACT: Directive 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: the Schengen area is the largest free travel area in the world. It allows more than 420 million people to move freely and goods and services to flow unhindered. By removing border controls between Member States, the Schengen area has become part of our European way of life. However, the growing mobility of people within the EU also creates additional challenges in preventing and fighting criminal threats, and in ensuring public safety.

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.**

The existing legal framework on the exchange of information between law enforcement authorities of Member States (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.

This proposal forms part of a coherent package also comprising a [proposal](#) for a Council Recommendation reinforcing operational cross-border police cooperation, a [proposal](#) for a Regulation revising the Automated Data Exchange Mechanism for Police Cooperation (Prüm II) as well as a proposal amending the Schengen Borders Code.

CONTENT: the proposed 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. Information exchange will ensure police officers make relevant information available to their counterparts in other Member States. The proposal includes:

Precise, consistent and common rules to ensure equivalent access to information

The proposal states that if information is available concerning a criminal offence in a Member State, it must, as a general rule, be made available to other Member States' law enforcement authorities as well, under the same conditions.

Single contact point and clear time limits

Member States should put in place a 'Single Point of Contact', operational 24/7, adequately staffed and acting as a 'one-stop shop' for information exchange with other EU countries. The information requested should be made available within 8 hours (for urgent cases), up to maximum 7 days (in other cases).

Requests can only be refused in well-defined cases, for instance if the information would jeopardise the success of an ongoing investigation, harm the vital interest of a person, go against the essential interests of the security of the Member State or if the required judicial authorisation is refused.

Single channel for information exchange

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.

In this regard, the Secure Information Exchange Network Application (SIENA), managed by Europol, will become the default channel of communication. All relevant authorities and single points of contact should use and be directly connected to SIENA for all exchanges of information and related communications covered by the Directive.

Reinforcing Europol's role as the EU criminal information hub

The proposal seeks to guarantee a stronger role for Europol as the EU criminal information hub.

Europol should be in copy of exchanges from single points of contact or law enforcement authorities concerning offences falling under the scope of its mandate.

Budgetary implications

The necessary IT upgrades in both Single Points of Contact and Police and Customs Cooperation Centres were estimated to amount to a maximum one-off total of EUR 11.5 million. These costs (one-off investment) are deemed acceptable and proportionate to the identified problem and do not go beyond what is necessary to achieve the specific objectives set out by this proposal for a Directive. Apart from the costs potentially covered by Member States' programmes under the Internal Security Fund, there will be no other costs borne at EU level.