

Law enforcement information exchange

2021/0411(COD) - 13/10/2022 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Lena DÜPONT (EPP, DE) 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.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter

Members proposed that this Directive should establish 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.

Requests for information to the Single Point of Contact

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 should send the Commission a **list of competent law enforcement authorities**.

Time limits

Members considered that to ensure a **rapid exchange of information**, it is justified to set harmonised time limits. The amended text divides the time limits 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 Single Point of Contact/authority (**eight hours**), while **ten days** should apply to all non-urgent requests that require judicial authorisation.

Refusals of requests for information

Member States should ensure that their Single Point of Contact only refuses to provide information if it has been found to be outdated, inaccurate, not specific, harmful to the vital interests or the physical integrity of a natural or legal person or be used for politically motivated purposes or for manifest breaches of fundamental rights.

Secure communication channel

The amended text stipulated that Member States should ensure that requested information is only sent through the Secure Information Exchange Network Application of Europol (SIENA). They should also 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** to facilitate the exchange of information between frontline-officers, especially in border regions.

Cooperation between Single Points of Contact

Member States should encourage practical cooperation between their Single Point of Contact and competent law enforcement authorities for the purposes of this Directive. The Commission should 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.

Reporting and transposition

Members proposed shortening the reporting periods to two years for the assessment of the Directive's implementation and four years for the report in its effectiveness and on its impact on law enforcement cooperation and the protection of personal data.

As regards its transposition, this has been reduced from two years to one year.