Basic information

2021/0391(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Joint Investigation Teams collaboration platform Amending Regulation 2018/1726 2017/0145(COD) **Subject** 7 Area of freedom, security and justice 7.30 Police, judicial and customs cooperation in general 7.30.20 Action to combat terrorism 7.30.30 Action to combat crime **Legislative priorities** Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	AZMANI Malik (Renew)	20/04/2022
	Shadow rapporteur VINCZE Loránt (EPP) CHINNICI Caterina (S&D) BREYER Patrick (Greens /EFA) KANKO Assita (ECR) KOFOD Peter (ID) ERNST Cornelia (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner
Justice and Consumers	REYNDERS Didier

Key events

Date	Event	Reference	Summary
01/12/2021	Legislative proposal published	COM(2021)0756	Summary
17/01/2022	Committee referral announced in Parliament, 1st reading		
10/10/2022	Vote in committee, 1st reading		
10/10/2022	Committee decision to open interinstitutional negotiations with report adopted in committee		
13/10/2022	Committee report tabled for plenary, 1st reading	A9-0245/2022	Summary
17/10/2022	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
19/10/2022	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
12/01/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE740.691 GEDA/A/(2023)000081	
30/03/2023	Decision by Parliament, 1st reading	T9-0088/2023	Summary
30/03/2023	Results of vote in Parliament		
24/04/2023	Act adopted by Council after Parliament's 1st reading		
10/05/2023	Final act signed		
17/05/2023	Final act published in Official Journal		

Technical information

Procedure reference	2021/0391(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2018/1726 2017/0145(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 082-p1
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/07873

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE732.926	14/06/2022	
Amendments tabled in committee		PE734.410	06/07/2022	

Committee report tabled for plenary, 1st reading/single reading		A9-0245/2022	13/10/2022	Summary
Text agreed during interinstitutional negotiations		PE740.691	20/12/2022	
Text adopted by Parliament, 1st reading/single reading		T9-0088/2023	30/03/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2023)000081	20/12/2022	
Draft final act	00073/2022/LEX	10/05/2023	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0756	01/12/2021	Summary
Document attached to the procedure	SWD(2021)0390	02/12/2021	
Commission response to text adopted in plenary	SP(2023)227	12/05/2023	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
AZMANI Malik	Rapporteur	LIBE	09/09/2022	Permanent representation of Czech Republic
AZMANI Malik	Rapporteur	LIBE	14/07/2022	Europol
AZMANI Malik	Rapporteur	LIBE	04/07/2022	eu-LISA, Head of Operations
AZMANI Malik	Rapporteur	LIBE	29/06/2022	eu-LISA
AZMANI Malik	Rapporteur	LIBE	13/05/2022	Permanent Representation of France
AZMANI Malik	Rapporteur	LIBE	10/05/2022	Eurojust President
AZMANI Malik	Rapporteur	LIBE	10/05/2022	Eurojust, President & Head of Operations
AZMANI Malik	Rapporteur	LIBE	09/05/2022	Office of the ICC Prosecutor

AZMANI Malik	Rapporteur	LIBE	09/05/2022	ICC - Office of the Prosecutor - Special adviser to the Prosecutor
AZMANI Malik	Rapporteur	LIBE	27/04/2022	DG JUST, Head of Unit + team
AZMANI Malik	Rapporteur	LIBE	22/04/2022	eu-LISA
AZMANI Malik	Rapporteur	LIBE	22/04/2022	Eurojust Liaison Office

Final act	
Regulation 2023/0969 OJ L 132 17.05.2023, p. 0001	Summary

Joint Investigation Teams collaboration platform

2021/0391(COD) - 30/03/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 559 votes to 7, with 7 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing a collaboration platform to support the functioning of joint investigation teams and amending Regulation (EU) 2018/1726.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

Subject

The purpose of the Regulation is to establish an IT platform, to be used on a voluntary basis, to support the functioning of joint investigation teams (JITs) - the **JIT Collaboration Platform**. It should enable the effective and efficient cooperation, communication and exchange of information and evidence among JIT members, representatives of international judicial authorities, Eurojust, Europol, OLAF and other competent Union bodies, offices and agencies.

Scope of application

The Regulation should apply to the **processing of information**, including personal data, within the context of a JIT. This includes the exchange and storage of both operational and non-operational data. It should apply to the operational and post-operational phases of a JIT, from the moment the relevant JIT agreement is signed until all operational or non-operational data of that JIT have been removed from the centralised information system.

The centralised information system should be hosted by the European Union Agency for the Operational Management of Large-scale IT Systems in the Area of Freedom, Security and Justice (**eu-LISA**) at its technical sites. eu-LISA will set up a support service to mitigate reported technical incidents and should make continuous improvements to the JIT collaboration platform.

Purpose of the JIT Collaboration Platform

The objective of the JIT Collaboration Platform should be to **facilitate the rapid and secure exchange and temporary storage of operational data**, through an upload and download functionality, and the traceability of exchanges of evidence, through an advanced logging and tracking mechanism.

Responsibilities of the JITs Network Secretariat

The JITs Network Secretariat should support the functioning of the JITs collaboration platform by:

- providing, at the request of the JIT space administrator or administrators, administrative, legal, and technical support in the context of the setup and access rights management of individual JIT collaboration spaces;

- providing day-to-day guidance, functional support, and assistance to practitioners on the use of the JITs collaboration platform and its functionalities;

- designing and providing training- and outreach modules for national authorities aiming to promote and facilitate the use of the JITs collaboration platform;

- enhancing a culture of cooperation within the Union in relation to international cooperation in criminal matters by raising awareness and promoting the use of the JITs collaboration platform among practitioners, and by collecting their feedback on its practical use;

- keeping, after the start of operations of the JITs collaboration platform, eu-LISA informed of additional technical requirements of the system by drafting an annual report on the potential improvements of the platform based on the feedback it receives from users.

Creation of the JIT collaboration spaces

Where a JIT agreement provides for the use of the JITs collaboration platform in accordance with this Regulation, a JIT collaboration space should be created within the JITs collaboration platform for each JIT.

The relevant JIT agreement should provide for the competent authorities of Member States and the EPPO to be granted access to the relevant JIT collaboration space and may provide for competent Union bodies, offices and agencies, competent authorities of third countries which have signed the agreement and representatives of international judicial authorities to be granted access to that JIT collaboration space.

In the context of a JIT agreement, any **transfer of personal data to third countries or international judicial authorities**, those authorities being considered international organisations for that purpose, is subject to compliance with the provisions set out in Chapter V of Directive (EU) 2016/680. Exchanges of operational data with third countries or international judicial authorities should be limited to those strictly required to fulfil the purposes of the relevant JIT agreement.

Where a JIT has multiple JIT space administrators, one of them should be designated in the relevant JIT agreement as controller of the data uploaded by third countries or representatives of international judicial authorities, before the JIT collaboration space in which third countries or representatives of international judicial authorities are involved is created.

Data protection

As soon as the process of downloading has been completed by all intended JITs collaboration platform users or, at the latest, upon expiry of the retention period, the data should be **automatically and permanently erased** from the centralised information system. No data from third countries or international judicial authorities shall be uploaded prior to the designation of the data controller.

Monitoring and evaluation

eu-LISA should establish procedures to monitor the development of the JIT collaboration platform against planning and cost targets and to monitor the operation of the JIT collaboration platform against targets for technical performance, cost-effectiveness, usability, security and quality of service. eu-LISA should report to the Commission on the technical functioning of the JIT collaboration platform, including its non-sensitive security aspects, and make this report publicly available.

Within 18 months after the date of the start of operations of the JITs collaboration platform, the Commission should submit a report assessing the necessity, feasibility, suitability and cost-effectiveness of a **potential connection between the JITs collaboration platform and SIENA**, the Secure Information Exchange Network Application (SIENA) managed by the European Union Agency for Law Enforcement Cooperation (Europol).

Start of operations

The JIT Collaboration Platform should be operational no later than 30 months after the date of entry into force of the Regulation.

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.

Joint Investigation Teams collaboration platform

2021/0391(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 Malik AZMANI (Renew Europe, NL) on the proposal for a regulation of the European Parliament and of the Council establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726.

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

With a view to enhancing international cooperation and information exchange on crimes affecting international peace and safety, Members proposed that the draft Regulation should include the possibility to allow for participation of **specialised** customs Joint Investigation Teams (JITs) created under the Naples II convention, provided that they function in the context of a criminal investigation while under the supervision of a judicial authority.

Scope

According to Members, the proposed Regulation should apply to the operational and post-operational phases of a JIT, starting from the moment the relevant JIT agreement is signed by its members until all operational and non-operational data of that JIT has been removed from the central storage of the JITs collaboration platform.

Responsibilities of the JITs Network Secretariat

New responsibilities of the JITs Network Secretariat should support the functioning of the JITs collaboration platform by:

- providing, at the request of the JIT space administrator or administrators, administrative, legal, and technical support in the context of the setup and access rights management of individual JIT collaboration spaces;

- providing day-to-day guidance, functional support, and assistance to practitioners on the use of the JITs collaboration platform and its functionalities;

- designing and providing training- and outreach modules for national authorities aiming to promote and facilitate the use of the JITs collaboration platform;

- enhancing a culture of cooperation within the Union in relation to international cooperation in criminal matters by raising awareness and promoting the use of the JITs collaboration platform among practitioners, and by collecting their feedback on its practical use;

- keeping, after the start of operations of the JITs collaboration platform, eu-LISA informed of additional technical requirements of the system by drafting an annual report on the potential improvements of the platform based on the feedback it receives from users.

Access to the JIT collaboration spaces by competent Union bodies, offices and agencies and by international judicial authorities participating in a JIT

Again, new provisions have been included which allow for the participation of international judicial authorities access to a JIT collaboration space for the purpose of fulfilling cooperation objectives included in the relevant JIT agreement.

Security

The amended text stipulated that eu-LISA should adopt a security plan, a business continuity and disaster recovery plan, to ensure that the centralised information system may, in case of interruption, be restored. eu-LISA should provide for a working arrangement with the Computer Emergency Response Team for the Union's institutions, bodies and agencies (CERT-EU) and shall adopt the security plan in consultation with the European Union Agency for Cybersecurity (ENISA).

Data protection

As soon as the process of downloading is completed by all intended JITs collaboration platform users or upon expiry of the retention period, the data should be automatically and permanently erased from the centralised system.

Regarding data uploaded to the JITs collaboration platform by the competent authorities of third countries, it is proposed that one of the JIT space administrators, as designated in the JIT agreement upon signing, is to be nominated data controller as regards the personal data exchanged through and stored in the JITs collaboration platform.

Where no single administrator is named as data controller in the JIT agreement, all JIT space administrators should act as **joint controllers** as regards the personal data exchanged through and stored in the JITs collaboration platform.

The JITs collaboration platform users should be joint controllers for the processing of non-operational personal data in the JITs collaboration platform, the fact of which should be underlined in the JIT agreement.

Monitoring and evaluation plans

It is proposed that eu-LISA should also establish procedures to monitor and measure the effectiveness of the JITs collaboration platform as regards the scope, the efficiency, and the usability of the platform.

For the sake of **transparency**, the report submitted to the Commission by eu-LISA on the technical functioning of the JITs cooperation platform, including its security should be made publicly available according to Members. **Two years** (as opposed to the Commission's four years) after the start of operations of the JITs collaboration platform and every two years thereafter, the Commission should conduct an overall evaluation of the JITs collaboration platform.

The amended text proposed that the Member States' competent authorities, Eurojust, Europol, the European Public Prosecutor's Office, OLAF and other competent Union bodies, offices and agencies should **draft a monitoring and evaluation plan** regarding their use of the JITs collaboration platform, including reporting requirements the feedback of which will be collected by the JITs Network Secretariat, in order to provide eu-LISA and the Commission with the information necessary to draft their reports.

State of operation

Lastly, Members proposed **advancing the start of operations** of the JITs collaboration platform to 1 January 2025 at the latest.

Joint Investigation Teams collaboration platform

2021/0391(COD) - 17/05/2023 - Final act

PURPOSE: to enable effective and efficient cooperation, communication and exchange of information and evidence between members of a Joint Investigation Team (JIT), representatives of international judicial authorities, Eurojust, Europol, OLAF and other relevant EU bodies and organisations.

LEGISLATIVE ACT: Regulation (EU) 2023/969 of the European Parliament and of the Council establishing a collaboration platform to support the functioning of joint investigation teams and amending Regulation (EU) 2018/1726.

CONTENT : the **Joint investigation teams** (JITs) bring together – for a limited time period – authorities from two or more EU and possibly third countries for specific cross-border criminal investigations. Members of these teams can exchange evidence directly with one another, without the need for traditional judicial cooperation procedures.

JITs have proved essential in improving judicial cooperation in the investigation and prosecution of cross-border crime, such as cybercrime, terrorism and serious and organised crime, by reducing time-consuming procedures and formalities between members of a JIT. There is an urgent need for a collaboration platform that enables JITs to communicate effectively and exchange information and evidence securely, to ensure that those responsible for the most serious crimes can be held to account quickly.

This Regulation establishes an IT platform (JITs collaboration platform), to be used on a voluntary basis, to facilitate the cooperation of competent authorities participating in joint investigation teams (JITs).

The purpose of the JITs collaboration platform will be to facilitate:

- the **coordination and management of a JIT**, through a set of functionalities that support the administrative and financial processes within the JIT;

- the **rapid and secure exchange and temporary storage of operational data**, including large files, through an upload and download functionality;

- **secure communications** through a functionality that covers instant messaging, chats, audio-conferencing and video-conferencing;

- the **traceability of exchanges of evidence** through an advanced logging and tracking mechanism which allows all evidence exchanged, including its access and processing, through the JITs collaboration platform to be kept track of.

The platform will be connected to the IT tools used by the authorities participating in the JITs. Use of the platform will be **strongly encouraged** but will remain voluntary.

In addition, this Regulation:

-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.

The EU Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, eu-LISA, will be responsible for designing, developing and operating the platform. eu-LISA will take the necessary technical and organisational measures to ensure a high level of cybersecurity of the JIT collaboration platform and the security of the data on that platform, in particular with a view to guaranteeing the confidentiality and integrity of the operational and non-operational data stored in the centralised information system.

ENTRY INTO FORCE: 6.6.2023.