

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.