

# Law enforcement information exchange

2021/0411(COD) - 22/05/2023 - Final act

**PURPOSE:** to make it easier for national law enforcement authorities to exchange information and fight crime more effectively.

**LEGISLATIVE ACT:** Directive (EU) 2023/977 of the European Parliament and of the Council on the exchange of information between the law enforcement authorities of Member States and repealing Council Framework Decision 2006/960/JHA.

**CONTENT:** the Directive lays down **harmonised rules for the adequate and rapid exchange of information between competent law enforcement authorities** of the Member States where this is necessary and proportionate for the purpose of the prevention, detection or investigation of criminal offences.

## *Equivalent access to information*

All exchanges of information under this Directive should be subject to **five general principles**, namely the principles of availability, equivalent access, confidentiality, data ownership and data reliability.

This Directive thus establishes the principle that foreign police services should be able to access information on criminal offences available in another country under the same conditions as the law enforcement authorities of the country in question.

## *Single contact points*

Member States will have a single point of contact (SPOC), which will be operational **24/7**, for information exchanges with other EU countries. Each Member State should submit to the Commission a list of its designated law enforcement authorities.

The Directive provides for the possibility for Member States to obtain information by sending an **information request** to the single contact point of other Member States.

Member States will ensure that where their designated law enforcement authorities submit a request for information to the single point of contact of another Member State, at the same time, they send a copy of that request to their single point of contact.

Member States may permit their designated law enforcement authorities not to send, on a case-by-case basis, a copy of a request for information to their single point of contact at the same time as submitting it to the single point of contact of another Member State where it would jeopardise one or more of the following: (a) an ongoing highly sensitive investigation for which the processing of information requires an appropriate level of confidentiality; (b) terrorism cases not involving emergency or crisis management situations; (c) the safety of an individual.

Any request for information submitted to the single contact point of another Member State will specify whether it is of an urgent nature and, if so, the reasons for the urgency.

## *Provision of information pursuant to requests to Single Points of Contact*

The Directive lays down time limits for making information available to the police authorities of another country. The time limits are as follows: (i) **eight hours** for urgent requests for directly accessible information; (ii) three calendar days for urgent requests for indirectly accessible information; (c) seven calendar days for all other requests.

Member States will ensure that their single contact point communicates the requested information to the single contact point or, where appropriate, to the designated law enforcement authority of the requesting Member State, in the **language** in which the request for information was submitted. Member States will be required to establish and maintain a list of one or more of the languages in which their single contact point is able to exchange information. This list will include English.

In exceptional cases, a Member State may **refuse a request for information** submitted to its single contact point. Member States will always check that requests submitted to them under the Directive comply with the principles of necessity and proportionality, and will refuse requests that they consider non-compliant.

### *Other exchanges of information*

The Directive provides for two other means of exchanging information, in addition to requests for information submitted to the single contact points. The first is the unsolicited provision of information by a single contact point or competent law enforcement authority to the single contact point or competent law enforcement authority of another Member State without prior request, i.e. the provision of information on its own initiative. The second is the provision of information following a request for information submitted either by a single contact point or by a competent law enforcement authority directly to the competent law enforcement authority of another Member State.

### *Streamlined communication channels*

The new EU law will also remedy the current proliferation of communication channels used for law enforcement information exchanges between Member States. The relevant authorities will be obliged to use Europol's **secure information exchange network application (SIENA)** – a platform which enables the swift and user-friendly exchange of operational and strategic crime-related information.

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