

Fight against crime: exchange of information and intelligence between law enforcement authorities of the Member States. Framework Decision.

Initiative Sweden

2004/0812(CNS) - 24/05/2005

The committee adopted the report by Antoine DUQUESNE (ALDE, BE) amending the proposed initiative under the consultation procedure:

- Member States should ensure that the information or intelligence provided to the competent law authorities of the other Member States is also provided to Europol and Eurojust if the exchange relates to an offence or criminal activity within the Europol or Eurojust mandate;
- the clause setting a 12-hour deadline for the provision of the information requested was amended so that the deadline could be, "in the case of information which requires formalities or prior contacts with other authorities, 48 hours if the matter is urgent and otherwise 10 working days";
- access to information and intelligence should be "in line with the proportionality principle according to data protection experts within the European Union";
- the state providing the information shall have the right, "on certain grounds relating to human rights or national law", to refuse to provide information. It can also refuse to do so "where justified in terms of respect for the integrity of natural persons or the protection of business secrets";
- Member States should not have the option of using "surplus information" to bring prosecutions for offences completely unrelated to those for which the information was originally requested;
- the committee deleted a number of clauses in **Article 9** and introduced four new articles (**9a, 9b, 9c and 9d**) setting out a series of data protection provisions;
- a new **Article 11a** specified that each Member State shall accept the jurisdiction of the EC Court of Justice "to give preliminary rulings on the validity and interpretation of this Framework Decision in accordance with Article 35(2) of the TEU".