












Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p> <p>2021/0411(COD)</p>	Procedure completed
<p>Law enforcement information exchange</p> <p>Repealing JHA act 2006/960 2004/0812(CNS)</p> <p>Subject</p> <p>7.30.05 Police cooperation</p> <p>7.30.30 Action to combat crime</p> <p>7.40.04 Judicial cooperation in criminal matters</p> <p>Legislative priorities</p> <p>Joint Declaration 2022</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs		31/03/2022
		 DÜPONT Lena	
		Shadow rapporteur	
		 VITANOV Petar	
		 KELLER Fabienne	
		 RIBA I GINER Diana	
		 VANDENDRIESSCHE Tom	
		 KANKO Assita	
		 DALY Clare	
Council of the European Union European Commission	Committee for opinion	Rapporteur for opinion	Appointed
	 Budgets	The committee decided not to give an opinion.	
	 Budgetary Control		21/02/2022
		 CHINNICI Caterina	
	Commission DG	Commissioner	

Key events

09/12/2021	Legislative proposal published	COM(2021)0782	Summary
27/01/2022	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	A9-0247/2022	Summary
17/10/2022	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
19/10/2022	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
12/01/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2022)007532	
15/03/2023	Results of vote in Parliament		
15/03/2023	Decision by Parliament, 1st reading	T9-0074/2023	Summary
24/04/2023	Act adopted by Council after Parliament's 1st reading		
10/05/2023	Final act signed		
22/05/2023	Final act published in Official Journal		

Technical information

Procedure reference	2021/0411(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Repealing JHA act 2006/960 2004/0812(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 087-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/07908

Documentation gateway

Document attached to the procedure		SEC(2021)0420	09/12/2021	EC	
Document attached to the procedure		SWD(2021)0374	09/12/2021	EC	
Document attached to the procedure		SWD(2021)0377	09/12/2021	EC	
Legislative proposal		COM(2021)0782	09/12/2021	EC	Summary

Document attached to the procedure		N9-0016/2022 OJ C 154 08.04.2022, p. 0007	07/03/2022	EDPS	
Economic and Social Committee: opinion, report		CES0264/2022	18/05/2022	ESC	
Committee draft report		PE732.767	07/06/2022	EP	
Amendments tabled in committee		PE735.476	14/07/2022	EP	
Committee opinion	CONT	PE732.691	14/07/2022	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0247/2022	13/10/2022	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2022)007532	07/12/2022	CSL	
Text adopted by Parliament, 1st reading/single reading		T9-0074/2023	15/03/2023	EP	Summary
Commission response to text adopted in plenary		SP(2023)193	26/04/2023	EC	
Draft final act		00070/2022/LEX	10/05/2023	CSL	

Final act

[Directive 2023/977](#)
[OJ L 134 22.05.2023, p. 0001](#) Summary

Law enforcement information exchange

PURPOSE: to legislate on organisational and procedural aspects of information exchange between law enforcement authorities in the EU with a view to contributing to the effective and efficient exchange of such information, hence protecting a fully functioning and resilient Schengen area.

PROPOSED ACT: Directive 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: the Schengen area is the largest free travel area in the world. It allows more than 420 million people to move freely and goods and services to flow unhindered. By removing border controls between Member States, the Schengen area has become part of our European way of life. However, the growing mobility of people within the EU also creates additional challenges in preventing and fighting criminal threats, and in ensuring public safety.

In an area without internal border controls, police officers in one Member State should have, within the framework of the applicable Union and national law, the possibility to obtain equivalent access to the information available to their colleagues in another Member State. In this regard, law enforcement authorities should cooperate effectively and by default across the Union.

The existing legal framework on the exchange of information between law enforcement authorities of Member States (the Convention Implementing the Schengen Agreement and [Framework Decision 2006/960/JHA](#)) should be updated and replaced, so as to facilitate and ensure, through the establishment of clear and harmonised rules, the adequate and rapid exchange of information between the competent law enforcement authorities of different Member States.

This proposal forms part of a coherent package also comprising a [proposal](#) for a Council Recommendation reinforcing operational cross-border police cooperation, a [proposal](#) for a Regulation revising the Automated Data Exchange Mechanism for Police Cooperation (Prüm II) as well as a proposal amending the Schengen Borders Code.

CONTENT: the proposed Directive establishes rules for the exchange of information between the law enforcement authorities of the Member States where necessary for the purpose of preventing, detecting or investigating criminal offences. Information exchange will ensure police officers make relevant information available to their counterparts in other Member States. The proposal includes:

Precise, consistent and common rules to ensure equivalent access to information

The proposal states that if information is available concerning a criminal offence in a Member State, it must, as a general rule, be made available to other Member States' law enforcement authorities as well, under the same conditions.

Single contact point and clear time limits

Member States should put in place a Single Point of Contact, operational 24/7, adequately staffed and acting as a one-stop shop for information exchange with other EU countries. The information requested should be made available within 8 hours (for urgent cases), up to

maximum 7 days (in other cases). Requests can only be refused in well-defined cases, for instance if the information would jeopardise the success of an ongoing investigation, harm the vital interest of a person, go against the essential interests of the security of the Member State or if the required judicial authorisation is refused.

Single channel for information exchange

The proliferation of communication channels used for the transmission of law enforcement information between Member States and of communications relating thereto should be remedied, as it hinders the adequate and rapid exchange of such information.

In this regard, the Secure Information Exchange Network Application (SIENA), managed by Europol, will become the default channel of communication. All relevant authorities and single points of contact should use and be directly connected to SIENA for all exchanges of information and related communications covered by the Directive.

Reinforcing Europol's role as the EU criminal information hub

The proposal seeks to guarantee a stronger role for Europol as the EU criminal information hub.

Europol should be in copy of exchanges from single points of contact or law enforcement authorities concerning offences falling under the scope of its mandate.

Budgetary implications

The necessary IT upgrades in both Single Points of Contact and Police and Customs Cooperation Centres were estimated to amount to a maximum one-off total of EUR 11.5 million. These costs (one-off investment) are deemed acceptable and proportionate to the identified problem and do not go beyond what is necessary to achieve the specific objectives set out by this proposal for a Directive. Apart from the costs potentially covered by Member States programmes under the Internal Security Fund, there will be no other costs borne at EU level.

Law enforcement information exchange

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 Directives 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.

Law enforcement information exchange

The European Parliament adopted by 507 votes to 99, with 10 abstentions, a legislative resolution 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 European Parliaments position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Subject matter

This Directive establishes harmonised rules for the adequate and rapid exchange of information between the competent law enforcement authorities for the purpose of preventing, detecting or investigating criminal offences.

In particular, this Directive establishes rules on requests for information submitted to the Single Points of Contact established or designated by the Member States, in particular on the content of such requests, the provision of information pursuant to such requests, the working languages of the Single Points of Contact, mandatory time limits for providing requested information and the reasons for the refusal of such requests.

Member States may adopt or maintain provisions further facilitating the exchange of information with the competent law enforcement authorities of other Member States for the purpose of preventing, detecting or investigating criminal offences, including by means of bilateral or multilateral arrangements.

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 does not establish any right to use the information provided in accordance with this Directive as evidence in judicial proceedings. The Member State providing the information may consent to its use as evidence in judicial proceedings.

Activities concerning national security do not fall within the scope of this Directive.

Requests for information to Single Point of Contact

The Directive provides for the possibility for Member States to obtain information by sending a request for information to the Single Point of Contact of other Member States. Member States should ensure that requests for information submitted by their Single Point of Contact and, where their national law so provides, the designated law enforcement authorities to the Single Point of Contact of another Member State comply with the requirements. Member States should submit to the Commission a list of their designated law enforcement authorities. They should inform the Commission where there are changes to that list. The Commission should publish online a compilation of those lists and keep it up to date.

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 Point of Contact of another Member State should state whether it is urgent and, if so, gives reasons for the urgency. Such requests for information should be considered urgent if:

- (a) they are essential for the prevention of an immediate and serious threat to the public security of a Member State;
- (b) they are necessary in order to prevent an imminent threat to life or the physical integrity of a person;
- (c) they are necessary to adopt a decision that might involve the maintenance of restrictive measures amounting to a deprivation of liberty;
- (d) they present an imminent risk of losing relevance if not provided urgently and is considered important for the prevention, detection or investigation of criminal offences.

Time limits

Member States should ensure that their Single Point of Contact provides the requested information requested as soon as possible and in any event within the following time limits, as applicable: (a) eight hours in the case of urgent requests relating to directly accessible information; (b) three calendar days in the case of urgent requests relating to indirectly accessible information; (c) seven calendar days in the case of all other requests.

Refusal of requests for information

In exceptional cases, Member State may refuse a request for information submitted to its Single Point of Contact. To ensure the effective functioning of the system created by this Directive in full compliance with the rule of law, those cases should be specified exhaustively and interpreted restrictively. However, the rules set out in this Directive place a strong emphasis on the principles of necessity and proportionality, thereby providing safeguards against any misuse of requests for information, including where it would entail manifest breaches of fundamental rights.

List of languages

Member States should 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 should include English.

Secure communication channel

Member States should ensure that their Single Point of Contact or their competent law enforcement authorities use Europol's Secure Information Exchange Network Application (SIENA) to send requests for information, to provide information pursuant to such requests or to provide information on its or their own initiative. They should ensure that their Single Point of Contact, and all their competent law enforcement authorities that might be involved in the exchange of information under this Directive, are directly connected to SIENA, including, where appropriate, through mobile devices.

Law enforcement information exchange

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.

ENTRY INTO FORCE: 11.6.2023.

TRANSPOSITION: 12.12.2024.

DÜPONT Lena	Rapporteur	LIBE	30/05/2022	Jürgen Ebner Kris Klebek Mihai Friptu
DÜPONT Lena	Rapporteur	LIBE	17/05/2022	Andreas Roßkopf, Gewerkschaft der Polizei