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**Interinstitutional File:  
2021/0393(COD)**

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**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	14500/22
No. Cion doc.:	ST 14458/21 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the digital information exchange in terrorism cases ('CTR') - Continuation of the examination of the amendments proposed by the European Parliament

At the COPEN meeting on 18 November, delegations examined the amendments as proposed by the European Parliament relating to the above-mentioned proposal for a Regulation.

On 23 November, the first trilogue took place. Two technical meetings were also held, one on 23 November, and one on 24 November.

During these discussions, representatives of the European Parliament, Commission and Council discussed possible compromises.

The next inter-institutional meeting is scheduled to take place on Monday 5 December.

In this light, Member States will find attached an updated four-column table, setting out the following texts:

Column 1: the Commission proposal (14458/21);

Column 2: the EP amendments (14580/22);

Column 3: the Council general approach (9993/22); and

Column 4: Compromise suggestions / comments by the Presidency.

Parts in **green** = there is agreement between co-legislators

Parts in **orange** = agreement to be confirmed, or should still be found.

Delegations are kindly invited to examine the compromise suggestions and Presidency comments in column 4 and to state their position at the meeting on Thursday 1 December 2022.

Where possible, Member States are invited to take a flexible position.

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision  
2005/671/JHA, as regards the digital information exchange in terrorism cases**

**2021/0393(COD)**

**DRAFT**

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>	<b>Draft provisions proposed for agreement</b>
Formula				
1	2021/0393 (COD)	2021/0393 (COD)	2021/0393 (COD)	2021/0393 (COD)
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the digital information exchange in terrorism cases	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the digital information exchange in terrorism cases	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the digital information exchange in terrorism cases	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				digital information exchange in terrorism cases
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85 thereof,
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
Citation 3				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
Citation 4				
7	Acting in accordance with the ordinary legislative procedure <sup>1</sup> , <u>1. [...].</u>	Acting in accordance with the ordinary legislative procedure <sup>1</sup> , <u>1. [...].</u>	Acting in accordance with the ordinary legislative procedure <sup>1</sup> , <u>1. [...].</u>	Acting in accordance with the ordinary legislative procedure <sup>1</sup> , <u>1. [...].</u>
Formula				
8	Whereas:	Whereas:	Whereas:	Whereas:
Recital 1				
9	(1) Regulation (EU) 2018/1727 of the European Parliament and of the Council <sup>1</sup> established Eurojust and sets out its tasks, competence and functions. <u>1. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November</u>	(1) Regulation (EU) 2018/1727 of the European Parliament and of the Council <sup>1</sup> established Eurojust and sets out its tasks, competence and functions. <u>1. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November</u>	(1) Regulation (EU) 2018/1727 of the European Parliament and of the Council <sup>1</sup> -established-Eurojust and sets out its tasks, competence and functions. <u>1. Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018</u>	(1) Regulation (EU) 2018/1727 of the European Parliament and of the Council <sup>1</sup> -established Eurojust and sets out its tasks, competence and functions. <u>1. Regulation (EU) 2018/1727 of the European Parliament and of the</u>

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	2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).	2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).	on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).	Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138).
Recital 2				
10	<p>(2) Council Decision 2005/671/JHA<sup>1</sup> sets out that in order to combat terrorism it is essential to have the fullest and most up-to-date information possible. It obliges Member States' competent national authorities to provide Eurojust with information on prosecutions and convictions for terrorist offences, which affect or may affect two or more Member States.</p> <p>1. Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation</p>	<p>(2) Council Decision 2005/671/JHA<sup>1</sup> sets out that in order to combat terrorism it is essential to have the fullest and most up-to-date information possible. It obliges Member States' competent national authorities to provide Eurojust with information on prosecutions and convictions for terrorist offences, which affect or may affect two or more Member States.</p> <p>1. Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation</p>	<p>(2) Council Decision 2005/671/JHA<sup>1</sup> sets out that in order to combat terrorism it is essential to have the fullest and most up-to-date information possible. It obliges Member States' competent national authorities to provide Eurojust with information on prosecutions and convictions for terrorist offences, which affect or may affect two or more Member States.</p> <p>1. Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences (OJ L 253, 29.09.2005, p. 22).</p>	<p>(2) Council Decision 2005/671/JHA<sup>1</sup> sets out that in order to combat terrorism it is essential to have the fullest and most up-to-date information possible. It obliges Member States' competent national authorities to provide Eurojust with information on prosecutions and convictions for terrorist offences, which affect or may affect two or more Member States.</p> <p>1. Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	concerning terrorist offences (OJ L 253, 29.09.2005, p. 22).	concerning terrorist offences (OJ L 253, 29.09.2005, p. 22).		terrorist offences (OJ L 253, 29.09.2005, p. 22).
Recital 3				
11	(3) Inconsistencies in the interpretation of Decision 2005/671/JHA cause that information is not shared at the right time, not the appropriate information is shared or information is not shared at all. Eurojust needs to receive sufficient information to identify links between cross-border investigations.	(3) Inconsistencies in the interpretation of Decision 2005/671/JHA cause that information is not shared at the right time, not the appropriate information is shared or information is not shared at all. Eurojust needs to receive sufficient information to identify links between cross-border investigations.	(3) Inconsistencies in the interpretation of Decision 2005/671/JHA cause that information is not shared at the right time, not the appropriate information is shared or information is not shared at all. Eurojust needs to receive sufficient information to identify links between cross-border investigations.	(3) Inconsistencies in the interpretation of Decision 2005/671/JHA cause that information is not shared at the right time, not the appropriate information is shared or information is not shared at all. Eurojust needs to receive sufficient information to identify links between cross-border investigations.
Recital 4				
12	(4) Assisting the competent authorities of the Member States in ensuring the best possible coordination of investigations and prosecutions, including the identification of links, is an important task of Eurojust under Regulation (EU) 2018/1727. It enables Eurojust to take a more proactive approach and provide	(4) Assisting the competent authorities of the Member States in ensuring the best possible coordination of investigations and prosecutions, including the identification of links, is an important task of Eurojust under Regulation (EU) 2018/1727. It enables Eurojust to take a more proactive approach and provide	(4) Assisting the competent authorities of the Member States in ensuring the best possible coordination of investigations and prosecutions, including the identification of links, is an important task of Eurojust under Regulation (EU) 2018/1727. It enables Eurojust to take a more proactive approach and provide better services to the	(4) Assisting the competent authorities of the Member States in ensuring the best possible coordination of investigations and prosecutions, including the identification of links, is an important task of Eurojust under Regulation (EU) 2018/1727. It enables Eurojust to take a more proactive

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	better services to the Member States, for example suggesting the initiation of investigations, identifying coordination needs, potential cases of <i>ne bis in idem</i> and prosecution gaps.	better services to the Member States, for example suggesting the initiation of investigations, identifying coordination needs, potential cases of <i>ne bis in idem</i> and prosecution gaps.	Member States, for example suggesting the initiation of investigations, identifying coordination needs, potential cases of <i>ne bis in idem</i> and prosecution gaps.	approach and provide better services to the Member States, for example suggesting the initiation of investigations, identifying coordination needs, potential cases of <i>ne bis in idem</i> and prosecution gaps.
Recital 5				
13	(5) In September 2019, Eurojust has set up the European Judicial Counter-Terrorism Register based on Decision 2005/671/JHA with the specific objective to identify potential links between judicial proceedings against suspects of terrorist offences and possible coordination needs stemming from these.	(5) In September 2019, Eurojust has set up the European Judicial Counter-Terrorism Register based on Decision 2005/671/JHA with the specific objective to identify potential links between judicial proceedings against suspects of terrorist offences and possible coordination needs stemming from these.	(5) In September 2019, Eurojust has set up the European Judicial Counter-Terrorism Register based on Decision 2005/671/JHA with the specific objective to identify potential links between judicial proceedings against suspects of terrorist offences and possible coordination needs stemming from these.	(5) In September 2019, Eurojust has set up the European Judicial Counter-Terrorism Register based on Decision 2005/671/JHA with the specific objective to identify potential links between judicial proceedings against suspects of terrorist offences and possible coordination needs stemming from these.
Recital 6				
14	(6) As the register has been set up after Regulation (EU) 2018/1727 had already been adopted, the European Judicial Counter-	(6) As the register has been set up after Regulation (EU) 2018/1727 had already been adopted, the European Judicial Counter-	(6) As the register has been set up after Regulation (EU) 2018/1727 had already been adopted, the European Judicial Counter-Terrorism Register	(6) As the register has been set up after Regulation (EU) 2018/1727 had already been adopted, the European Judicial



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	Terrorism Register is neither technically well integrated at Eurojust nor legally well integrated in Regulation (EU) 2018/1727. Therefore, it is necessary to remedy that.	Terrorism Register is neither technically well integrated at Eurojust nor legally well integrated in Regulation (EU) 2018/1727. Therefore, it is necessary to remedy that.	is neither technically well integrated at Eurojust nor legally well integrated in Regulation (EU) 2018/1727. Therefore, it is necessary to remedy that.	Counter-Terrorism Register is neither technically well integrated at Eurojust nor legally well integrated in Regulation (EU) 2018/1727. Therefore, it is necessary to remedy that.
Recital 7				
15	(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible. The persistence of the terrorist threat and the complexity of the phenomenon raise the need for an ever greater exchange of information.	(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist offences between competent authorities and Union agencies is crucial. It is essential to have the most complete, <del>structured, and</del> updated information possible. <del>The persistence of the terrorist threat and the complexity of the phenomenon raise the need for an ever greater exchange of</del> <u>information and organised information possible and to systematically share that information using a common structure.</u>	(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible. The persistence of the terrorist threat and the complexity of the phenomenon raise the need for an ever greater exchange of information.	Following a COM proposal, it is proposed to address this amendment in recital 10 / line 18:  (7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible. (...)  Unless MS indicate otherwise, it will be assumed that they can accept this solution.
Recital 8				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
16	(8) As terrorist organisations are increasingly involved in other forms of serious crimes, such as trafficking in human beings, drug trafficking or money laundering, it is also necessary to cross-check judicial proceedings against such serious crimes.	(8) As terrorist organisations are increasingly involved in other forms of serious <del>crimes</del> <u>and organised crime</u> , such as trafficking in human beings, drug trafficking, <u>financial crime</u> or money laundering, it is also necessary to cross-check judicial proceedings against such serious crimes.	(8) As terrorist organisations are increasingly involved in other forms of serious crimes, such as trafficking in human beings, drug trafficking or money laundering, it is also necessary to cross-check judicial proceedings against such serious crimes.	<p>Compromise text:</p> <p>(8) Terrorist organisations are increasingly involved in other forms of serious crimes, <b><u>and often form part of organised networks. This concerns serious crimes</u></b> such as trafficking in human beings, drug trafficking, <b><u>financial crime and</u></b> money laundering. <b><u>It is therefore</u></b> also necessary to cross-check judicial proceedings against such serious crimes.</p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this compromise text.</p>
Recital 9				
17	(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust	(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust	(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust receives	<p>EP amendment seems acceptable:</p> <p>(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of</p>

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	receives sufficient information to enable Eurojust to cross-check this data.	receives <del>sufficient</del> <u>from the competent authorities without delay at the earliest possible stage the</u> information <u>that is necessary</u> to enable Eurojust to cross-check this data <u>and to identify those cross-links</u> .	sufficient information to enable Eurojust to cross-check this data.	terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust receives <del>sufficient</del> <u>from the competent authorities without delay at the earliest possible stage the</u> information <u>that is necessary</u> to enable Eurojust to cross-check this data <u>and to identify those cross-links</u> .  Unless MS indicate otherwise, it will be assumed that they can accept this text.
Recital 10				
18	(10) The competent authorities need to know exactly what kind of information they have to transmit to Eurojust, at what stage of the national proceedings and in which cases, in order to provide such data. This is expected to increase the information Eurojust receives significantly.	(10) The competent authorities need to know exactly what kind of information they have to transmit to Eurojust, at what stage of the national <u>criminal</u> proceedings and in which cases, in order to provide such data. <u>The competent national authorities should transmit information to Eurojust in a semi-automated manner and in a structured way. A semi-automated manner is one in which the mode</u>	(10) The competent authorities need to know exactly what kind of information they have to transmit to Eurojust, at what stage of the national proceedings and in which cases, in order to provide such data. This is expected to increase the information Eurojust receives significantly.	Compromise text based on COM suggestion:  (10) The competent authorities need to know exactly what kind of information they have to transmit to Eurojust, at what stage of the national criminal proceedings and in which cases, in order to provide such data. <b><i>The competent national authorities should transmit</i></b>

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		<i><u>used to transmit information is partly automated and partly controlled by a human.</u></i> This is expected to <u>significantly</u> increase the <u>quality and relevance of the</u> information Eurojust receives <i>significantly</i> .		<i>information to Eurojust in a structured, organised, systematic and semi-automated manner. A semi-automated manner is one in which the mode used to transmit information is partly automated and partly controlled by a human.</i> This is expected to significantly increase the quality and relevance of the information Eurojust receives.  Unless MS indicate otherwise, it will be assumed that they can accept this compromise text.
Recital 10a				
18a		<i><u>(10a) The introduction of new powers to share, store and cross-check data will significantly increase the amount of data processed at Eurojust. Therefore, additional financial, human and technical resources should be provided for.</u></i>		Proposed compromise text (EP amendment with some refinements):  <b><u>(10a) Sharing, storing and cross-checking data will significantly increase the amount of data processed at Eurojust. These elements should be taken into account when determining, within the habitual procedures and frameworks, the financial,</u></b>

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				<b><u>human and technical resources that Eurojust needs.</u></b>  Unless MS indicate otherwise, it will be assumed that they can accept this compromise text.
Recital 11				
19	<p>(11) Directive (EU) 2017/541 of the European Parliament and of the Council<sup>1</sup> is the reference point for national authorities to define terrorist offences as implemented in national law.</p> <p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).</p>	<p>(11) Directive (EU) 2017/541 of the European Parliament and of the Council<sup>1</sup> is the reference point for national authorities to define terrorist offences as implemented in national law.</p> <p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).</p>	<p>(11) Directive (EU) 2017/541 of the European Parliament and of the Council<sup>1</sup> is the reference point for national authorities to define terrorist offences as implemented in national law.</p> <p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).</p>	<p>(11) Directive (EU) 2017/541 of the European Parliament and of the Council<sup>1</sup> is the reference point for national authorities to define terrorist offences as implemented in national law.</p> <p>1. Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).</p>
Recital 12				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
20	<p>(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to exchange biometric data. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, a strict necessity test should be applied by the competent authorities and Eurojust in each case.</p>	<p>(12) <u>The exchange of reliable identification data is crucial</u> for the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, <del>reliable identification data is crucial</del> <u>as well as to possess, store and exchange a set of data that ensures that individuals that are subject to such terrorism investigations or judicial proceedings can reliably be identified. The use of biometric data is therefore vital</u> due to the uncertainties regarding alphanumerical data, especially for third country nationals, <del>it should be possible to</del> <u>due to the fact that suspects sometimes use fake and double identities, and due to the fact that such data are often the only link to suspects in the investigative phase. Therefore, where, under national law on criminal proceedings or on procedural rights in criminal proceedings, the competent national authorities store and collect biometric data and are permitted to transmit them, they</u></p>	<p>(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to exchange biometric data <b>where, according to national law, such data are held by or can be transmitted to the competent national authorities.</b> Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, a strict necessity test should be applied by the competent authorities and Eurojust in each case <b>such data may only be transmitted in cases where it is strictly necessary for the reliable identification of the data subject.</b></p>	<p>Possible compromise text (EP amendment - with some adjustments, EP still to check):</p> <p>(12) <b><u>The exchange of reliable identification data is crucial</u></b> for the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, <del>reliable identification data is crucial</del> <b><u>as well as to possess, store and exchange a set of data that ensures that individuals that are subject to such terrorism investigations or judicial proceedings can reliably be identified. The use of biometric data is therefore important</u></b> due to the uncertainties regarding alphanumerical data, especially for third country nationals, <del>it should be possible to</del> <b><u>due to the fact that suspects sometimes use fake and double identities, and due to the fact that such data are often the only link to suspects in the investigative phase. Therefore, where,</u></b></p>

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		<p><del>should</del> exchange <del>biometric data</del> <u>such data with Eurojust</u>. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, <u>such data should be transmitted in a way that strictly complies with the principles of a strict necessity, proportionality and purpose limitation and only for the purpose of identifying individuals that are subject to criminal proceedings related to terrorism offences</u> <del>test should be applied by the competent authorities and Eurojust in each case.</del></p>		<p><b><u>under national law on criminal proceedings or on procedural rights in criminal proceedings, the competent national authorities store and collect biometric data and are permitted to transmit them, they should be able to exchange biometric such data, when available, with Eurojust.</u></b> Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, <b><u>such data should be transmitted in a way that strictly complies with the principles of a strict necessity, proportionality and purpose limitation and only for the purpose of identifying individuals that are subject to criminal proceedings related to terrorism offences</u></b> <del>test should be applied by the competent authorities and Eurojust in each case.</del></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				Unless MS indicate otherwise, it will be assumed that they can accept this compromise text.
Recital 13				
21	(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as judicial authorities are involved. If the competent national authorities are already aware of cross-links, they should inform Eurojust accordingly.	(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as <u>the case is referred to a judicial authority in accordance with national law. A case should be considered to have been referred to a judicial authority where, for instance, the judicial authority is informed of an ongoing investigation, approves or orders an investigation measure, or decides to prosecute, depending on the applicable national law.</u> If the competent national authorities are already aware of cross-links <u>between criminal proceedings</u> , they should inform Eurojust accordingly.	(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as <b>the case is referred to a judicial authority in accordance with national law . Depending on the applicable national provisions, the point at which a case is referred to a judicial authority may be when, for example, the authority is informed of an ongoing investigation, authorises or orders an investigation measure or decides on prosecution.</b> If the competent national authorities are already aware of cross-links, they should inform Eurojust accordingly.	Proposed compromise text (EP amendment - largely inspired by the general approach - with some adjustments/additions):  (13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as <u>the case is referred to a judicial authority in accordance with national law. A case should be considered to have been referred to a judicial authority where, for instance, the judicial authority is informed of an ongoing investigation, approves or orders an investigation measure, or decides to prosecute, depending on the applicable national law.</u> If <u>a</u>



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				<p>competent national authority <b>is</b> already aware of cross-links between criminal proceedings <b><u>in its Member State and the criminal proceedings in another Member State, it</u></b> should inform Eurojust accordingly.</p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this compromise text.</p>
Recital 14				
22	<p>(14) In order to ensure the accuracy of the data in the European Judicial Counter-Terrorism Register, to identify cross-links early and to ensure time limits are respected, the competent national authorities should update the information provided regularly. Such updates should include new information relating to the person under investigation, judicial decisions such as pre-trial detention or opening of the court proceedings and judicial cooperation requests or identified links with other jurisdictions.</p>	<p>(14) In order to ensure the accuracy of the data in the European Judicial Counter-Terrorism Register, to identify cross-links <u>or clear suspects as early as possible in an investigation</u> and to ensure time limits are respected, the competent national authorities should <del>update</del> <u>provide updated</u> information <del>provided regularly</del> <u>whenever it emerges</u>. Such updates should include new information relating to the person under investigation, <u>developments in the proceedings and</u> judicial decisions such as pre-trial detention or opening of the</p>	<p>(14) In order to ensure the accuracy of the data in the European Judicial Counter-Terrorism Register, to identify cross-links early and to ensure time limits are respected, the competent national authorities should <del>update</del> <u>keep</u> the information provided <del>regularly</del> <u>up-to-date</u>. Such updates should include new information relating to the person under investigation, judicial decisions such as pre-trial detention or opening of the court proceedings and judicial cooperation requests or identified links with other jurisdictions.</p>	<p>Possible compromise text (EP amendment with some adjustments):</p> <p>(14) In order to ensure the accuracy of the data in the European Judicial Counter-Terrorism Register, to identify cross-links <del>or clear suspects as early as possible in an investigation</del> and to ensure time limits are respected, the competent national authorities should <u>provide updated</u> information. Such updates should include new information relating to the person under investigation, judicial decisions</p>

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		court proceedings and judicial cooperation requests or identified links with other jurisdictions <u>as well as not guilty verdicts and acquittals</u> .		such as pre-trial detention or opening of the court proceedings and judicial cooperation requests or identified links with other jurisdictions <u>as well as not guilty verdicts and acquittals</u> .  Unless MS indicate otherwise, it will be assumed that they can accept this compromise text.
Recital 15				
23	(15) Given the sensitive nature of judicial proceedings against suspects of terrorist offences, it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage. Such derogations from the obligation to provide information should remain an exception.	(15) <del>Given the sensitive nature of judicial proceedings against suspects of</del> <u>The competent national authorities should not be obliged to share information on</u> terrorist offences, <del>it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage</del> <u>with Eurojust at the earliest stage where it would jeopardise ongoing investigations or the safety of an individual or where it would be contrary to essential interests of the security of the Member State concerned</u> . Such derogations from the obligation to provide	(15) Given the sensitive nature of judicial proceedings against suspects of terrorist offences, it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage. Such derogations from the obligation to provide information should remain an exception.	EP amendment seems acceptable:  (15) <del>Given the sensitive nature of judicial proceedings against suspects of</del> <u>The competent national authorities should not be obliged to share information on</u> terrorist offences, <del>it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage</del> <u>with Eurojust at the earliest stage where it would jeopardise ongoing investigations or the safety of an individual or where it would be contrary to essential</u>

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		information should <del>remain an exception</del> <u>only be applied in exceptional circumstances and on a case-by-case basis. When considering whether or not to derogate from that obligation, due account should be taken of the fact that Eurojust treats the information provided by national authorities in compliance with Union law on data protection while also considering the confidentiality of the judicial proceedings.</u>		<u>interests of the security of the Member State concerned.</u> Such derogations from the obligation to provide information should <del>remain an exception</del> <u>only be applied in exceptional circumstances and on a case-by-case basis. When considering whether or not to derogate from that obligation, due account should be taken of the fact that Eurojust treats the information provided by national authorities in compliance with Union law on data protection while also considering the confidentiality of the judicial proceedings.</u>  Unless MS indicate otherwise, it will be assumed that they can accept this text.
Recital 16				
24	(16) For the purposes of exchanging and processing sensitive data between competent national authorities and Eurojust for protecting such data against unauthorised disclosure and cyber attacks, and without prejudice to	(16) For the purposes of exchanging and processing sensitive data between competent national authorities and Eurojust for protecting such data against unauthorised disclosure and cyber attacks, and without prejudice to	(16) For the purposes of exchanging and processing sensitive data between competent national authorities and Eurojust for protecting such data against unauthorised disclosure and cyber attacks, and without prejudice to	It is suggested to take the text as proposed by COM for this point:  (16) For the purposes of exchanging and processing sensitive data between

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	<p>future technological developments, secure communication channels, such as the secure communication connections referred to in Article 9 of Council Decision 2008/976/JHA<sup>1</sup> or the decentralised IT system as defined in Regulation (EU) [...] of the European Parliament and of the Council<sup>2</sup> [Regulation on the digitalisation of judicial cooperation] should be used. In order to exchange data securely and protect the integrity of the communication and data exchange, the case management system should be connected to such secure communication systems and meet high cybersecurity standards.</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).</p> <p>2. Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and</p>	<p>future technological developments, secure communication channels, such as the secure communication connections referred to in Article 9 of Council Decision 2008/976/JHA<sup>4</sup> or the decentralised IT system as defined in Regulation (EU) [...] of the European Parliament and of the Council<sup>2</sup> [Regulation on the digitalisation of judicial cooperation] should be used.</p> <p><sup>35</sup> <u>Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).</u></p> <p><sup>36</sup> <u>Regulation (EU) [.../...]</u> <del>In order to exchange data securely and protect the integrity of the communication and data exchange, the case management system should be connected to such secure communication systems and meet high cybersecurity standards</del> <u>European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice</u></p>	<p>future technological developments, secure communication channels, such as the secure communication connections referred to in Article 9 of Council Decision 2008/976/JHA<sup>1</sup> or the decentralised IT system as defined in Regulation (EU) [...] of the European Parliament and of the Council<sup>2</sup> [<b>Regulation on the digitalisation of judicial cooperation</b> <del>Regulation on the digitalisation of judicial cooperation</del>] should be used. In order to exchange data securely and protect the integrity of the communication and data exchange, the case management system should be connected to such secure communication systems and meet high cybersecurity standards.</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).</p> <p>2. Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal law cases (OJ L...).</p>	<p>competent national authorities and Eurojust, and for protecting such data against unauthorised disclosure and cyber attacks, and without prejudice to future technological developments, secure communication channels, such as the secure communication connections referred to in Council Decision 2008/976/JHA or a decentralised IT system should be used.</p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	access to justice in civil, commercial and criminal law cases (OJ L...).	<u><i>in civil, commercial and criminal law cases (OJ L...).</i></u> <del><i>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).</i></del> <del><i>2. Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal law cases (OJ L...).</i></del>		
Recital 16a				
24a		<u><i>(16a) In order to exchange data securely and protect the integrity of the communication and data exchange, the case management system should be connected to secure communication channels, such as the secure communication connections referred to in Article 9 of Council Decision 2008/976/JHA or the decentralised IT system as</i></u>		<p>It is suggested to take the text as proposed by COM for this point:</p> <p>(16a) In order to exchange data securely and protect the integrity of the communication and data exchange, the case management system should be connected to such secure communication systems and</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
		<p><u>defined in Regulation (EU) [.../...] of the European Parliament and of the Council [Regulation on the digitalisation of judicial cooperation], and should meet high cybersecurity standards. Such secure communication channels may also be used to connect the case management system with other EU information systems to the extent that the legal acts establishing those systems provide for access by Eurojust.</u></p>		<p>meet high cybersecurity standards. <b>Such secure communication channels may also be used to connect the case management system with other EU information systems to the extent that the legal acts establishing those systems provide for access by Eurojust.</b></p> <p>(16b) The decentralised IT system should enable secure data exchanges between competent national authorities and Eurojust, without any of the Union institutions being involved in the substance of those exchanges. The decentralised IT system should be comprised of IT back-end systems of Member States and Eurojust, and interoperable access points, through which they are interconnected. The access points of the decentralised IT system should be based on e-CODEX.</p> <p>Unless MS indicate otherwise, it will be assumed that they can</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				accept this text as proposed by COM.
Recital 17				
25	<p>(17) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment and use of the decentralised IT system for the cases not covered by Regulation (EU) [...] of the European Parliament and of the Council<sup>1</sup> [Regulation on the digitalisation of judicial cooperation], implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>2</sup>.</p> <p>1. Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal law cases (OJ L...).</p>	<p>(17) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment and use of the decentralised IT system for the cases not covered by Regulation (EU) [...] of the European Parliament and of the Council<sup>1</sup> [Regulation on the digitalisation of judicial cooperation], implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>2</sup>.</p> <p>1. Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal law cases (OJ L...).</p>	<p>(17) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment and use of the decentralised IT system for the cases not covered by Regulation (EU) [...] of the European Parliament and of the Council<sup>1</sup> [<b>Regulation on the digitalisation of judicial cooperation</b>], implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>2</sup>.</p> <p>1. Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal law cases (OJ L...).</p> <p>2. Regulation (EU) No 182/2011 of the European Parliament and of</p>	<p>It is suggested to take the text as proposed by COM for this point:</p> <p>(17) In order to ensure uniform conditions for the implementation of this Regulation as regards the establishment and use of the decentralised IT system for the cases covered by this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.<sup>2</sup></p> <p>2. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by</p>



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	2. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	2. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).  Unless MS indicate otherwise, it will be assumed that they can accept this text.
Recital 18				
26	(18) The transmission of unstructured data makes manual intervention necessary, creates additional administrative burden, and reduces the quality of the results of cross-checking. Therefore, national competent authorities should transmit the data in a structured manner while respecting minimal interoperability requirements as defined in the European Interoperability Framework <sup>1</sup> . In addition, the transfer of data should be automated as much as possible to lessen the	(18) The transmission of unstructured data makes manual intervention necessary, creates additional administrative burden, and reduces the quality of the results of cross-checking. Therefore, national competent authorities should transmit the data in a structured manner while respecting minimal interoperability requirements as defined in the European Interoperability Framework <sup>1</sup> . In addition, the transfer of data should be automated as much as possible to lessen the	(18) The transmission of unstructured data makes manual intervention necessary, creates additional administrative burden, and reduces the quality of the results of cross-checking. Therefore, national competent authorities should transmit the data in a structured manner while respecting minimal interoperability requirements as defined in the European Interoperability Framework <sup>1</sup> . In addition, the transfer of data should be automated as much as possible to lessen the administrative burden of national authorities and to ensure the	(18) The transmission of unstructured data makes manual intervention necessary, creates additional administrative burden, and reduces the quality of the results of cross-checking. Therefore, national competent authorities should transmit the data in a structured manner while respecting minimal interoperability requirements as defined in the European Interoperability Framework <sup>1</sup> . In addition, the transfer of data should be automated as much as possible to lessen the



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	<p>administrative burden of national authorities and to ensure the necessary data is provided regularly and quickly.</p> <p>1.  <a href="https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/european-interoperability-framework">https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/european-interoperability-framework</a>.</p>	<p>administrative burden of national authorities and to ensure the necessary data is provided regularly and quickly.</p> <p>1.  <a href="https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/european-interoperability-framework">https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/european-interoperability-framework</a>.</p>	<p>necessary data is provided regularly and quickly.</p> <p>1.  <a href="https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/european-interoperability-framework">https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/european-interoperability-framework</a>.</p>	<p>administrative burden of national authorities and to ensure the necessary data is provided regularly and quickly.</p> <p>1.  <a href="https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/european-interoperability-framework">https://joinup.ec.europa.eu/collection/nifo-national-interoperability-framework-observatory/european-interoperability-framework</a>.</p>
Recital 19				
27	<p>(19) A modernized case management system is necessary for Eurojust to process the sensitive personal data securely. The new system needs to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve the capacities of Eurojust regarding link detection.</p>	<p>(19) A modernized case management system is necessary for Eurojust to process the sensitive personal data securely. The new system needs to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve the capacities of Eurojust regarding <del>link</del><u>the</u> detection <u>of cross-links while taking, as a rule, full advantage of mechanisms for comparing biometric data which already exist and are already in place at national and Union level.</u></p>	<p>(19) A modernized case management system is necessary for Eurojust to process the sensitive personal data securely. The new system needs to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve the capacities of Eurojust regarding link detection <b>whilst taking, as a rule, full advantage of pre-existing mechanisms for comparing biometric data at either national or Union level.</b></p>	<p>The EP amendment, which is largely inspired by the general approach text, seems acceptable:</p> <p>(19) A modernized case management system is necessary for Eurojust to process the sensitive personal data securely. The new system needs to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve the capacities of Eurojust regarding <del>link</del><u>the</u> detection <u>of</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				<p><u>cross-links while taking, as a rule, full advantage of mechanisms for comparing biometric data which already exist and are already in place at national and Union level.</u></p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text.</p>
Recital 20				
28	<p>(20) It is important to maintain the control and responsibility of the national members for the data, which they receive from the national competent authorities. No operational personal data should be shared with another Member State by default. Operational personal data should only be shared in as far as national competent authorities authorise the exchange of data. In order to digitalise and speed up the follow up on potential links while ensuring full control over the data, handling codes should be introduced.</p>	<p>(20) It is important to maintain the control and responsibility of the national members for the data, which they receive from the national competent authorities. No operational personal data should be shared with another Member State by default. Operational personal data should only be shared in as far as national competent authorities authorise the exchange of data. In order to digitalise and speed up the follow up on potential links while ensuring full control over the data, handling codes should be introduced.</p>	<p>(20) It is important to maintain the control and responsibility of the national members for the data, which they receive from the national competent authorities. No operational personal data should be shared with another Member State by default. Operational personal data should only be shared in as far as national competent authorities authorise the exchange of data. In order to digitalise and speed up the follow up on potential links while ensuring full control over the data, handling codes should be introduced.</p>	<p>(20) It is important to maintain the control and responsibility of the national members for the data, which they receive from the national competent authorities. No operational personal data should be shared with another Member State by default. Operational personal data should only be shared in as far as national competent authorities authorise the exchange of data. In order to digitalise and speed up the follow up on potential links while ensuring full control over the data, handling codes should be introduced.</p>

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Recital 21				
29	<p>(21) Terrorist activities often affect two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. Therefore, terrorist offences should be considered per se transnational in their nature, if the specific circumstances of the case do not clearly indicate a purely national character.</p>	<p>(21) <del>Terrorist activities</del><u>Present-day terrorism and serious and organised crime are very dynamic and globalised phenomena</u>, often <del>affect</del><u>affecting</u> two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. <del>Therefore,</del><u>The transnational character of a terrorist offence might not be known at the moment at which the case is referred to a judicial authority. Nevertheless, it is possible for the transnational character of a terrorist offence to be revealed by Eurojust cross-checking data. The investigation or prosecution of</u> terrorist offences <u>therefore requires coordination and cooperation between prosecuting authorities or a prosecution on common bases, as provided for in Article</u></p>	<p>(21) Terrorist activities <del>very</del> often affect two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. <del>Therefore,</del><u>However, the transnational character of a terrorist offence might not be known at the point at which the case is referred to a judicial authority. It is possible for the transnational character of a terrorist offence to be revealed through cross-checking by Eurojust. This is why investigation or prosecution of terrorist offences requires coordination and cooperation between prosecuting authorities or a prosecution on common grounds, as provided for in Article 85 TFEU. Therefore, information on terrorism cases should be exchanged with</u></p>	<p>The EP amendment, which is largely inspired by the general approach text, seems acceptable:</p> <p>(21) <del>Terrorist activities</del><u>Present-day terrorism and serious and organised crime are very dynamic and globalised phenomena</u>, often <del>affect</del><u>affecting</u> two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. <del>Therefore,</del><u>The transnational character of a terrorist offence might not be known at the moment at which the case is referred to a judicial authority. Nevertheless, it is possible for the transnational character of a terrorist offence to be revealed by Eurojust cross-checking data. The</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
		<p><u>85 TFEU. Information on terrorism cases</u> should be <del>considered per se transnational in their nature, if</del> <u>exchanged with Eurojust in a timely manner, unless</u> the specific circumstances of the case <del>do not</del> clearly indicate a purely national character.</p>	<p><b>Eurojust, unless</b> <del>in their nature, if</del> the specific circumstances of the case <del>do not</del> clearly indicate a purely national character.</p>	<p><u>investigation or prosecution of</u> terrorist offences <u>therefore requires coordination and cooperation between prosecuting authorities or a prosecution on common bases, as provided for in Article 85 TFEU. Information on terrorism cases</u> should be <del>considered per se transnational in their nature, if</del> <u>exchanged with Eurojust in a timely manner, unless</u> the specific circumstances of the case <del>do not</del> clearly indicate a purely national character.</p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text.</p>
Recital 22				
30	<p>(22) Investigations and prosecutions in terrorism cases are often impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations also with previous investigations and</p>	<p>(22) Investigations and prosecutions in terrorism cases are often impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations also with previous investigations and</p>	<p>(22) Investigations and prosecutions in terrorism cases are often impeded by the lack of information exchange between national investigation and prosecution authorities. <del>In order to be able to cross check</del> <b>Therefore it is necessary to extend the time limits for storing data in the European Judicial Counter-Terrorism</b></p>	<p>The lengthy text of the amendment – again largely inspired by the text of the general approach – was cut in two parts. Compromise text:</p> <p>(22) Investigations and prosecutions in terrorism cases are often impeded by the lack of</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	<p>establish potential links, it is necessary to store the data on any previous investigations, not only on convictions and to extend the time limits for storing data in the European Judicial Counter-Terrorism Register. However, it is necessary to ensure that such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and prosecutions.</p>	<p>establish potential links, it is necessary to <del>store the</del><u>ensure that a retention period for</u> data on any previous investigations, <del>not only on convictions and</del> <u>and convictions is adequate for operational activities. Therefore, it is necessary</u> to extend the time limits for storing data in the European Judicial Counter-Terrorism Register. <u>The possibility to cross-check new terrorist investigations also with previous investigations could establish potential links and entail the need for cooperation. Such cross-checking might reveal that a person suspected or prosecuted in an ongoing case in a Member State was suspected or prosecuted in a case that has been concluded in another Member State. It might also establish links between ongoing investigations or prosecutions which could have been otherwise hidden. That is the case even where previous investigations ended in an acquittal or in a final decision not to prosecute. It is therefore necessary to store the data on any previous investigations, not only</u></p>	<p><b>Register. In addition, the possibility to cross-check</b> new terrorist investigations also with previous investigations <del>and</del> <b>may</b> establish potential links, it is necessary to store the data on any <b>and the need for cooperation. Such cross-checking might reveal that a person suspected or prosecuted in an ongoing case in a Member State was suspected or prosecuted in a concluded case in another Member State. It may also establish links between ongoing investigations or prosecutions which could have been hidden otherwise. This is the case even where previous investigations, not only on convictions and to extend the time limits for storing data in the European Judicial Counter-Terrorism Register ended in an acquittal or in a final decision not to prosecute. It is therefore necessary to store the data on any previous investigations, not only on convictions</b> . However, it is necessary to ensure that such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and</p>	<p>information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations also with previous investigations and establish potential links, it is necessary to <del>store the</del><u>ensure that a retention period for</u> data on any previous investigations <del>not only on convictions and</del> <u>and convictions is adequate for operational activities. Therefore, it is necessary</u> to extend the time limits for storing data in the European Judicial Counter-Terrorism Register. <u>The possibility to cross-check new terrorist investigations also with previous investigations could establish potential links and entail the need for cooperation. Such cross-checking might reveal that a person suspected or prosecuted in an ongoing case in a Member State was suspected or prosecuted in a case that has been concluded in another Member State. It might also establish links between ongoing investigations</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
		<p><u>on convictions.</u> However, it is necessary to ensure that such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions. <u>Unless the competent national authority decides otherwise, on a case-by-case basis, Eurojust should be able to continue to process such operational data.</u> <u>Where, after the decision to acquit or not to prosecute becomes final, the competent national authority decides that it is not necessary to process the data of acquitted or non-prosecuted persons, including due to the specificities of the case or due to the grounds for the acquittal or non-prosecution, that data should be deleted.</u></p>	<p>prosecutions and for the support of those investigations and prosecutions. <b>Where the competent national authority decides that the processing of the data of acquitted or non-prosecuted persons after the decision on acquittal or non-prosecution becomes final is not necessary, including because of the specificities of the case or of the grounds for the acquittal or non-prosecution, those data should be deleted.</b></p>	<p><u>or prosecutions which could have been otherwise hidden. That is the case even where previous investigations ended in an acquittal or in a final decision not to prosecute. It is therefore necessary to store the data on any previous investigations, not only on convictions.</u></p> <p>(22a) However, It is necessary to ensure that such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions. <u>Unless the competent national authority decides otherwise, on a case-by-case basis, Eurojust should be able to continue to process such operational data. Where, after the decision to acquit or not to prosecute becomes final, the competent national authority decides that it is not necessary to process the data of acquitted or non-prosecuted</u></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				<p><u>persons, including due to the specificities of the case or due to the grounds for the acquittal or non-prosecution, that data should be deleted.</u></p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text.</p>
Recital 23				
31	<p>(23) Eurojust has concluded twelve cooperation agreements with third countries, which allow for the transfer of operational personal data and the secondment of a third country liaison prosecutor to Eurojust. Moreover, the Trade and Cooperation Agreement between the European Union and the United Kingdom<sup>1</sup> allows for the secondment of a liaison prosecutor. In March 2021, the Council gave the Commission a mandate<sup>2</sup> to negotiate further cooperation agreements on the cooperation between Eurojust and thirteen further third states.</p> <p>_____</p>	<p>(23) Eurojust has concluded twelve cooperation agreements with third countries, which allow for the transfer of operational personal data and the secondment of a third country liaison prosecutor to Eurojust. Moreover, the Trade and Cooperation Agreement between the European Union and the United Kingdom<sup>1</sup> allows for the secondment of a liaison prosecutor. In March 2021, the Council gave the Commission a mandate<sup>2</sup> to negotiate further cooperation agreements on the cooperation between Eurojust and thirteen further third states.</p> <p>_____</p>	<p>(23) Eurojust has concluded twelve cooperation agreements with third countries, which allow for the transfer of operational personal data and the secondment of a <del>third country</del> <b>third-country</b> liaison prosecutor to Eurojust. Moreover, the Trade and Cooperation Agreement between the European Union and the United Kingdom<sup>1</sup> allows for the secondment of a liaison prosecutor. In March 2021, the Council gave the Commission a mandate<sup>2</sup> to negotiate further cooperation agreements on the cooperation between Eurojust and thirteen further third states.</p> <p>_____</p> <p>1. Agreement between the European Union and the European</p>	<p>23) Eurojust has concluded twelve cooperation agreements with third countries, which allow for the transfer of operational personal data and the secondment of a third country liaison prosecutor to Eurojust. Moreover, the Trade and Cooperation Agreement between the European Union and the United Kingdom<sup>1</sup> allows for the secondment of a liaison prosecutor. In March 2021, the Council gave the Commission a mandate<sup>2</sup> to negotiate further cooperation agreements on the cooperation between Eurojust and thirteen further third states.</p> <p>_____</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	1. Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (OJ L 149, 30.4.2021, p.10). 2. Council Decision (EU) 2021/7072 of 16 March 2021.	1. Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (OJ L 149, 30.4.2021, p.10). 2. Council Decision (EU) 2021/7072 of 16 March 2021.	Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (OJ L 149, 30.4.2021, p.10). 2. Council Decision (EU) 2021/7072 of 16 March 2021.	1. Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (OJ L 149, 30.4.2021, p.10). 2. Council Decision (EU) 2021/7072 of 16 March 2021.
Recital 24				
32	(24) While Regulation (EU) 2018/1727 provides a legal basis for the cooperation and exchange of data with third countries, it does not contain any rules on the formal and technical aspects of the cooperation with third country liaison prosecutors seconded to Eurojust, in particular their access to the case management system. In the interest of legal certainty, Regulation (EU) 2018/1727 should provide an explicit legal basis for the cooperation between Eurojust and the third country liaison prosecutors and their	(24) While Regulation (EU) 2018/1727 provides a legal basis for the cooperation and exchange of data with third countries, it does not contain any rules on the formal and technical aspects of the cooperation with third country liaison prosecutors seconded to Eurojust, in particular their access to the case management system. In the interest of legal certainty, Regulation (EU) 2018/1727 should provide an explicit legal basis for the cooperation between Eurojust and the third country liaison prosecutors and their	(24) While Regulation (EU) 2018/1727 provides a legal basis for the cooperation and exchange of data with third countries, it does not contain any rules on the formal and technical aspects of the cooperation with third country liaison prosecutors seconded to Eurojust, in particular their access to the case management system. In the interest of legal certainty, Regulation (EU) 2018/1727 should provide an explicit legal basis for the cooperation between Eurojust and the third country liaison prosecutors and their access to the Eurojust case	The amendment seems acceptable:  (24) While Regulation (EU) 2018/1727 provides a legal basis for the cooperation and exchange of data with third countries, it does not contain any rules on the formal and technical aspects of the cooperation with third country liaison prosecutors seconded to Eurojust, in particular their access to the case management system. In the interest of legal certainty, Regulation (EU) 2018/1727 should provide an



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	access to the Eurojust case management system. Eurojust should ensure adequate safeguards and security measures for the protection of data and fundamental rights through the technical setup and internal rules.	access to the Eurojust case management system. Eurojust should <del>ensure</del> <u>implement</u> adequate safeguards and security measures for the protection of data and fundamental rights through the <u>updated</u> technical setup and <u>strict</u> internal rules.	management system. Eurojust should ensure adequate safeguards and security measures for the protection of data and fundamental rights through the technical setup and internal rules.	explicit legal basis for the cooperation between Eurojust and the third country liaison prosecutors and their access to the Eurojust case management system. Eurojust should <del>ensure</del> <u>implement</u> adequate safeguards and security measures for the protection of data and fundamental rights through the <u>updated</u> technical setup and <u>strict</u> internal rules.  Unless MS indicate otherwise, it will be assumed that they can accept this text.
Recital 25				
33	(25) In the interest of clarity, the relationship between the exchange of information between national competent authorities on terrorism cases with Eurojust under Decision 2005/671/JHA and Regulation (EU) 2018/1727 should be clarified. Therefore, the relevant provisions should be deleted from Decision 2005/671/JHA and be added to Regulation (EU) 2018/1727.	(25) In the interest of clarity, the relationship between the exchange of information between national competent authorities on terrorism cases with Eurojust under Decision 2005/671/JHA and Regulation (EU) 2018/1727 should be clarified. Therefore, the relevant provisions should be deleted from Decision 2005/671/JHA and be added to Regulation (EU) 2018/1727.	(25) In the interest of clarity, the relationship between the exchange of information between national competent authorities on terrorism cases with Eurojust under Decision 2005/671/JHA and Regulation (EU) 2018/1727 should be clarified. Therefore, the relevant provisions should be deleted from Decision 2005/671/JHA and be added to Regulation (EU) 2018/1727.	(25) In the interest of clarity, the relationship between the exchange of information between national competent authorities on terrorism cases with Eurojust under Decision 2005/671/JHA and Regulation (EU) 2018/1727 should be clarified. Therefore, the relevant provisions should be deleted from Decision 2005/671/JHA and be added to Regulation (EU) 2018/1727.

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Recital 26				
34	<p>(26) While some Member States' competent national authorities are already connected to secure telecommunication connection as referred to in Article 9 of Council Decision 2008/976/JHA<sup>1</sup>, many competent authorities are not yet connected to secure telecommunication connection or secure communication channels. In order to ensure that the Member States have sufficient time to provide such a connection for the competent authorities, a transitional period for implementation should be granted.</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network, (OJ L 348, 24.12.2008, p. 130).</p>	<p>(26) While some Member States' competent national authorities are already connected to secure telecommunication connection as referred to in Article 9 of Council Decision 2008/976/JHA<sup>1</sup>, many competent authorities are not yet connected to secure telecommunication connection or secure communication channels. In order to ensure that the Member States have sufficient time to provide such a connection for the competent authorities, a transitional period for implementation should be granted.</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network, (OJ L 348, 24.12.2008, p. 130).</p>	<p>(26) While some Member States' competent national authorities are already connected to secure telecommunication connection as referred to in Article 9 of Council Decision 2008/976/JHA<sup>1</sup>, many competent authorities are not yet connected to secure telecommunication connection or secure communication channels. In order to ensure that the Member States have sufficient time to provide such a connection for the competent authorities, a transitional period for implementation should be granted.</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network, (OJ L 348, 24.12.2008, p. 130).</p>	<p>(26) While some Member States' competent national authorities are already connected to secure telecommunication connection as referred to in Article 9 of Council Decision 2008/976/JHA<sup>1</sup>, many competent authorities are not yet connected to secure telecommunication connection or secure communication channels. In order to ensure that the Member States have sufficient time to provide such a connection for the competent authorities, a transitional period for implementation should be granted.</p> <p>1. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network, (OJ L 348, 24.12.2008, p. 130).</p>
Recital 27				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
35	(27) [In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.] OR [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of this Regulation.]	(27) [In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.] OR [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of this Regulation.]	(27) <del>[In accordance with Articles 1, and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.] OR [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of this Regulation.]</del>	(27) <del>[In accordance with Articles 1, and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.] OR [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of this Regulation.]</del>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Recital 28				
36	(28) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(28) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(28) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.	(28) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
Recital 29				
37	(29) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on XX/XX 20XX,	(29) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on XX/XX 20XX,	(29) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on <del>XX/XX</del> <b>20XX26 January 2022</b> ,	29) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on <del>XX/XX 20XX</del> <b>26 January 2022</b> ,
Formula				
38				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:
Article 1				
39	Article 1 Amendments to Regulation (EU) 2018/1727	Article 1 Amendments to Regulation (EU) 2018/1727	Article 1 Amendments to Regulation (EU) 2018/1727	Article 1 Amendments to Regulation (EU) 2018/1727
Article 1, first paragraph, introductory part				
40	Regulation (EU) 2017/1727 is amended as follows:	Regulation (EU) <del>2017/1727</del> 2018/1727 is amended as follows:	Regulation (EU) <del>2017/1727</del> 2018/1727 is amended as follows:	Regulation (EU) <del>2017/1727</del> 2018/1727 is amended as follows:
Article 1, first paragraph, point (1), introductory part				
41	(1) in Article 3, paragraph 5 is replaced by the following:	(1) in Article 3, paragraph 5 is replaced by the following:	(1) in Article 3, paragraph 5 is replaced by the following:	(1) in Article 3, paragraph 5 is replaced by the following:
Article 1, first paragraph, point (1), amending provision, numbered paragraph (5)				
42	“ 5. Eurojust may also assist with investigations and prosecutions	“ 5. Eurojust may also assist with investigations and prosecutions	5. Eurojust may also assist with investigations and prosecutions that only affect a Member State and a	5. Eurojust may also assist with investigations and prosecutions that only affect a Member State

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	that only affect a Member State and a third country or a Member State and an international organisation, provided that a cooperation agreement or arrangement establishing cooperation pursuant to Article 52 has been concluded with that third country or that international organisation, or provided that in a specific case there is an essential interest in providing such assistance.;	that only affect a Member State and a third country or a Member State and an international organisation, provided that a cooperation agreement or arrangement establishing cooperation pursuant to Article 52 has been concluded with that third country or that international organisation, or provided that in a specific case there is an essential interest in providing such assistance.;	third country or a Member State and an international organisation, provided that a cooperation agreement or arrangement establishing cooperation pursuant to Article 52 has been concluded with that third country or that international organisation, or provided that in a specific case there is an essential interest, in providing such assistance.;	and a third country or a Member State and an international organisation, provided that a cooperation agreement or arrangement establishing cooperation pursuant to Article 52 has been concluded with that third country or that international organisation, or provided that in a specific case there is an essential interest in providing such assistance.;
Article 1, first paragraph, point (1), amending provision, numbered paragraph (5a)				
42a			<p>The decision whether and how to provide judicial assistance remains solely with the competent authority of the Member State(s) concerned, subject to the application of conventions or other international agreements on mutual assistance in criminal matters, or of relevant provisions of national or Union law.</p>	<p>The decision whether and how to provide judicial assistance remains solely with the competent authority of the Member State(s) concerned, subject to the application of conventions or other international agreements on mutual assistance in criminal matters, or of relevant provisions of national or Union law.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				<p>COM proposed the following alternative text:</p> <p><b>The decision whether and how to provide judicial assistance remains solely with the competent authority of the Member State(s) concerned, subject to applicable national, international or Union law.</b></p> <p><i>This text could be accompanied by a recital explaining that international law comprises conventions or other international agreements on mutual assistance in criminal matters.</i></p> <p>MS are invited to indicate which solution they prefer.</p>
Article 1, first paragraph, point (2), introductory part				
43	(2) in Article 20, the following paragraph 2a is inserted:	(2) in Article 20, the following paragraph 2a is inserted:	(2) in Article 20, the following paragraph 2a is inserted is amended as follows:	(2) in Article 20, the following paragraph 2a is inserted is amended as follows:
Article 1, first paragraph, point (2), amending provision, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
44	<p>“</p> <p>2a. Each Member State shall designate a competent national authority as Eurojust national correspondent for terrorism matters. This national correspondent for terrorism matters shall be a judicial or other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect such information and to send it to Eurojust.;</p> <p>”</p>	<p>“</p> <p>2a. Each Member State shall designate a competent national authority as Eurojust national correspondent for terrorism matters. This national correspondent for terrorism matters shall be a judicial or other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect such information and to send it to Eurojust <u>in compliance with national criminal procedural law and the applicable data protection rules.</u>”</p>	Moved to row 44b	<p>It is suggested to accept the amendment:</p> <p>2a. Each Member State shall designate a competent national authority as Eurojust national correspondent for terrorism matters. This national correspondent for terrorism matters shall be a judicial or other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect such information and to send it to Eurojust <u>in compliance with national [criminal procedural] law and the applicable data protection rules.</u></p> <p>MS are invited to indicate whether they prefer ‘national criminal procedural law’ or ‘national law’.</p>
Article 1, first paragraph, point (2a), introductory part				



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
44a			(a) the following paragraph 2a is inserted:	(a) the following paragraph 2a is inserted:
amending provision, first paragraph				
44b	<p>“</p> <p>2a. Each Member State shall designate a competent national authority as Eurojust national correspondent for terrorism matters. This national correspondent for terrorism matters shall be a judicial or other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect such information and to send it to Eurojust.;</p> <p>”</p> <p>Moved reference text</p>		<p>“</p> <p>2a. Each Member State shall designate a competent national authority as Eurojust national correspondent for terrorism matters. This national correspondent for terrorism matters shall be a judicial or other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect such information and to send it to Eurojust.;</p> <p>”</p> <p>Moved from row 44</p>	See line 44.

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (2)(b), introductory part				
44c			(b) in Article 20(8), the first sentence is replaced by the following:	(b) in Article 20(8), the first sentence is replaced by the following:
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (1)				
44d			<p>"</p> <p>In order to meet the objectives referred to in paragraph 7, the persons referred to in paragraph 3, points (a), (b) and (c), shall be connected to the case management system in accordance with this Article and with Articles 23, 24, 25 and 34.</p> <p>"</p>	<p>“</p> <p>In order to meet the objectives referred to in paragraph 7, the persons referred to in paragraph 3, points (a), (b) and (c), shall be connected to the case management system in accordance with this Article and with Articles 23, 24, 25 and 34.”</p> <p>[subject to EP internal check]</p>
Article 1, first paragraph, point (3), introductory part				
45	(3) Article 21 is amended as follows:	(3) Article 21 is amended as follows:	(3) Article 21 is amended as follows:	(3) Article 21 is amended as follows:
Article 1, first paragraph, point (3)(a), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
46	(a) paragraph 9 is replaced by the following:	(a) paragraph 9 is replaced by the following:	(a) paragraph 9 is replaced by the following:	(a) paragraph 9 is replaced by the following:
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (9)				
47	“ 9. This Article shall not affect other obligations regarding the transmission of information to Eurojust.; ”	“ 9. This Article shall not affect other obligations regarding the transmission of information to Eurojust.; ”	9. This Article shall not affect other obligations regarding the transmission of information to Eurojust.;	9. This Article shall not affect other obligations regarding the transmission of information to Eurojust.;
Article 1, first paragraph, point (3)(b)				
48	(b) paragraph 10 is deleted;	(b) paragraph 10 is <del>deleted</del> ; <u>replaced by the following:</u> <u>10. The competent national authorities shall not be obliged to provide information as referred to in this Article where it has already been transmitted to Eurojust in accordance with other provisions of this Regulation.</u>	(b) paragraph 10 is <del>deleted</del> ; <b>replaced by the following :</b>	(b) paragraph 10 is <u>replaced by the following:</u> <u>10. The competent national authorities shall not be obliged to provide information as referred to in this Article where it has already been transmitted to Eurojust in accordance with other provisions of this Regulation.</u>  [identical to line 48a]

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (1)				
48a			<p>"</p> <p><b>10. The competent national authority shall not be obliged to provide such information where it has already been transmitted to Eurojust in accordance with other provisions of this Regulation.;</b></p> <p>"</p>	[covered in line 48]
Article 1, first paragraph, point (4), introductory part				
49	(4) the following Article 21a is inserted:	(4) the following Article 21a is inserted:	(4) the following Article 21a is inserted:	(4) the following Article 21a is inserted:
Article 1, first paragraph, point (4), amending provision, first paragraph				
50	“ Article 21a	“ Article 21a	Article 21a	Article 21a
Article 1, first paragraph, point (4), amending provision, second paragraph				
51	Exchange of information on terrorism cases	Exchange of information on terrorism cases	Exchange of information on terrorism cases	Exchange of information on terrorism cases

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1)				
52	<p>1. The competent national authorities shall inform their national members of any ongoing or concluded criminal investigations supervised by judicial authorities, prosecutions, court proceedings and court decisions on terrorist offences as soon as judicial authorities are involved.</p>	<p>1. The competent national authorities shall inform their national members of any ongoing or concluded criminal investigations supervised by judicial authorities, prosecutions, court proceedings and court decisions on terrorist offences as soon as <u>the case is referred to the judicial authorities <del>are involved</del> in accordance with applicable national criminal procedural law. That obligation shall apply to all criminal investigations related to terrorist offences regardless of whether there is a known link to another Member State or a third country, unless the criminal investigation, due to its specific circumstances, clearly affects only one Member State.</u></p>	<p>1. The competent national authorities shall inform their national members of any ongoing or concluded criminal investigations supervised by judicial authorities, prosecutions, court proceedings and court decisions on terrorist offences. <b>This obligation shall apply</b> as soon as <b>the case is referred to the</b> judicial authorities, <b>in accordance with national law. It shall apply to all terrorist offences regardless of whether there is a known link to another Member State or a third country, unless the case, due to its specific circumstances, clearly affects only one Member State</b> <del>are</del> involved.</p>	<p>The EP amendment, largely inspired by the Council general approach, seems acceptable:</p> <p>1. The competent national authorities shall inform their national members of any ongoing or concluded criminal investigations supervised by judicial authorities, prosecutions, court proceedings and court decisions on terrorist offences as soon as <u>the case is referred to the</u> judicial authorities <del>are involved</del> <u>in accordance with applicable national criminal procedural law. That obligation shall apply to all criminal investigations related to terrorist offences regardless of whether there is a known link to another Member State or a third country unless the criminal investigation, due to its specific circumstances, clearly affects only one Member State.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				Unless MS indicate otherwise, it will be assumed that they can accept this text.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1a), introductory part				
52a			2. Paragraph 1 shall not apply where :	2. Paragraph 1 shall not apply where:
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1a)(a)				
52b			(a) the sharing of information would jeopardise a current investigation or the safety of an individual ; or	(a) the sharing of information would jeopardise a current investigation or the safety of an individual ; or
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1a)(b)				
52c			(b) the sharing of information would be contrary to essential security interests of the Member State concerned.	(b) the sharing of information would be contrary to essential security interests of the Member State concerned.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
53	2. Terrorist offences for the purpose of this Article are offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council*. The obligation referred to in paragraph 1 shall apply to all terrorist offences regardless whether there is a known link to another Member State or third country, unless the case, due to its specific circumstances, clearly affects only one Member State.	2. Terrorist offences for the purpose of this Article are offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council*. The obligation referred to in paragraph 1 shall apply to all terrorist offences regardless of whether there is a known link to another Member State or third country, <del>unless the case, due to its specific circumstances, clearly affects only one Member State.</del>  <u>* Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6)."</u>	23. Terrorist offences for the purpose of this Article are offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council*. The obligation referred to in paragraph 1 shall apply to all terrorist offences regardless whether there is a known link to another Member State or third country, unless the case, due to its specific circumstances, clearly affects only one Member State.	23. Terrorist offences for the purpose of this Article are offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council*. The obligation referred to in paragraph 1 shall apply to all terrorist offences regardless whether there is a known link to another Member State or third country, unless the case, due to its specific circumstances, clearly affects only one Member State.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2a)				
53a			* Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on	* Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
			combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).";  Moved from row 59	and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).";
Article 1, first paragraph, point (4), amending provision, numbered paragraph (3)				
54	3. The information transmitted in accordance with paragraph 1 shall include the operational personal data and non-personal data listed in Annex III.	3. The information transmitted in accordance with paragraph 1 shall include the operational personal data and non-personal data listed in Annex III. <u>However, personal data as referred to in Annex III, point (d), shall only be included where such data are held by or may be shared with the relevant national authorities under applicable national law and where it is necessary to transmit them to accurately identify a person as referred to in Article 27(5).</u>	34. The information transmitted in accordance with paragraph 1 shall include the operational personal data and non-personal data listed in Annex III. <b>That information may include personal data in accordance with Annex III, point d, if such personal data are held by or can be communicated to the competent national authorities in accordance with national law and if their transmission is necessary to identify reliably a data subject under Article 27(5).</b>	PRES has conveyed the Council position.  This being, the positions of the co-legislators are quite close to each other: ‘shall only’, with the two conditions (data held by national authorities, necessary to transmit), seems in line with the purpose of the Regulation. The EP amendment appears not completely unreasonable to the Presidency.  Member States are invited to consider this solution again.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), introductory part				



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
55	4. The competent national authorities shall inform their national member without delay about any relevant changes in the national proceedings.	4. The competent national authorities shall inform their national member without delay <del>about any</del> <i>and, in any event, no later than 10 working days after the occurrence of the</i> relevant changes in the national proceedings.	<b>45. Subject to paragraph 2,</b> the competent national authorities shall inform their national member without delay about any <del>relevant</del> changes in <del>the national proceedings.</del> <b>to the information transmitted under paragraph 1.</b>	PRES has conveyed the Council position and has asked EP to withdraw its amendment.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), first paragraph				
56	Without prejudice to the first subparagraph, the national authorities shall review and provide an update on the information transmitted under paragraph 1 at least every three months.	Without prejudice to the first subparagraph, the national authorities shall review and provide an update on the information transmitted under paragraph 1 at least every three months.	<i>deleted</i>	[EP preliminarily positive, subject to keep a stricter wording in line 55]
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4a)				
56a			<b>6. The competent national authority shall not be obliged to provide such information where it has already been transmitted to Eurojust.</b>	<b>6. The competent national authority shall not be obliged to provide such information where it has already been transmitted to Eurojust.</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				[same as line 58a]
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4b)				
56b			_____”	<p>COM proposed the following proposal:</p> <p>7. The national competent authority may at any stage request the support of Eurojust in the follow-up action as regards cross-links identified on the basis of information provided under this Article.</p> <p>MS are invited to indicate whether they can accept this text.</p>
Article 1, first paragraph, point (4), amending provision, numbered paragraph (5), introductory part				
57	5. Paragraph 1 shall not apply where the sharing of information would jeopardise current investigations or the safety of an individual, or when it would be contrary to essential interests of the security of the Member State concerned.	5. <del>Paragraph 1</del> <u>Paragraphs 1 and 4</u> shall not apply where: <u>(a)</u> the sharing of information would jeopardise <u>a</u> current <del>investigations</del> <u>investigation</u> or the safety of an individual, <del>or when it</del> ; <u>or</u>	deleted	[Covered in line 52b and 52c]

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
		<u>(b) the sharing of information</u> would be contrary to essential <u>security</u> interests <del>of the security</del> of the Member State concerned.		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (5), first paragraph				
58	_____		deleted	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (5a)				
58a		<u>5a The competent national authority shall not be obliged to provide information as referred to in this Article where it has already been transmitted to Eurojust.</u>		[covered in line 56a]
Article 1, first paragraph, point (4a), amending provision				
58b		<u>In Article 22, the following paragraph is inserted.</u> <u>2a. The competent national authorities shall keep Eurojust informed of the follow-up actions</u>		[see line 56b]

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
		<u><a href="#">taken as regards links identified on the basis of information provided under Article 21a.</a></u>		
Article 1, first paragraph, point (4), amending provision, numbered paragraph (5), second paragraph				
59	* Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).; ”	* Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).; ”	<i>deleted</i>	[reference is now in line 53a]
Article 1, first paragraph, point (5), introductory part				
60	(5) the following Articles 22a, 22b and 22c are inserted:	(5) the following Articles 22a, 22b and 22c are inserted:	(5) the following Articles 22a, 22b and 22c are inserted:	(5) the following Articles 22a, 22b and 22c are inserted:
Article 1, first paragraph, point (5), amending provision, first paragraph				
61	“ Article 22a	“ Article 22a	Article 22a	Article 22a

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (5), amending provision, second paragraph				
62	Secure digital communication and data exchange between competent national authorities and Eurojust	Secure digital communication and data exchange between competent national authorities and Eurojust	Secure digital communication and data exchange between competent national authorities and Eurojust	Secure digital communication and data exchange between competent national authorities and Eurojust
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)				
63	1. The communication between the competent national authorities and Eurojust under this Regulation shall be carried out through the decentralised IT system as defined in Regulation (EU) [...] of the European Parliament and of the Council* [Regulation on the digitalisation of judicial cooperation].	1. The communication between the competent national authorities and Eurojust under this Regulation shall be carried out through the decentralised IT system as defined in Regulation (EU) [...] of the European Parliament and of the Council* [Regulation on the digitalisation of judicial cooperation]. <u>The case management system referred to in Article 23 of this Regulation shall be connected to the decentralised IT system.</u>  * [Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation](OJ L...).	1. The communication between the competent national authorities and Eurojust under this Regulation shall be carried out through the decentralised IT system as defined in Regulation (EU) [...] of the European Parliament and of the Council* [ <b>Regulation on the digitalisation of judicial cooperation</b> Regulation on the digitalisation of judicial cooperation].	The amendment seems acceptable:  1. The communication between the competent national authorities and Eurojust under this Regulation shall be carried out through the decentralised IT system. <del>as defined in Regulation (EU) [...] of the European Parliament and of the Council* [Regulation on the digitalisation of judicial cooperation].</del> <u>The case management system referred to in Article 23 of this Regulation shall be connected to the decentralised IT system.</u>  Unless MS indicate otherwise, it will be assumed that they can accept this text.

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				<p><u>COM proposed a new explicatory paragraph, which seems acceptable to the Presidency:</u></p> <p><b>2. The decentralised IT system means a network of IT systems and interoperable e-CODEX access points, operating under the individual responsibility and management of each Member State and Eurojust that enables the secure and reliable cross-border exchange of information.</b></p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text.</p>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2)				
64	2. Where exchange of information in accordance with paragraph 1 is not possible due to the unavailability of the decentralised IT system or due to exceptional circumstances, it shall be carried out by the swiftest, most appropriate alternative means.	2. Where exchange of information in accordance with paragraph 1 is not possible due to the unavailability of the decentralised IT system or due to exceptional circumstances, it shall be carried out by the swiftest, most appropriate alternative means.	2. Where exchange of information in accordance with paragraph 1 is not possible due to the unavailability of the decentralised IT system or due to exceptional circumstances, it shall be carried out by the swiftest, most appropriate alternative means. Member States and Eurojust shall	<p>The EP amendment seems acceptable:</p> <p>2. Where exchange of information in accordance with paragraph 1 is not possible due to the unavailability of the decentralised IT system or due to exceptional circumstances, it</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	Member States and Eurojust shall ensure that the alternative means of communication are reliable and provide an equivalent level of security.	Member States and Eurojust shall ensure that the alternative means of communication are reliable and provide an equivalent level of security <u>and data protection</u> .	ensure that the alternative means of communication are reliable and provide an equivalent level of security.	shall be carried out by the swiftest, most appropriate alternative means. Member States and Eurojust shall ensure that the alternative means of communication are reliable and provide an equivalent level of security <u>and data protection</u> .  Unless MS indicate otherwise, it will be assumed that they can accept this text.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3), introductory part				
65	3. The competent national authorities shall transmit the information in accordance with Articles 21 and 21a to Eurojust in a semi-automated manner from national registers and in a structured way determined by Eurojust.	3. The competent national authorities shall transmit the information <u>to Eurojust</u> in accordance with Articles 21 and 21a to Eurojust in a semi-automated manner from national registers and in a structured way determined by <u>the Commission, in consultation with Eurojust, by means of an implementing act, pursuant to Articles 22b and 22c. That implementing act shall set out, in particular, the format for transmitting data as referred to in</u>	3. The competent national authorities shall transmit the information in accordance with Articles 21 and 21a to Eurojust in a semi-automated manner from national registers and in a structured way determined by Eurojust. <b>the Commission through an implementing act, pursuant to Articles 22b and 22c. In particular, that implementing act shall determine the format of the data transmitted pursuant to Annex III, point d.</b>	Compromise text:  4. The competent national authorities shall transmit the information <b>referred to in Articles 21 and 21a</b> to Eurojust in a semi-automated manner from national registers and in a structured way, which shall be determined by the Commission, <b>in consultation with Eurojust</b> , in an implementing act, in accordance with Article 22b. In particular, that implementing act shall determine the format

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
		<u><i>Annex III, point (d) and the necessary technical standards with respect to transmitting such data.</i></u> <sup>-</sup>		<p>of the data transmitted pursuant to Annex III, point d <b>and the necessary technical standards with respect to transmitting such data.</b></p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text.</p> <p><u>COM proposed some additional paragraphs, worded as follows, which seem acceptable to the Presidency:</u></p> <p><b>5. The Commission shall be responsible for the creation, maintenance and development of reference implementation software which Member States and Eurojust may choose to apply as their back-end system.</b></p> <p><b>6. The Commission shall provide, maintain and support on a free-of-charge basis the reference implementation software. The creation, maintenance and development of the reference implementation software shall</b></p>



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				<p>be financed from the general budget of the Union.</p> <p>7. Member States and Eurojust shall bear the costs for establishing and operating an authorised e-CODEX access point as defined in Article 3(3) of Regulation (EU) 2022/850 of the European Parliament and of the Council, and for establishing and adjusting their relevant IT systems to make them interoperable with the access points.</p> <p>Unless MS indicate otherwise, it will be assumed that they can accept these texts.</p>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3a)				
66	_____		_____	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3a)				
66a		<u>3a Where Eurojust has been granted access to data from other</u>		[moved to 94a]

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
		<u>EU information systems established under other Union legal acts, it may use the case management system to connect to such systems for the purpose of retrieving and processing information, including personal data, provided that it is necessary for the performance of its tasks.</u>		
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3b)				
66b		<u>No further access rights shall be granted to Eurojust to other EU information systems under paragraphs 3 and (3a).</u>		[moved to 94b]
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3), second paragraph				
67	* [Regulation (EU) [.../...]] of the European Parliament and of the Council on the digitalisation of judicial cooperation](OJ L...).	* [Regulation (EU) [.../...]] of the European Parliament and of the Council on the digitalisation of judicial cooperation](OJ L...).	* [ <b>Regulation (EU) [.../...]] of the European Parliament and of the Council on the digitalisation of judicial cooperation</b> Regulation (EU) [.../...] of the European Parliament and of the Council on the digitalisation of judicial cooperation](OJ L...).	[reference taken out]

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (5), amending provision, sixth paragraph				
68	Article 22b	Article 22b	Article 22b	Article 22b
Article 1, first paragraph, point (5), amending provision, seventh paragraph				
69	Adoption of implementing acts by the Commission	Adoption of implementing acts by the Commission	Adoption of implementing acts by the Commission	<b>Adoption of implementing acts by the Commission</b>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), introductory part				
70	1. The Commission shall adopt the implementing acts necessary for the establishment and use of the decentralised IT system for communication under this Regulation, setting out the following:	1. The Commission shall adopt the implementing acts necessary for the establishment and use of the decentralised IT system for communication under this Regulation, setting out the following:	1. The Commission shall adopt the implementing acts necessary for the establishment and use of the decentralised IT system for communication under this Regulation, setting out the following:	1. The Commission shall adopt the implementing acts necessary for the establishment and use of the decentralised IT system for communication under this Regulation, setting out the following:
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)(a)				
71	(a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;	(a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;	(a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;	(a) the technical specifications defining the methods of communication by electronic means for the purposes of the decentralised IT system;

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)(b)				
72	(b) the technical specifications for communication protocols;	(b) the technical specifications for communication protocols;	(b) the technical specifications for communication protocols;	(b) the technical specifications for communication protocols;
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)(c)				
73	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity standards for the processing and communication of information within the decentralised IT system;	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity standards for the processing and communication of information within the decentralised IT system;	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity standards for the processing and communication of information within the decentralised IT system;	(c) the information security objectives and relevant technical measures ensuring minimum information security standards and a high level of cybersecurity standards for the processing and communication of information within the decentralised IT system;
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)(d)				
74	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;	(d) the minimum availability objectives and possible related technical requirements for the services provided by the decentralised IT system;

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)(e)				
75	(e) the establishment of a steering committee comprising representatives of the Member States to ensure the operation and maintenance of the decentralised IT system in order to meet the objectives of this Regulation.	(e) the establishment of a steering committee comprising representatives of the Member States to ensure the operation and maintenance of the decentralised IT system in order to meet the objectives of this Regulation.	(e) the establishment of a steering committee comprising representatives of the Member States to ensure the operation and maintenance of the decentralised IT system in order to meet the objectives of this Regulation.	(e) the establishment of a steering committee comprising representatives of the Member States to ensure the operation and maintenance of the decentralised IT system in order to meet the objectives of this Regulation.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2)				
76	2. The implementing acts referred to in paragraph 1 shall be adopted by [2 years after entry into force] in accordance with the examination procedure referred to in Article 22c(2).	2. The implementing acts referred to in paragraph 1 shall be adopted by [2 years after entry into force] in accordance with the examination procedure referred to in Article 22c(2).	2. The implementing acts referred to in paragraph 1 shall be adopted by [2 <b>years after entry into force</b> <del>2 years after entry into force</del> ] in accordance with the examination procedure referred to in Article 22c(2).	2. The implementing acts referred to in paragraph 1 shall be adopted by [2 years after entry into force] in accordance with the examination procedure referred to in Article 22c(2).
Article 1, first paragraph, point (5), amending provision, tenth paragraph				
77	Article 22c	Article 22c	Article 22c	Article 22c
Article 1, first paragraph, point (5), amending provision, eleventh paragraph				
78	Committee Procedure	Committee Procedure	Committee Procedure	

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)				
79	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), introductory part				
80	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), first paragraph				
81	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), second paragraph				
82	_____	_____	_____	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), third paragraph				
83	* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).;	* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).;	* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).;	* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).;
Article 1, first paragraph, point (6), introductory part				
84	(6) Articles 23, 24 and 25 are replaced by the following :	(6) Articles 23, 24 and 25 are replaced by the following :	(6) Articles 23, 24 and 25 are replaced by the following :	(6) Articles 23, 24 and 25 are replaced by the following :
Article 1, first paragraph, point (6), amending provision, first paragraph				
85	“	“	Article 23	Article 23

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	Article 23	Article 23		
Article 1, first paragraph, point (6), amending provision, second paragraph				
86	Case Management System	Case Management System	Case Management System	Case Management System
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1)				
87	1. Eurojust shall establish a case management system for the processing of operational personal data listed in Annex II, the data listed in Annex III and non-personal data.	1. Eurojust shall establish a case management system for the processing of operational personal data listed in Annex II, the data listed in Annex III and non-personal data.	1. Eurojust shall establish a case management system for the processing of operational personal data listed in Annex II, the data listed in Annex III and non-personal data.	1. Eurojust shall establish a case management system for the processing of operational personal data listed in Annex II, the data listed in Annex III and non-personal data.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), introductory part				
88	2. The purposes of the case management system shall be to:	2. The purposes of the case management system shall be to:	2. The purposes of the case management system shall be to:	2. The purposes of the case management system shall be to:
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)(a)				
89	(a) support the management and coordination of investigations and	(a) support the management and coordination of investigations and	(a) support the management and coordination of investigations and	(a) support the management and coordination of investigations and prosecutions



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	prosecutions for which Eurojust is providing assistance;	prosecutions for which Eurojust is providing assistance;	prosecutions for which Eurojust is providing assistance;	for which Eurojust is providing assistance;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)(b)				
90	(b) ensure secure access to and exchange of information on on-going investigations and prosecutions;	(b) ensure secure access to and exchange of information on on-going investigations and prosecutions;	(b) ensure secure access to and exchange of information on on-going investigations and prosecutions;	(b) ensure secure access to and exchange of information on on-going investigations and prosecutions;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)(c)				
91	(c) allow for the cross-checking of information and establishing cross-links;	(c) allow for the cross-checking of information and establishing cross-links;	(c) allow for the cross-checking of information and establishing cross-links;	(c) allow for the cross-checking of information and establishing cross-links;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)(d)				
92	(d) allow for the extraction of data for operational and statistical purposes;	(d) allow for the extraction of data for operational and statistical purposes;	(d) allow for the extraction of data for operational and statistical purposes;	(d) allow for the extraction of data for operational and statistical purposes;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)(e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
93	(e) facilitate monitoring to ensure that the processing of operational personal data is lawful and complies with this Regulation and the applicable data protection rules.	(e) facilitate monitoring to ensure that the processing of operational personal data is lawful and complies with this Regulation and the applicable data protection rules.	(e) facilitate monitoring to ensure that the processing of operational personal data is lawful and complies with this Regulation and the applicable data protection rules.	(e) facilitate monitoring to ensure that the processing of operational personal data is lawful and complies with this Regulation and the applicable data protection rules.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3)				
94	3. The case management system may be linked to the secure telecommunications connection referred to in Article 9 of Council Decision 2008/976/JHA* and other secure communication channel(s) in accordance with applicable Union law.	3. The case management system may be linked to the secure telecommunications connection referred to in Article 9 of Council Decision 2008/976/JHA* and other secure communication channel(s) in accordance with applicable Union law.	3. The case management system may be linked to the secure telecommunications connection referred to in Article 9 of Council Decision 2008/976/JHA* and other secure communication channel(s) in accordance with applicable Union law.	3. The case management system may be linked to the secure telecommunications connection referred to in Article 9 of Council Decision 2008/976/JHA* and other secure communication channel(s) in accordance with applicable Union law.
94a		<u><i>3a Where Eurojust has been granted access to data from other EU information systems established under other Union legal acts, it may use the case management system to connect to such systems for the purpose of</i></u>		Compromise text, made with help of COM:  <u><i>3a Where Eurojust has been granted access to data in or from other EU IT systems established under other Union legal acts, it may use the case</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
		<u>retrieving and processing information, including personal data, provided that it is necessary for the performance of its tasks.</u>		<p><u>management system to access data in or to connect to such IT systems for the purpose of retrieving and processing information, including personal data, provided that it is necessary for the performance of its tasks and is in line with the Union legal acts establishing such IT systems.</u></p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text.</p>
94b		<u>(3b) No further access rights shall be granted to Eurojust to other EU information systems under paragraphs 3 and (3a).</u>		<p>Compromise text:</p> <p><b><u>Paragraphs 3 and (3a) do not extend the access rights granted to Eurojust to other EU information systems under the respective Union legal acts.</u></b></p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text.</p>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
95	4. In the performance of their duties, national members may process personal data on the individual cases, on which they are working, in accordance with this Regulation or other applicable instruments.	4. In the performance of their duties, national members may process personal data on the individual cases, on which they are working, in accordance with this Regulation or other applicable instruments.	4. In the performance of their duties, national members may process personal data on the individual cases, on which they are working, in accordance with this Regulation or other applicable instruments.	4. In the performance of their duties, national members may process personal data on the individual cases, on which they are working, in accordance with this Regulation or other applicable instruments.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4), first paragraph				
96	They shall allow the Data Protection Officer to have access to the personal data processed in the case management system.	They shall allow the Data Protection Officer to have access to the personal data processed in the case management system.	They shall allow the Data Protection Officer to have access to the personal data processed in the case management system.	They shall allow the Data Protection Officer to have access to the personal data processed in the case management system.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (5), introductory part				
97	5. For the processing of operational personal data, Eurojust may not establish any automated data file other than the case management system.	5. For the processing of operational personal data, Eurojust may not establish any automated data file other than the case management system.	5. For the processing of operational personal data, Eurojust may not establish any automated data file other than the case management system.	5. For the processing of operational personal data, Eurojust may not establish any automated data file other than the case management system.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (5), first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
98	The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the operational data management system. That data may be held for up to three months.	The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the <del>operational</del> <del>data</del> <u>case</u> management system. That data may be held for up to three months.	The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the <del>operational</del> <del>data</del> <u>case</u> management system. That data may be held for up to three months.	The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the <del>operational</del> <del>data</del> <u>case</u> management system. That data may be held for up to three months.
Article 1, first paragraph, point (6), amending provision, eighth paragraph				
99	Article 24	Article 24	Article 24	Article 24
Article 1, first paragraph, point (6), amending provision, ninth paragraph				
100	Management of the information in the case management system	Management of the information in the case management system	Management of the information in the case management system	Management of the information in the case management system
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), introductory part				
101	1. The national member shall store the information transmitted to him or her in accordance with this Regulation or other applicable	1. The national member shall store the information transmitted to him or her in accordance with this Regulation or other applicable	1. The national member shall store the information transmitted to him or her in accordance with this Regulation or other applicable	1. The national member shall store the information transmitted to him or her in accordance with this Regulation

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	instruments in the case management system.	instruments in the case management system.	instruments in the case management system.	or other applicable instruments in the case management system.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), first paragraph				
102	The national member shall be responsible for the management of the data processed by that national member.	The national member shall be responsible for the management of the data processed by that national member.	The national member shall be responsible for the management of the data processed by that national member.	The national member shall be responsible for the management of the data processed by that national member.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)				
103	2. The national member shall decide, on a case-by-case basis, whether to keep access to the information restricted or to give access to it or to parts of it to other national members, to liaison prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director.	2. The national member shall decide, on a case-by-case basis, whether to keep access to the information restricted or to give access to it or to parts of it to other national members, to liaison prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director.	2. The national member shall decide, on a case-by-case basis, whether to keep access to the information restricted or to give access to it or to parts of it to other national members, to liaison prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director.	2. The national member shall decide, on a case-by-case basis, whether to keep access to the information restricted or to give access to it or to parts of it to other national members, to liaison prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
104	3. The national member shall indicate, in general or specific terms, any restrictions on the further handling, access and transfer of the information if a cross-link referred to in Article 23(2), point (c), has been identified.	3. The national member, <u>in accordance with Article 9(3) and (4) of Directive (EU) 2016/680 and Article 76 of Regulation (EU) 2018/1725</u> , shall indicate, <u>in consultation with the national authorities, and justify</u> in general or specific terms, any restrictions on the further handling, access and transfer of the information if a cross-link referred to in Article 23(2), point (c), has been identified.	3. The national member shall indicate, in general or specific terms, any restrictions on the further handling, access and transfer of the information if a cross-link referred to in Article 23(2), point (c), has been identified.	PRES explained the problems which the Council has with this text. EP would reflect.
Article 1, first paragraph, point (6), amending provision, thirteenth paragraph				
105	Article 25	Article 25	Article 25	Article 25
Article 1, first paragraph, point (6), amending provision, fourteenth paragraph				
106	Access to the case management system at national level	Access to the case management system at national level	Access to the case management system at national level	Access to the case management system at national level
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), introductory part				
107				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	1. In so far as they are connected to the case management system, persons referred to in Article 20(3) shall only have access to:	1. <del>In so far as they are connected to the case management system, persons referred to in Article 20(3)</del> <u>Persons referred to in Article 20(3), points (a), (b) and (c)</u> , shall <del>only</del> have access to:	1. <del>In so far as they are connected to the case management system, persons referred to in Article 20(3)</del> <b>Persons referred to in Article 20(3), points (a), (b) and (c)</b> , shall <del>only</del> <b>at most</b> have access to:	1. In so far as they are connected to the case management system, persons referred to in Article 20(3) <b>Persons referred to in Article 20(3), points (a), (b) and (c)</b> , shall <b>only at most</b> have access to:
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1)(a)				
108	(a) data controlled by the national member of their Member State, unless the national member, who has decided to introduce the data in the case management system, expressly denied such access;	(a) data controlled by the national member of their Member State, <del>unless the national member, who has decided to introduce the data in the case management system, expressly denied such access;</del>	(a) data controlled by the national member of their Member State, unless the national member, who has decided to introduce the data in the case management system, expressly denied such access;	(a) data controlled by the national member of their Member State, <del>unless the national member, who has decided to introduce the data in the case management system, expressly denied such access;</del>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1)(b)				
109	(b) data controlled by national members of other Member States and to which the national member of their Member State has received access, unless the national member who controls the data expressly denied such access.	(b) data controlled by national members of other Member States and to which the national member of their Member State has received access, unless the national member who controls the data expressly denied such access.	(b) data controlled by national members of other Member States and to which the national member of their Member State has received access, unless the national member who controls the data <del>expressly</del> denied such access.	(b) data controlled by national members of other Member States and to which the national member of their Member State has received access, unless the national member who controls



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				the data expressly denied such access.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)				
110	2. The national member shall, within the limitations provided for in paragraph 1 of this Article, decide on the extent of access, which is granted in their Member State to the persons referred to in Article 20(3) in so far as they are connected to the case management system.	2. The national member shall, within the limitations provided for in paragraph 1 of this Article, decide on the extent of access, which is granted in their Member State to the persons referred to in Article 20(3) <del>in so far as they are connected to the case management system.</del> <u>points (a), (b) and (c).</u>	2. The national member shall, within the limitations provided for in paragraph 1 of this Article, decide on the extent of access, which is granted <del>in their Member State</del> to the persons referred to in Article 20(3), <b>points (a), (b) and (c), in their Member State</b> <del>in so far as they are connected to the case management system.</del>	2. The national member shall, within the limitations provided for in paragraph 1 of this Article, decide on the extent of access, which is granted <del>in their Member State</del> to the persons referred to in Article 20(3), <b>points (a), (b) and (c), in their Member State</b> <del>in so far as they are connected to the case management system.</del>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2a)				
110a			<b>3. Data provided in accordance with Article 21a may only be accessed at national level by national correspondents for Eurojust in terrorism matters as referred to in Article 20(3), point (c).</b>	EP is reflecting on accepting the Council text:  <b>3. Data provided in accordance with Article 21a may only be accessed at national level by national correspondents for Eurojust in terrorism matters as referred to in Article 20(3), point (c).</b>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), introductory part				
111	<p>3. Each Member State shall decide, after consultation with its national member, on the extent of access, which is granted in that Member State to the persons referred to in Article 20(3) in so far as they are connected to the case management system.</p>	<p>3. Each Member State shall decide, after consultation with its national member, on the extent of access, which is granted in that Member State to the persons referred to in Article 20(3) <del>in so far as they are connected to the case management system,</del> <u>points (a), (b) and (c).</u></p>	<p>34. Each Member State <del>shall</del> <b>may</b> decide, after consultation with its national member, <del>on the extent of access, which is granted in that</del> <b>persons referred to in Article 20(3), points (a), (b) and (c), may, within the limitations provided for in paragraphs 1 to 3, enter information in the case management system concerning their Member State. Such contribution shall be subject to the persons referred to in Article 20(3) in so far as they are connected to the case management system. validation by the respective national member. The College shall lay down the details of the practical implementation. Member States shall notify Eurojust and the Commission of their decision regarding the implementation of this paragraph. The Commission shall inform the other Member States thereof.</b></p>	<p><b>34. Each Member State shall</b> <del>may</del> decide, after consultation with its national member, <del>on the extent of access, which is granted in that</del> <b>that persons referred to in Article 20(3), points (a), (b) and (c), may, within the limitations provided for in paragraphs 1 to 3, enter information in the case management system concerning their Member State. Such contribution shall be subject to the persons referred to in Article 20(3) in so far as they are connected to the case management system. validation by the respective national member. The College shall lay down the details of the practical implementation. Member States shall notify Eurojust and the Commission of their decision regarding the implementation of this paragraph. The Commission</b></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				<b>shall inform the other Member States thereof.</b>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), first paragraph				
112	Member States shall notify Eurojust and the Commission of their decision regarding the implementation of the first subparagraph. The Commission shall inform the other Member States thereof.	Member States shall notify Eurojust and the Commission of their decision regarding the implementation of the first subparagraph. The Commission shall inform the other Member States thereof.	<i>deleted</i>	Moved to line 111
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), second paragraph				
113	_____	_____	_____	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), third paragraph				
114	* Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).; „	* Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).; „	* Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).;	* Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).;
Article 1, first paragraph, point (7), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
115	(7) Article 27 is amended as follows:	(7) Article 27 is amended as follows:	(7) Article 27 is amended as follows:	(7) Article 27 is amended as follows:
Article 1, first paragraph, point (7)(a), introductory part				
116	(a) paragraph 4 is replaced by the following:	(a) paragraph 4 is replaced by the following:	(a) paragraph 4 is replaced by the following:	(a) paragraph 4 is replaced by the following:
Article 1, first paragraph, point (7)(a), amending provision, numbered paragraph (4)				
117	“ 4. Eurojust may process special categories of operational personal data in accordance with Article 76 of Regulation (EU) 2018/1725. Where such other data refer to witnesses or victims within the meaning of paragraph 2 of this Article, the decision to process them shall be taken by the national members concerned.; ”	“ 4. Eurojust may process special categories of operational personal data in accordance with Article 76 of Regulation (EU) 2018/1725. Where such other data refer to witnesses or victims within the meaning of paragraph 2 of this Article, the decision to process them shall be taken by the national members concerned.; ”	4. Eurojust may process special categories of operational personal data in accordance with Article 76 of Regulation (EU) 2018/1725. Where such other data refer to witnesses or victims within the meaning of paragraph 2 of this Article, the decision to process them shall be taken by the national members concerned.;	4. Eurojust may process special categories of operational personal data in accordance with Article 76 of Regulation (EU) 2018/1725. Where such other data refer to witnesses or victims within the meaning of paragraph 2 of this Article, the decision to process them shall be taken by the national members concerned.;
Article 1, first paragraph, point (7)(b), introductory part				
118				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	(b) the following paragraph 5 is added:	(b) the following paragraph 5 is added:	(b) the following paragraph 5 is added:	(b) the following paragraph 5 is added:
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (5), introductory part				
119	“ 5. Where operational personal data is transmitted in accordance with Article 21a, Eurojust may process the operational personal data listed in Annex III of the following persons:	“ 5. Where operational personal data is transmitted in accordance with Article 21a, Eurojust may process the operational personal data listed in Annex III of the following persons:	5. Where operational personal data is transmitted in accordance with Article 21a, Eurojust may process the operational personal data listed in Annex III of the following persons:	5. Where operational personal data is transmitted in accordance with Article 21a, Eurojust may process the operational personal data listed in Annex III of the following persons:
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (5)(a)				
120	(a) persons to whom, in accordance with the national law of the Member State concerned, there are serious grounds for believing that they have committed or are about to commit a criminal offence in respect of which Eurojust is competent;	(a) persons to whom, in accordance with the national law of the Member State concerned, there are serious grounds for believing that they have committed or are about to commit a criminal offence in respect of which Eurojust is competent;	(a) persons to whom, in accordance with the national law of the Member State concerned, there are serious grounds for believing that they have committed or are about to commit a criminal offence in respect of which Eurojust is competent;	(a) persons to whom, in accordance with the national law of the Member State concerned, there are serious grounds for believing that they have committed or are about to commit a criminal offence in respect of which Eurojust is competent;
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (5)(b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
121	(b) persons who have been convicted of such offence.	(b) persons who have been convicted of such offence.	(b) persons who have been convicted of such offence.	(b) persons who have been convicted of such offence.
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (5), first paragraph				
122	<p>Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data may only take place in order to identify links with other ongoing or concluded investigations and prosecutions as referred to in Article 23(2), point (c).;</p> <p>”</p>	<p><u>Unless the competent national authority decides otherwise, on a case-by-case basis,</u> Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data <del>may only</del><u>shall</u> take place <u>only</u> in order to identify <del>links with other</del><u>cross-links between</u> ongoing, <u>future</u> or concluded investigations and prosecutions as referred to in Article 23(2), point (c).÷ <u>That also applies to operational personal data related to a person who has been the subject of a final decision not to prosecute.</u></p> <p>”</p>	<p><i>deleted</i></p>	<p>The EP amendment, which covers lines 122a and 122b, seems acceptable:</p> <p><u>Unless the competent national authority decides otherwise, on a case-by-case basis,</u> Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data <del>may only</del><u>shall</u> take place <u>only</u> in order to identify <del>links with other</del><u>cross-links between</u> ongoing, <u>future</u> or concluded investigations and prosecutions as referred to in</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
				<p>Article 23(2), point (c).<sup>2</sup> <u>That also applies to operational personal data related to a person who has been the subject of a final decision not to prosecute.</u></p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text.</p>
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (5), first paragraph a				
122a			<p>Furthermore, and unless the competent national authority decides otherwise on a case-by-case basis, Eurojust may continue to process the operational personal data related to <b>an acquitted person</b>, in order to identify cross-links between the proceedings concluded by an acquittal, on the one hand, and other ongoing or future investigations or prosecutions, on the other hand.</p>	[covered by line 122]
Article 1, first paragraph, point (7)(b), amending provision, numbered paragraph (5), first paragraph b				
122b			<p>The previous subparagraph also applies to the operational personal</p>	[covered by line 122]

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
			data related to a person who has been the subject of a final decision of non-prosecution. ”	
Article 1, first paragraph, point (8), introductory part				
123	(8) Article 29 is amended as follows:	(8) Article 29 is amended as follows:	(8) Article 29 is amended as follows:	(8) Article 29 is amended as follows:
Article 1, first paragraph, point (8)(a), introductory part				
124	(a) the following paragraph 1a is inserted:	(a) the following paragraph 1a is inserted:	(a) the following paragraph 1a is inserted:	(a) the following paragraph 1a is inserted:
Article 1, first paragraph, point (8)(a), amending provision, first paragraph, introductory part				
125	“ 1a. Eurojust shall not store operational personal data transmitted in accordance with Article 21a beyond the first applicable date among the following dates:	“ 1a. Eurojust shall not store operational personal data transmitted in accordance with Article 21a beyond the first applicable date among the following dates:	1a. Eurojust shall not store operational personal data transmitted in accordance with Article 21a beyond the first applicable date among the following dates:	1a. Eurojust shall not store operational personal data transmitted in accordance with Article 21a beyond the first applicable date among the following dates:
Article 1, first paragraph, point (8)(a), amending provision, first paragraph(a)				



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
126	(a) the date on which prosecution is barred under the statute of limitations of all the Member States concerned by the investigation and prosecutions;	(a) the date on which prosecution is barred under the statute of limitations of all the Member States concerned by the investigation and prosecutions;	(a) the date on which prosecution is barred under the statute of limitations of all the Member States concerned by the investigation and prosecutions;	(a) the date on which prosecution is barred under the statute of limitations of all the Member States concerned by the investigation and prosecutions;
Article 1, first paragraph, point (8)(a), amending provision, first paragraph(b)				
127	(b) 5 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, 3 years in case of an acquittal.;	(b) 5 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, 3 years in case of <u>the withdrawal of an indictment</u> , an acquittal- <u>or a final decision not to prosecute</u> ;	(b) <del>5</del> five years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, <del>3 years in</del> ; <b>this time-period shall be two years in the case of an acquittal- or final decision of non-prosecution</b> ;	PRES clearly outlined that the two years was a fragile compromise in the Council and that it should better be maintained. EP would reflect.
Article 1, first paragraph, point (8)(a), amending provision, first paragraph(ba)				
127a			(c) the date on which Eurojust is informed of the decision of the competent national authority pursuant to Article 27(5).;	(c) the date on which Eurojust is informed of the decision of the competent national authority pursuant to Article 27(5).;  [same as line 127b]

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (8)(a), amending provision, first paragraph(ba)				
127b		<u>(ba) the date on which Eurojust is informed of the decision of the competent national authority pursuant to Article 27(5).</u> ”		[covered in line 127a]
Article 1, first paragraph, point (8)(b), introductory part				
128	(b) paragraphs 2 and 3 are replaced by the following:	(b) paragraphs 2 and 3 are replaced by the following:	(b) paragraphs 2 and 3 are replaced by the following:	(b) paragraphs 2 and 3 are replaced by the following:
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (2), introductory part				
129	“ 2. Observance of the storage deadlines referred to in paragraphs 1 and 1a of this Article shall be reviewed constantly by appropriate automated processing conducted by Eurojust, particularly from the moment in which Eurojust ceases to provide support.	“ 2. Observance of the storage deadlines referred to in paragraphs 1 and 1a of this Article shall be reviewed constantly by appropriate automated processing conducted by Eurojust, particularly from the moment in which Eurojust ceases to provide support.	2. Observance of the storage deadlines referred to in paragraphs 1 and 1a of this Article shall be reviewed constantly by appropriate automated processing conducted by Eurojust, particularly from the moment in which Eurojust ceases to provide support.	2. Observance of the storage deadlines referred to in paragraphs 1 and 1a of this Article shall be reviewed constantly by appropriate automated processing conducted by Eurojust, particularly from the moment in which Eurojust ceases to provide support.

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (2), first paragraph				
130	A review of the need to store the data shall also be carried out every three years after they were entered.	A review of the need to store the data shall also be carried out every three years after they were entered.	A review of the need to store the data shall also be carried out every three years after they were entered.	A review of the need to store the data shall also be carried out every three years after they were entered.
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (2), second paragraph				
131	If operational personal data referred to in Article 27(4) are stored for a period exceeding five years, the EDPS shall be informed thereof.	If operational personal data referred to in Article 27(4) are stored for a period exceeding five years, the EDPS shall be informed thereof.	If operational personal data referred to in Article 27(4) are stored for a period exceeding five years, the EDPS shall be informed thereof.	If operational personal data referred to in Article 27(4) are stored for a period exceeding five years, the EDPS shall be informed thereof.
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (3), introductory part				
132	3. Before one of the storage deadlines referred to in paragraphs 1 and 1a expires, Eurojust shall review the need for the continued storage of the operational personal data where and as long as this is necessary to perform its tasks.	3. Before one of the storage deadlines referred to in paragraphs 1 and 1a expires, Eurojust shall review the need for the continued storage of the operational personal data where and as long as this is necessary to perform its tasks.	3. Before one of the storage deadlines referred to in paragraphs 1 and 1a expires, Eurojust shall review the need for the continued storage of the operational personal data where and as long as this is necessary to perform its tasks.	3. Before one of the storage deadlines referred to in paragraphs 1 and 1a expires, Eurojust shall review the need for the continued storage of the operational personal data where and as long as this is necessary to perform its tasks.

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (8)(b), amending provision, numbered paragraph (3), first paragraph				
133	It may decide by way of derogation to store those data until the following review. The reasons for the continued storage shall be justified and recorded. If no decision is taken on the continued storage of operational personal data at the time of the review, those data shall be deleted automatically.;	It may decide by way of derogation to store those data until the following review. The reasons for the continued storage shall be justified and recorded. If no decision is taken on the continued storage of operational personal data at the time of the review, those data shall be deleted automatically.;	It may decide by way of derogation to store those data until the following review. The reasons for the continued storage shall be justified and recorded. If no decision is taken on the continued storage of operational personal data at the time of the review, those data shall be deleted automatically.;	It may decide by way of derogation to store those data until the following review. The reasons for the continued storage shall be justified and recorded. If no decision is taken on the continued storage of operational personal data at the time of the review, those data shall be deleted automatically.;
Article 1, first paragraph, point (9), introductory part				
134	(9) in Section III, the following Article 54a is inserted:	(9) in Section III, the following Article 54a is inserted:	(9) in Section III, the following Article 54a is inserted:	(9) in Section III, the following Article 54a is inserted:
Article 1, first paragraph, point (9), amending provision, first paragraph				
135	“ Article 54a	“ Article 54a	Article 54a	Article 54a
Article 1, first paragraph, point (9), amending provision, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
136	Third country liaison prosecutors	Third country liaison prosecutors	<b>Third country liaison prosecutors</b>	<b>Third country liaison prosecutors</b>
Article 1, first paragraph, point (9), amending provision, numbered paragraph (1)				
137	1. A liaison prosecutor from a third country may be seconded to Eurojust based on a cooperation agreement concluded before 12 December 2019 between Eurojust and that third country or an international agreement between the Union and the third country pursuant to Article 218 TFEU allowing for the secondment of a liaison prosecutor.	1. A liaison prosecutor from a third country may be seconded to Eurojust based on a cooperation agreement concluded before 12 December 2019 between Eurojust and that third country or an international agreement between the Union and the third country pursuant to Article 218 TFEU allowing for the secondment of a liaison prosecutor.	1. A liaison prosecutor from a third country may be seconded to Eurojust based on a cooperation agreement concluded before 12 December 2019 between Eurojust and that third country or an international agreement between the Union and the third country pursuant to Article 218 TFEU allowing for the secondment of a liaison prosecutor.	1. A liaison prosecutor from a third country may be seconded to Eurojust based on a cooperation agreement concluded before 12 December 2019 between Eurojust and that third country or an international agreement between the Union and the third country pursuant to Article 218 TFEU allowing for the secondment of a liaison prosecutor.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (2)				
138	2. The rights and obligations of the liaison prosecutor shall be set out in the cooperation agreement or international agreement referred to in paragraph 1 or working arrangement concluded in accordance with Article 47(3).	2. The rights and obligations of the liaison prosecutor shall be set out in the cooperation agreement or international agreement referred to in paragraph 1 or working arrangement concluded in accordance with Article 47(3).	2. The rights and obligations of the liaison prosecutor shall be set out in the cooperation agreement or international agreement referred to in paragraph 1 or working arrangement concluded in accordance with Article 47(3).	2. The rights and obligations of the liaison prosecutor shall be set out in the cooperation agreement or international agreement referred to in paragraph 1 or working arrangement concluded in accordance with Article 47(3).

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), introductory part				
139	3. Liaison prosecutors seconded to Eurojust shall be granted access to the case management system for the secure exchange of data.	3. Liaison prosecutors seconded to Eurojust shall be granted access to the case management system for the secure exchange of data. <u>In accordance with Articles 45 and 46, Eurojust shall remain liable for the processing of personal data by liaison prosecutors.</u>	3. Liaison prosecutors seconded to Eurojust shall be granted access to the case management system for the secure exchange of data.	<p>Compromise text, drafted with the help of COM: :</p> <p>3. Liaison prosecutors seconded to Eurojust shall be granted access to the case management system for the secure exchange of data. <u>In accordance with Articles 45 and 46, Eurojust shall remain liable for the processing of personal data by liaison prosecutors in the case management system.</u></p> <p>Unless MS indicate otherwise, it will be assumed that they can accept this text.</p>
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), first paragraph				
140	Transfers of operational personal data to third country liaison prosecutors through the case management system may only take place under the rules and	Transfers of operational personal data to third country liaison prosecutors through the case management system may only take place under the rules and	Transfers of operational personal data to third country liaison prosecutors through the case management system may only take place under the rules and conditions	Transfers of operational personal data to third country liaison prosecutors through the case management system may only take place under the rules

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	conditions set out in this Regulation, the agreement with the respective country or other applicable legal instruments.	conditions set out in this Regulation, the agreement with the respective country or other applicable legal instruments.	set out in this Regulation, the agreement with the respective country or other applicable legal instruments.	and conditions set out in this Regulation, the agreement with the respective country or other applicable legal instruments.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), second paragraph				
141	Article 24(1), the second sentence and Article 24(2) shall apply <i>mutatis mutandis</i> to liaison prosecutors.	Article 24(1), the second sentence and Article 24(2) shall apply <i>mutatis mutandis</i> to liaison prosecutors.	Article 24(1), the second sentence and Article 24(2) shall apply <i>mutatis mutandis</i> to liaison prosecutors.	Article 24(1), the second sentence and Article 24(2) shall apply <i>mutatis mutandis</i> to liaison prosecutors.
Article 1, first paragraph, point (9), amending provision, numbered paragraph (3), third paragraph				
142	The College shall lay down the detailed conditions of access.;	The College shall lay down the detailed conditions of access.;	The College shall lay down the detailed conditions of access.;	The College shall lay down the detailed conditions of access.;
Article 1, first paragraph, point (10), introductory part				
143	(10) In Article 80, the following paragraphs 8, 9 and 10 are added:	(10) In Article 80, the following paragraphs 8, 9 and 10 are added:	(10) In Article 80, the following paragraphs 8, 9 and 10 are added:	(10) In Article 80, the following paragraphs 8, 9 and 10 are added:
Article 1, first paragraph, point (10), amending provision, numbered paragraph (8)				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
144	“ 8. Eurojust may continue to use the case management system composed of temporary work files and of an index until [the first day of the month following the period of two years after the adoption of this Regulation], if the new case management system is not in place yet.	“ 8. Eurojust may continue to use the case management system composed of temporary work files and of an index until [the first day of the month following the period of two years after the adoption of this Regulation], if the new case management system is not in place yet.	8. Eurojust may continue to use the case management system composed of temporary work files and of an index until <i>[the first day of the month following the period of two years after the adoption of this Regulation]</i> <del>the first day of the month following the period of two years after the adoption of this Regulation]</del> , if the new case management system is not in place yet.	8. Eurojust may continue to use the case management system composed of temporary work files and of an index until [the first day of the month following the period of two years after the adoption of this Regulation], if the new case management system is not in place yet.
Article 1, first paragraph, point (10), amending provision, numbered paragraph (9)				
145	9. The competent authorities and Eurojust may continue to use other channels of communication than referred to in Article 22a(1) until [the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation], if those channels of communication are not available for direct exchange between them yet.	9. The competent authorities and Eurojust may continue to use other channels of communication than referred to in Article 22a(1) until [the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation], if those channels of communication are not available for direct exchange between them yet.	9. The competent authorities and Eurojust may continue to use other channels of communication than referred to in Article 22a(1) until <i>[the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation]</i> <del>the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation]</del> , if those channels of communication are	9. The competent authorities and Eurojust may continue to use other channels of communication than referred to in Article 22a(1) until [the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation], if those channels of communication are not available for direct exchange between them yet.



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
			not available for direct exchange between them yet.	
Article 1, first paragraph, point (10), amending provision, numbered paragraph (10)				
146	10. The competent authorities may continue to provide information in other ways than semi-automatically in accordance with Article 22a(3) until [the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation], if the technical requirements are not in place yet.;	10. The competent authorities may continue to provide information in other ways than semi-automatically in accordance with Article 22a(3) until [the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation], if the technical requirements are not in place yet.;	10. The competent authorities may continue to provide information in other ways than semi-automatically in accordance with Article 22a(3) until <i>[the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation]</i> the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation], if the technical requirements are not in place yet.;	10. The competent authorities may continue to provide information in other ways than semi-automatically in accordance with Article 22a(3) until [the first day of the month following the period of two years after the adoption of the implementing act referred to in Article 22b of this Regulation], if the technical requirements are not in place yet.;
Article 1, first paragraph, point (11), introductory part				
147	(11) the following Annex III is added:	(11) the following Annex III is added:	(11) the following Annex III is added:	(11) the following Annex III is added:
Article 1, first paragraph, point (11), amending provision, first paragraph, introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
148	“ Annex III:	“ Annex III:	Annex III:	Annex III:
Article 1, first paragraph, point (11), amending provision, first paragraph(a), introductory part				
149	(a) information to identify the suspect, accused, convicted or acquitted person:	(a) information to identify the suspect, accused, convicted or acquitted person:	(a) information to identify the suspect, accused, convicted or acquitted person:	(a) information to identify the suspect, accused, convicted or acquitted person:
Article 1, first paragraph, point (11), amending provision, first paragraph(a), first indent				
149a			<b>For a natural person :</b>	<b>For a natural person :</b>
Article 1, first paragraph, point (11), amending provision, first paragraph(a), first indent				
150	- surname (family name);	- <u>For a natural person:</u> surname (family name);	- surname (family name);	- surname (family name);
Article 1, first paragraph, point (11), amending provision, first paragraph(a), second indent				
151	- first names (given name, alias);	- <u>—</u> first names (given name, <i>alias</i> ); <u>alias</u>	- first names (given name, alias);	- first names (given name, alias);

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (11), amending provision, first paragraph(a), fourth indent				
151a			- alias;	- alias;
Article 1, first paragraph, point (11), amending provision, first paragraph(a), third indent				
152	- date of birth;	- date of birth;	- date of birth;	- date of birth;
Article 1, first paragraph, point (11), amending provision, first paragraph(a), fourth indent				
153	- place of birth (town and country);	- place of birth (town and country);	- place of birth (town and country);	- place of birth (town and country);
Article 1, first paragraph, point (11), amending provision, first paragraph(a), fifth indent				
154	- nationality or nationalities;	- nationality or nationalities;	- nationality or nationalities;	- nationality or nationalities;
Article 1, first paragraph, point (11), amending provision, first paragraph(a), sixth indent				
155	- identification document,	- <u>—</u> identification document; <u>(type and number)</u>	- identification document; <b>(type and number)</b> ;	Almost agreement.

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
		<u>place of residence;</u> <u>- For a legal person:</u> <u>business name ;</u> <u>legal form ;</u> <u>place of headquarters ;</u> <u>- For both</u> <u>telephone numbers ;</u> <u>IP addresses ;</u> <u>email addresses ;</u> <u>details of bank accounts held</u> <u>with banks or financial</u> <u>institutions;</u>		<p>PRES explained to EP that the inclusion of IP addresses, which can change a lot, are not useful. EP would reflect.</p> <p>- <u>—</u> identification document, <u>(type and number)</u>  <u>place of residence;</u></p> <p><u>- For a legal person:</u>  <u>business name ;</u>  <u>legal form ;</u>  <u>place of headquarters ;</u></p> <p><u>- For both</u>  <u>telephone numbers ;</u>  <u>IP addresses ;</u>  <u>email addresses ;</u>  <u>details of bank accounts held</u>  <u>with banks or financial</u>  <u>institutions;</u></p> <p><u>[to be further discussed]</u></p>
Article 1, first paragraph, point (11), amending provision, first paragraph(a), seventh indent				
156	- gender;	- gender;	- gender;	- gender;
Article 1, first paragraph, point (11), amending provision, first paragraph(a), tenth indent				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
156a			- place of residence;	[covered in line 155]
Article 1, first paragraph, point (11), amending provision, first paragraph(a), eleventh indent				
156b			For a legal person:	[covered in line 155]
Article 1, first paragraph, point (11), amending provision, first paragraph(a), twelfth indent				
156c			- business name;	[covered in line 155]
Article 1, first paragraph, point (11), amending provision, first paragraph(a), thirteenth indent				
156d			- legal form;	[covered in line 155]
Article 1, first paragraph, point (11), amending provision, first paragraph(a), fourteenth indent				
156e			- place of head office;	[covered in line 155]
Article 1, first paragraph, point (11), amending provision, first paragraph(a), fifteenth indent				
156f			For both:	[covered in line 155]

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (11), amending provision, first paragraph(a), sixteenth indent				
156g			- telephone numbers;	[covered in line 155]
Article 1, first paragraph, point (11), amending provision, first paragraph(a), seventeenth indent				
156h			- email addresses;	[covered in line 155]
Article 1, first paragraph, point (11), amending provision, first paragraph(a), eighteenth indent				
156i			- details of bank accounts held with banks or financial institutions;	[covered in line 155]
Article 1, first paragraph, point (11), amending provision, first paragraph(b), introductory part				
157	(b) information on the terrorist offence:	(b) information on the terrorist offence: <u>- information concerning legal persons involved in the preparation or commission of a terrorist offence;</u>	(b) information on the terrorist offence:	(b) information on the terrorist offence: <u>- information concerning legal persons involved in the preparation or commission of a terrorist offence;</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (11), amending provision, first paragraph(b), first indent				
158	- legal qualification of the offence under national law;	- legal qualification of the offence under national law;	- legal qualification of the offence under national law;	- legal qualification of the offence under national law;
Article 1, first paragraph, point (11), amending provision, first paragraph(b), second indent				
159	- applicable form of serious crime from the list referred to in Annex I;	- applicable form of serious crime from the list referred to in Annex I;	- applicable form of serious crime from the list referred to in Annex I;	- applicable form of serious crime from the list referred to in Annex I;
Article 1, first paragraph, point (11), amending provision, first paragraph(b), third indent				
160	- affiliation with terrorist group;	- affiliation with terrorist group;	- affiliation with terrorist group;	- affiliation with terrorist group;
Article 1, first paragraph, point (11), amending provision, first paragraph(b), fourth indent				
160a			- information concerning legal persons involved in the preparation or commission of a terrorist offence;	[covered in line 157]
Article 1, first paragraph, point (11), amending provision, first paragraph(b), fourth indent				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
161	- type of terrorism, such as jihadist, separatist, left-wing, right-wing;	- type of terrorism, such as jihadist, separatist, left-wing, right-wing;	- type of terrorism, such as jihadist, separatist, left-wing, or right-wing;	- type of terrorism, such as jihadist, separatist, left-wing, or right-wing;
Article 1, first paragraph, point (11), amending provision, first paragraph(b), fifth indent				
162	- brief summary of the case;	- brief summary of the case;	- brief summary of the case;	- brief summary of the case;
Article 1, first paragraph, point (11), amending provision, first paragraph(c), introductory part				
163	(c) information on the national proceedings;	(c) information on the national proceedings;	(c) information on the national proceedings;	(c) information on the national proceedings;
Article 1, first paragraph, point (11), amending provision, first paragraph(c), first indent				
164	- status of the national proceedings;	- status of the national proceedings;	- status of the national proceedings;	- status of the national proceedings;
Article 1, first paragraph, point (11), amending provision, first paragraph(c), second indent				
165	- responsible public prosecutor's office;	- responsible public prosecutor's office;	- responsible public prosecutor's office;	- responsible public prosecutor's office;



	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 1, first paragraph, point (11), amending provision, first paragraph(c), third indent				
166	- case number;	- case number;	- case number;	- case number;
Article 1, first paragraph, point (11), amending provision, first paragraph(c), fourth indent				
167	- date of opening formal judicial proceedings;	- date of opening formal judicial proceedings;	- date of opening formal judicial proceedings;	- date of opening formal judicial proceedings;
Article 1, first paragraph, point (11), amending provision, first paragraph(c), fifth indent				
168	- links with other relevant cases;	- links with other relevant cases;	- links with other relevant cases;	- links with other relevant cases;
Article 1, first paragraph, point (11), amending provision, first paragraph(d), introductory part				
169	(d) information to identify the suspect, where available, for the national competent authorities:	(d) information to identify the suspect, where available, for the national competent authorities:	(d) <b>additional</b> information to identify the suspect, <del>where available, for the national competent authorities:</del>	(d) <b>additional</b> information to identify the suspect, <del>where available, for the national competent authorities:</del>
Article 1, first paragraph, point (11), amending provision, first paragraph(d), first indent				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
170	- fingerprint data that have been collected in accordance with national law during criminal proceedings;	- <u>—</u> fingerprint <u>data and other available biometric</u> data that have been collected in accordance with national law during criminal proceedings;	- fingerprint data that have been collected in accordance with national law during criminal proceedings;	PRES explained clearly to EP that the 'other available biometric' was not acceptable. EP currently reflects.
Article 1, first paragraph, point (11), amending provision, first paragraph(d), second indent				
171	- photographs.. „	- photographs.. „	- photographs.".	- photographs..
Article 2				
172	Article 2 Amendments to Decision 2005/671/JHA	Article 2 Amendments to Decision 2005/671/JHA	Article 2 Amendments to Decision 2005/671/JHA	Article 2 Amendments to Decision 2005/671/JHA
Article 2, first paragraph, introductory part				
173	Decision 2005/671/JHA is amended as follows:	Decision 2005/671/JHA is amended as follows:	Decision 2005/671/JHA is amended as follows:	Decision 2005/671/JHA is amended as follows:
Article 2, first paragraph, point (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
174	(1) in Article 1 point (c) is deleted.	(1) in Article 1 point (c) is deleted.	(1) in Article 1 point (c) is deleted.	(1) in Article 1 point (c) is deleted.
Article 2, first paragraph, point (2), introductory part				
175	(2) Article 2 is amended as follows:	(2) Article 2 is amended as follows:	(2) Article 2 is amended as follows:	(2) Article 2 is amended as follows:
Article 2, first paragraph, point (2)(a)				
176	(a) paragraph 2 is deleted;	(a) paragraph 2 is deleted;	(a) paragraph 2 is deleted;	(a) paragraph 2 is deleted;
Article 2, first paragraph, point (2)(b), introductory part				
177	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:	(b) paragraph 3 is replaced by the following:
Article 2, first paragraph, point (2)(b), amending provision, numbered paragraph (3), introductory part				
178	“ 3. Each Member State shall take the necessary measures to ensure that at least the information referred to in paragraph 4	“ 3. Each Member State shall take the necessary measures to ensure that at least the information referred to in paragraph 4	3. Each Member State shall take the necessary measures to ensure that at least the information referred to in paragraph 4 concerning criminal investigations for terrorist offences	3. Each Member State shall take the necessary measures to ensure that at least the information referred to in paragraph 4 concerning

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	concerning criminal investigations for terrorist offences which affect or may affect two or more Member States, gathered by the relevant authority, is transmitted to Europol, in accordance with national law and with Regulation (EU) 2016/794 of the European Parliament and of the Council *.	concerning criminal investigations for terrorist offences which affect or may affect two or more Member States, gathered by the relevant authority, is transmitted to Europol, in accordance with national law and with Regulation (EU) 2016/794 of the European Parliament and of the Council *.	which affect or may affect two or more Member States, gathered by the relevant authority, is transmitted to Europol, in accordance with national law and with Regulation (EU) 2016/794 of the European Parliament and of the Council *. <sup>1</sup>  <b>1. It will be necessary to ensure that this Regulation enters into force before the Directive amending Council Decision 2005/671/JHA as regards its compliance with the Union's rules on the protection of personal data. This Directive will indeed amend the 2005 Decision on the basis of this new version of Article 2.</b>	criminal investigations for terrorist offences which affect or may affect two or more Member States, gathered by the relevant authority, is transmitted to Europol, in accordance with national law and with Regulation (EU) 2016/794 of the European Parliament and of the Council *.
Article 2, first paragraph, point (2)(b), amending provision, numbered paragraph (3), first paragraph				
179	_____	_____	_____	
Article 2, first paragraph, point (2)(b), amending provision, numbered paragraph (3), second paragraph				
180				

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
	* Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) (OJ L 135, 24.5.2016, p. 53).;	* Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) (OJ L 135, 24.5.2016, p. 53).;	* Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) (OJ L 135, 24.5.2016, p. 53).;	* Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) (OJ L 135, 24.5.2016, p. 53).;
Article 2, first paragraph, point (2)(c)				
181	(c) paragraph 5 is deleted.	(c) paragraph 5 is deleted.	(c) paragraph 5 is deleted.	(c) paragraph 5 is deleted.
Article 3				
182	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force	Article 3 Entry into force
Article 3, first paragraph				
183	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Article 3, second paragraph				
184	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.	This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.
Formula				
185	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,
Formula				
186	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament
Formula				
187	The President	The President	The President	The President
Formula				
188	For the Council	For the Council	For the Council	For the Council

	Commission Proposal	EP Mandate	Council Mandate	Draft provisions proposed for agreement
Formula				
189	The President	The President	The President	The President