



Council of the European Union
General Secretariat

**Interinstitutional files:
2021/0411 (COD)**

Brussels, 28 October 2022

WK 14737/2022 INIT

LIMITE

**IXIM
ENFOPOL
JAI
CODEC
COMIX**

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	ST 14205 2021 INIT + ST 14205 2021 ADD 1 + ST 14205 2021 ADD 2 + ST 14205 2021 ADD 3
Subject:	Proposal for a Directive of the European Parliament and of the Council on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA - Outcomes of the first political trilogue and preparation of the first technical meeting on 9 November 2022

Outcomes of the first political trilogue and preparation of the first technical meeting on 9 November 2022

During the first trilogue on 26 October, the co-legislators discussed the following important issues requiring political guidance:

- Scope, including the definition of '(competent) law enforcement authorities' (Article 1, Article 2(1))
- Time limits (Article 4(3), Article 5 and Article 8(1a) EP text)
- Grounds for refusal of requests for information (Article 6)
- Provision of information to Europol (Article 12)
- Use of SIENA (Article 13)
- Training (EP addition in Article 15)

The outcomes of that initial exchange of views will be presented in more detail during the meeting of JHA Counsellors on 4 November 2022. However, the above discussion and subsequent informal contacts at technical level made it possible for the Presidency to already include some compromise suggestions in the attached 4-column table.

Delegations are invited to indicate whether they can approve the language in the 4th column on the basis of the following explanations:

Scope:

- In Article 1(1), the Presidency suggests to combine both mandates. The most significant change compared to the general approach consists in accepting to use the word "competent" to define the law enforcement authorities covered by the scope of the Directive, in line with the language used in the Swedish Framework Decision.
- However, the concept of "designated" law enforcement authorities, as a specific category established in the Council general approach for the purposes of direct contacts with foreign SPOCs pursuant to Article 4(1), is maintained, including the corresponding definition in Article 2(1)(1a).
- While the Presidency insisted on a language covering PCCCs in Article 1(1), the reference to arrangements might be shifted to a recital as such entities are set up "between" Member States in any case.
- Further, the explicit exclusion of prosecution proposed by the EP in Article 1(2) has been provisionally abandoned on the basis of the Presidency's explanation that this would create unnecessary interpretation problems due to the lack of a common definition of prosecution amongst the Member States, and the fact that in any event, prosecution is not mentioned in the positive definition of the Directive's scope in Article 1(1).
- Regarding the use of information in judicial proceedings, the co-legislators seem to agree on the main principle that this should be possible, including where consent to such use is expressed ex post. It appears, however, that this fact could be more easily acceptable for the EP if it were specified in a recital, possibly together with an explanation that such consent may also be expressed by the authority involved in the information being exchanged and not necessarily by means of instruments of judicial cooperation (as the language used in the EP text might suggest otherwise). The wording proposed in the 4th column is therefore kept simple, so as to allow for the above explanations in the corresponding recital.
- As regards the definition of direct and indirect access in Art. 2(4), which is used and mostly repeated in Article 5(1)(a)(b), delegations are invited to check whether the text on "available" information in Art. 2(4) could be replaced with (possibly adapted) EP text in availability principle in Art. 3(a).

Data Ownership principle (line 69a)

In a spirit of compromise, the Council is asked to accept the deletion of the language in Article 3(d), on the understanding that the corresponding ground for refusal to exchange information in Article 6 will be maintained. Consequently, since there would be no negative legal effects involved, the Presidency considers this request acceptable.

Similarly, the Presidency has asked the EP to consider deleting the provisions on the rectification of incorrect information in lines 44 and 69b, arguing that they are covered by Directive 2016/680 (LED), which contains the principle of accuracy in Art. 4(1)(d) but elaborates on notification to recipients only when data subject initiates the correction in Art. 16(6).

Article 4(1) and (1a)

Besides maintaining the concept of designated law enforcement authorities authorised to exchange information directly with SPOCs of other Member States and notified to the Commission, the co-legislators started exploring Article 4(1a), as proposed by the Council. The Council was asked to adapt parts of its wording so as to better correspond to similar provisions in Article 12(2).

Time-limits

An initial discussion on time-limits revealed that the EP might be willing to consider the Council's approach that appears equally ambitious in the case of points a) and b) of the first subparagraph of Article 5(1) (lines 92-93). Discussions will continue in order possibly reduce the number of different time-limits suggested by the EP, especially considering the Council's view that no time-limits should be set for judicial authorities in an instrument pertaining to police cooperation.

Delegations are invited to suggest solutions that could conciliate the two positions with respect to the remaining time-limits.

SIENA

The compromise suggestion in Article 1(1) regarding the qualification of SIENA as the single channel of communication could be accepted by the Council on the understanding that the exemptions from that rule would still be provided for in Article 13, in keeping with the general approach. In other words, even the use of such a limitative word would have no legal bearing on the fact that derogations from the use of SIENA remain possible in duly defined cases.

Delegations are invited to endorse the above solution.

Grounds for refusal

While no text has been suggested at this stage, the Presidency believes that the additions suggested by the EP might be at least partially accepted by the Council in the spirit of compromise: while the EP requires due diligence for requests submitted by a Member State that is subject to the procedure under Article 7 TEU, the Council could explore a mechanism where due diligence is systematically required for incoming requests from all Member States, rather than just those subject to that procedure at the time. Such a systematic assessment, which could also cover manifest breaches of fundamental rights, would be in line with the Council approach (strengthened requirements on requests and proportionality assessment) and may be a path to a compromise solution with respect to the EP's addition in Article 6(1)(e)(iiia) (thereby leaving out the assessment of politically motivated purposes).

Delegations are invited to endorse the above approach so that technical teams could work on appropriate wording suggestions.

Training (Article 15)

The Presidency intends to show willingness to compromise regarding the EP's additions in Article 15 on training, provided that the EP will accept to adapt the text so as to correspond to needs applicable to all Member States. Further changes might be needed depending on the outcome of the discussion on Article 12 (cf. EP addition in Article 15(2a)(b)).

Delegations are invited to endorse the above approach and to suggest necessary amendments that could be proposed to the EP with respect to Article 15(2a) and (2b).

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision

2006/960/JHA

2021/0411(COD)

DRAFT [4CT as at 27.10.22]

27-10-2022 at 14h39

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Formula				
1	2021/0411 (COD)	2021/0411 (COD)	2021/0411 (COD)	
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on information exchange between <u>competent</u> law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA AM 1	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA	
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,	
Citation 1				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(2), point (a), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(2), point (a), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 87(2), point (a), 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,	
Citation 3				
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,	
Citation 4				
7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
8	Whereas:	Whereas:	Whereas:	
Recital 1				
9	(1) Transnational threats involving criminal activities call for a coordinated, targeted and adapted response. While national authorities	(1) Transnational threats involving criminal activities <u>criminal activities pose a significant threat to the internal security of the Union and</u>	(1) Transnational threats involving criminal activities call for a coordinated, targeted and adapted response. While national authorities	

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	<p>operating on the ground are on the frontline in the fight against organised crime and terrorism, action at Union level is paramount to ensure efficient and effective cooperation, including as regards the exchange of information. Furthermore, organised crime and terrorism, in particular, are emblematic of the link between internal and external security. Those threats spread across borders and manifest themselves in organised crime and terrorist groups that engage in a wide range of criminal activities.</p>	<p>call for a coordinated, targeted and adapted response. While national authorities operating on the ground are on the frontline in the fight against <i>serious and</i> organised crime and terrorism, action at Union level is paramount to ensure efficient and effective cooperation, including as regards the exchange of information. Furthermore, <i>serious and</i> organised crime and terrorism, in particular, are emblematic of the link between internal and external security. Those threats spread across borders and manifest themselves in organised crime and terrorist groups that engage in a wide range of <i>increasingly dynamic and complex</i> criminal activities, <i>which calls for an adaption of competent law enforcement authorities to ensure that they can detect, prevent and investigate criminal offences in a more efficient manner.</i></p> <p>AM 2</p>	<p>operating on the ground are on the frontline in the fight against organised crime and terrorism, action at Union level is paramount to ensure efficient and effective cooperation, including as regards the exchange of information. Furthermore, organised crime and terrorism, in particular, are emblematic of the link between internal and external security. Those threats spread across borders and manifest themselves in organised crime and terrorist groups that engage in a wide range of criminal activities.</p>	
Recital 2				
10	<p>(2) In an area without internal border controls, police officers in one Member State should have, within the framework of the applicable Union and national law, the possibility to obtain equivalent access to the information available</p>	<p>(2) In an area without <i>For the development of the European area of freedom, security and justice, characterised by the absence of</i> internal border controls, <i>it is essential that</i> police officers <i>and the staff of other competent law</i></p>	<p>(2) In an area without internal border controls, police officers in one Member State should have, within the framework of the applicable Union and national law, the possibility to obtain equivalent access to the information available</p>	


	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	to their colleagues in another Member State. In this regard, law enforcement authorities should cooperate effectively and by default across the Union. Therefore, an essential component of the measures that underpin public security in an interdependent area without internal border controls is police cooperation on the exchange of relevant information for law enforcement purposes. Exchange of information on crime and criminal activities, including terrorism, serves the overall objective of protecting the security of natural persons.	<u>enforcement authorities</u> in one Member State should have, within the framework of the applicable Union and national law, the possibility to obtain equivalent access to the information available to their colleagues in another Member State. In this regard, <u>competent</u> law enforcement authorities should cooperate effectively and by default across the Union. Therefore, an essential component of the measures that underpin public security in an interdependent area without internal border controls is police cooperation on the exchange of relevant information for law enforcement purposes <u>the purpose of preventing, detecting and investigating criminal offences</u> . Exchange of information on crime and criminal activities, including terrorism, serves the overall objective of protecting the security of natural <u>and legal</u> persons. AM 3	to their colleagues in another Member State. In this regard, law enforcement authorities should cooperate effectively and by default across the Union. Therefore, an essential component of the measures that underpin public security in an interdependent area without internal border controls is police cooperation on the exchange of relevant information for law enforcement purposes. Exchange of information on crime and criminal activities, including terrorism, serves the overall objective of protecting the security of natural persons.	
Recital 2a				
10a		<u>(2a) A large majority of organised crime groups are present in more than three Member States and are composed of members with multiple nationalities who engage in various criminal activities. The structure of</u>		

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		<p><u>such criminal groups is ever more sophisticated, with strong and efficient communication systems and cooperation between their members across borders.</u></p> <p>AM 4</p>		
Recital 2b				
10b		<p><u>(2b) To effectively fight cross-border crime, it is of paramount importance that competent law enforcement authorities swiftly exchange information and cooperate operationally with one another. Although cross-border cooperation between the competent law enforcement authorities of the Member States has improved in recent years, practical hurdles continue to exist. Such hurdles include the different ways in which competent law enforcement authorities are structured and the different competences they have, which in part derive from differences in national constitutional systems. In addition, language barriers and poor network coverage hamper effective cooperation, in particular in border regions.</u></p> <p>AM 5</p>		

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Recital 2c				
10c		<p><u>(2c) Some Member States have developed pilot projects to strengthen cross-border cooperation, focusing for example on joint patrols of police officers from neighbouring Member States in border regions. A number of Member States have also adopted bilateral or even multilateral agreements. This Directive does not limit the possibility for Member States to establish such pilot projects or conclude such agreements, provided they are compatible with this Directive. On the contrary, Member States are encouraged to exchange best practice and lessons learnt from those pilot projects and agreements and to make use of available Union funding in that regard, in particular from the Internal Security Fund, established by Regulation (EU) 2021/1149 of the European Parliament and of the Council^{la}</u></p> <p>AM 6</p>		
Recital 3				
11	(3) Exchange of information between Member States for the purposes of preventing and detecting criminal offences is regulated by the	(3) Exchange of information between Member States for the purposes of preventing and detecting criminal offences is regulated by the	(3) Exchange of information between Member States for the purposes of preventing and detecting criminal offences is regulated by the	

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	<p>Convention Implementing the Schengen Agreement of 14 June 1985¹, adopted on 19 June 1990, notably in its Articles 39 and 46. Council Framework Decision 2006/960/JHA² partially replaced those provisions and introduced new rules for the exchange of information and intelligence between Member States' law enforcement authorities.</p> <p>1. Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19). 2. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (OJ L 386, 29.12.2006, p. 89).</p>	<p>Convention Implementing the Schengen Agreement of 14 June 1985¹, adopted on 19 June 1990, notably in its Articles 39 and 46. Council Framework Decision 2006/960/JHA² partially replaced those provisions and introduced new rules for the exchange of information and intelligence between Member States' <u>competent</u> law enforcement authorities.</p> <p>1. Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19). 2. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (OJ L 386, 29.12.2006, p. 89).</p> <p>AM 7</p>	<p>Convention Implementing the Schengen Agreement of 14 June 1985¹, adopted on 19 June 1990, notably in its Articles 39 and 46. Council Framework Decision 2006/960/JHA² partially replaced those provisions and introduced new rules for the exchange of information and intelligence between Member States' law enforcement authorities.</p> <p>1. Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19). 2. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (OJ L 386, 29.12.2006, p. 89).</p>	
Recital 4				
12	<p>(4) Evaluations, including those carried under Council Regulation (EU) 1053/2013¹, indicated that Framework Decision 2006/960/JHA is not sufficiently clear and does not ensure adequate and rapid exchange of relevant information between Member States. Evaluations also</p>	<p>(4) Evaluations, including those carried <u>out</u> under Council Regulation (EU) 1053/2013¹, indicated that Framework Decision 2006/960/JHA is not sufficiently clear and does not ensure adequate and rapid exchange of relevant information between Member States.</p>	<p>(4) Evaluations, including those carried under Council Regulation (EU) 1053/2013¹, indicated that Framework Decision 2006/960/JHA is not sufficiently clear and does not ensure adequate and rapid exchange of relevant information between Member States. Evaluations also</p>	

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	<p>indicated that that Framework Decision is scarcely used in practice, in part due to the lack of clarity experienced in practice between the scope of the Convention Implementing the Schengen Agreement and of that Framework Decision.</p> <p>1. Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).</p>	<p>Evaluations also indicated that that Framework Decision is scarcely used in practice, in part due to the lack of clarity experienced in practice between the scope of the Convention Implementing the Schengen Agreement and of that Framework Decision.</p> <p>1. Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).</p> <p>AM 8</p>	<p>indicated that that Framework Decision is scarcely used in practice, in part due to the lack of clarity experienced in practice between the scope of the Convention Implementing the Schengen Agreement and of that Framework Decision.</p> <p>1. Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).</p>	
Recital 5				
13	<p>(5) Therefore, the existing legal framework consisting of the relevant provisions of the Convention Implementing the Schengen Agreement and Framework Decision 2006/960/JHA should be updated and replaced, so as to facilitate and ensure, through the establishment of clear and harmonised rules, the adequate and rapid exchange of information between the competent law enforcement authorities of different Member States.</p>	<p>(5) Therefore, the existing legal framework <u>should be updated with a view to eliminating discrepancies and establishing clear and harmonised rules</u> consisting of the relevant provisions of the Convention Implementing the Schengen Agreement and Framework Decision 2006/960/JHA <u>should be updated and replaced, so as to facilitate and ensure, through the establishment of clear and harmonised rules,</u> the adequate and rapid exchange of information between the competent law</p>	<p>(5) Therefore, the existing legal framework consisting of the relevant provisions of the Convention Implementing the Schengen Agreement and Framework Decision 2006/960/JHA should be updated and replaced, so as to facilitate and ensure, through the establishment of clear and harmonised rules, the adequate and rapid exchange of information between the competent law enforcement authorities of different Member States.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<p>enforcement authorities of different Member States <u>and to allowing the competent law enforcement authorities to adapt to a rapidly changing and expanding organised crime landscape, in the context of the globalisation and digitalisation of society.</u></p> <p>AM 9</p>		
Recital 6				
14	<p>(6) In particular, the discrepancies between the relevant provisions of the Convention Implementing the Schengen Agreement and Framework Decision 2006/960/JHA should be addressed by covering information exchanges for the purpose of preventing, detecting or investigating criminal offences, thereby fully superseding, insofar as such exchanges are concerned, Articles 39 and 46 of that Convention and hence providing the necessary legal certainty. In addition, the relevant rules should be simplified and clarified, so as to facilitate their effective application in practice.</p>	<p>(6) In particular, the discrepancies between the relevant provisions of the Convention Implementing the Schengen Agreement and Framework Decision 2006/960/JHA <u>this Directive</u> should be addressed by covering <u>cover</u> information exchanges for the purpose of preventing, detecting or investigating criminal offences, thereby fully superseding, insofar as such exchanges are concerned, Articles 39 and 46 of that <u>the</u> Convention <u>Implementing the Schengen Agreement</u> and hence providing the necessary legal certainty. In addition, the relevant rules <u>of Framework Decision 2006/960/JHA, which this Directive repeals,</u> should be simplified and clarified, so as to facilitate their effective application in practice.</p>	<p>(6) In particular, the discrepancies between the relevant provisions of the Convention Implementing the Schengen Agreement and Framework Decision 2006/960/JHA should be addressed by covering information exchanges for the purpose of preventing, detecting or investigating criminal offences, thereby fully superseding, insofar as such exchanges are concerned, Articles 39 and 46 of that Convention and hence providing the necessary legal certainty. In addition, the relevant rules should be simplified and clarified, so as to facilitate their effective application in practice.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		AM 10		
Recital 7, first subparagraph				
15	<p>(7) It is necessary to lay down rules governing the cross-cutting aspects of such information exchange between Member States. The rules of this Directive should not affect the application of rules of Union law on specific systems or frameworks for such exchanges, such as under Regulations (EU) 2018/1860¹, (EU) 2018/1861², (EU) 2018/1862³, and (EU) 2016/794⁴ of the European Parliament and of the Council, Directives (EU) 2016/681⁵ and 2019/1153⁶ of the European Parliament and of the Council, and Council Decisions 2008/615/JHA⁷ and 2008/616/JHA⁸.</p> <p>1. Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1). 2. Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation No 1987/2006 (OJ L 312, 7.12.2018, p. 14). 3. Regulation (EU) 2018/1862 of the European Parliament and of the Council of</p>	<p>(7) It is necessary to lay down <u>harmonised</u> rules governing the cross-cutting aspects of such information exchange between Member States. The rules of laid down in this Directive should not affect the application of rules of Union law on specific systems or frameworks for such exchanges, such as under Regulations (EU) 2018/1860¹, (EU) 2018/1861², (EU) 2018/1862³, and (EU) 2016/794⁴ <u>and (EU) .../... [1st] on automated data exchange for police cooperation ("Prüm II")</u> of the European Parliament and of the Council, Directives (EU) 2016/681⁵ and 2019/1153⁶ of the European Parliament and of the Council, and Council Decisions 2008/615/JHA⁷ and 2008/616/JHA⁸.</p> <p>1. Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1). 2. Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention</p>	<p>(7) It is necessary to lay down rules governing the cross-cutting aspects of such information exchange between Member States, <u>including information obtained in criminal intelligence operations. This should include the exchange of information through Police and Customs Cooperation Centres set up between two or more Member States on the basis of bilateral or multilateral arrangements for the purpose of preventing, detecting or investigating criminal offences. On the other hand, this should not include bilateral exchange of information with Third States</u>. The rules of this Directive should not affect the application of rules of Union law on specific systems or frameworks for such exchanges, such as under Regulations (EU) 2018/1860¹, (EU) 2018/1861², (EU) 2018/1862³, and (EU) 2016/794⁴ of the European Parliament and of the Council, Directives (EU) 2016/681⁵ and 2019/1153⁶ of the European Parliament and of the Council, and Council Decisions 2008/615/JHA⁷ and 2008/616/JHA⁸.</p> <p>1. Regulation (EU) 2018/1860 of the</p>	

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	<p>28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation No 1986/2006 and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).</p> <p>4. 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) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).</p> <p>5. Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132).</p> <p>6. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122).</p> <p>7. Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).</p> <p>8. Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12). A proposal for a Regulation on automated data exchange for</p>	<p>implementing the Schengen Agreement, and amending and repealing Regulation No 1987/2006 (OJ L 312, 7.12.2018, p. 14).</p> <p>3. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation No 1986/2006 and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).</p> <p>4. 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) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).</p> <p>5. Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132).</p> <p>6. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122).</p> <p>7. Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).</p> <p>8. Council Decision 2008/616/JHA of 23 June 2008 on the implementation of</p>	<p>European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals (OJ L 312, 7.12.2018, p. 1).</p> <p>2. Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation No 1987/2006 (OJ L 312, 7.12.2018, p. 14).</p> <p>3. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation No 1986/2006 <u>of the European Parliament and of the Council</u> and Commission Decision 2010/261/EU (OJ L 312, 7.12.2018, p. 56).</p> <p>4. 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) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).</p> <p>5. Directive (EU) 2016/681 of the European Parliament and of the Council of 27 April 2016 on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (OJ L 119, 4.5.2016, p. 132).</p> <p>6. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	police cooperation ("Prüm II"), intends to repeal parts of those Council Decisions.	Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12). A proposal for a Regulation on automated data exchange for police cooperation ("Prüm II"), intends to repeal parts of those Council Decisions. AM 11	financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11.7.2019, p. 122). 7. Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1). 8. Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12). A proposal for a Regulation on automated data exchange for police cooperation ("Prüm II"), intends to repeal parts of those Council Decisions.	
Recital 7, second subparagraph				
15a			<u><i>This Directive is without prejudice to the provisions of the Convention drawn up on the basis of Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations (Naples II).</i></u>	
Recital 7a				
15b			<u><i>(7a) Since this Directive should not apply to the processing of personal data in the course of an activity which falls outside the scope of Union law, activities concerning national security should not be</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			<u>considered to be activities falling within the scope of this Directive.</u>	
Recital 8				
16	<p>(8) This Directive does not govern the provision and use of information as evidence in judicial proceedings. In particular, it should not be understood as establishing a right to use the information provided under this Directive as evidence and, consequently, it leaves unaffected any requirement provided for in the applicable law to obtain the consent from the Member State providing the information for such use. This Directive leaves acts of Union law on evidence, such as Regulation (EU) .../...¹ [on European Production and Preservation Orders for electronic evidence in criminal matters] and Directive (EU) .../...² [laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings], unaffected.</p> <p>¹. Regulation proposal, COM/2018/225 final - 2018/0108 (COD). ². Directive proposal, COM/2018/226 final - 2018/0107 (COD).</p>	<p>(8) This Directive does not govern the provision and use of information as evidence in judicial proceedings. In particular, it should not be understood as establishing a right to use the information provided under this Directive as evidence and, consequently, it leaves unaffected any requirement provided for in the applicable law to obtain the consent from the Member State providing the information for such use.</p> <p><u>However, a Member State providing information under this Directive should be able to authorise another Member State, at the moment of providing the information, to use it as evidence in judicial proceedings resulting from the relevant criminal investigation.</u> This Directive leaves acts of Union law on evidence, such as Regulation (EU) .../... <u>of the European Parliament and of the Council</u>¹ [on European Production and Preservation Orders for electronic evidence in criminal matters] and <u>Directive Directives 2014/41/EU^{1a} and</u> (EU) .../...² [laying down harmonised rules on the appointment of legal representatives for the purpose of</p>	<p>(8) This Directive does not govern the provision and use of information as evidence in judicial proceedings. In particular, it should not be understood as establishing a right to use the information provided under this Directive as evidence and, consequently, it leaves unaffected any requirement provided for in the applicable law to obtain the consent from the Member State providing the information for such use. This Directive leaves acts of Union law on evidence, such as Regulation (EU) .../...¹ [on European Production and Preservation Orders for electronic evidence in criminal matters] and Directive (EU) .../...² [laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings], unaffected.</p> <p><u>Consequently, Member States may give their consent for the use of information as evidence in judicial proceedings at the time of the provision of the information or afterwards, including where necessary under national law, through the use of instruments</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<p>gathering evidence in criminal proceedings] <u>of the European Parliament and of the Council</u>, unaffected.</p> <p>1. Regulation proposal, COM/2018/225 final - 2018/0108 (COD). 2. Directive proposal, COM/2018/226 final - 2018/0107 (COD).</p> <p>AM 12</p>	<p><u>regarding judicial cooperation in force between the Member States.</u></p> <p>1. Regulation proposal, COM/2018/225 final - 2018/0108 (COD). 2. Directive proposal, COM/2018/226 final - 2018/0107 (COD).</p>	
Recital 9				
17	<p>(9) All exchanges of information under this Directive should be subject to three general principles, namely those of availability, equivalent access and confidentiality. While those principles are without prejudice to the more specific provisions of this Directive, they should guide its interpretation and application where relevant. For example, the principle of availability should be understood as indicating that relevant information available to the Single Point of Contact or the law enforcement authorities of one Member State should also be available, to the largest extent possible, to those of other Member States. However, the principle should not affect the application, where justified, of specific provisions of this Directive</p>	<p>(9) All exchanges of information under this Directive should be subject to three general principles, namely those of availability, equivalent access and confidentiality. While those principles are without prejudice to the more specific provisions of this Directive, they should guide its interpretation and application where relevant. For example<u>First</u>, the principle of availability should be understood as indicating that relevant information available to the Single Point of Contact or the <u>competent</u> law enforcement authorities of one Member State should also be available, to the largest extent possible, to those of other Member States <u>for the same purposes in a similar domestic case</u>. However, the principle should not affect the application, where</p>	<p>(9) All exchanges of information under this Directive should be subject to three<u>four</u> general principles, namely those of availability, equivalent access, <u>confidentiality and data ownership and confidentiality</u>. While those principles are without prejudice to the more specific provisions of this Directive, they should guide its interpretation and application where relevant. For example, the principle of availability should be understood as indicating that relevant information available to the Single Point of Contact or the law enforcement authorities of one Member State should also be available, to the largest extent possible, to those of other Member States. However, the principle should not affect the application, where justified, of specific</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>restricting the availability of information, such as those on the grounds for refusal of requests for information and judicial authorisation. In addition, pursuant to the principle of equivalent access, the access of the Single Point of Contact and the law enforcement authorities of other Member States to relevant information should be substantially the same as, and thus be neither stricter nor less strict than, the access of those of one and the same Member State, subject to the Directive's more specific provisions.</p>	<p>justified, of specific provisions of this Directive restricting the availability of information, such as those on the grounds for refusal of requests for information and judicial authorisation. In addition<u>Second</u>, pursuant to the principle of equivalent access, the access of the Single Point of Contact and the <u>competent</u> law enforcement authorities of other Member States to relevant information should be substantially the same as, and thus be neither stricter nor less strict than, the access of those of one and the same Member State, subject to the Directive's more specific provisions. <u>Third, the principle of confidentiality requires Member States to respect one another's national rules on confidentiality when treating information marked as confidential that is provided to the Single Point of Contact or to the competent law enforcement authority, by ensuring a similar level of confidentiality in accordance with the rules on confidentiality set out in national law.</u></p> <p>AM 13</p>	<p>provisions of this Directive restricting the availability of information, such as those on the grounds for refusal of requests for information and judicial authorisation, <u>as well as the obligation to have the consent of the State which initially provided the information to share it</u>. In addition, pursuant to the principle of equivalent access, the access of the Single Point of Contact and the law enforcement authorities of other Member States to relevant information should be substantially the same as, and thus be neither stricter nor less strict than, the access of those of one and the same Member State, subject to the Directive's more specific provisions.</p>	
Recital 9a				
17a			<u>(9a) The concept of available</u>	


	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			<p><u>information on which the Directive is based includes both information directly accessible and indirectly accessible to law enforcement authorities. Directly accessible information refers to all information that is held in a database directly accessible by the Single Point of Contact or the law enforcement authorities of the requested Member State, whether or not it was previously obtained by coercive measures. On the other hand, indirectly accessible information requires action by the Single Point of Contact or the law enforcement authorities of the requested Member State to obtain it. This action should not include coercive measures. Each Member State should provide its list of directly accessible information and its list of indirectly accessible information to the General Secretariat of the Council to be included in the "National Fact Sheets" appended to the Council document "Manual on Law Enforcement Information Exchange".</u></p>	
Recital 10				
18	(10) In order to achieve the objective to facilitate and ensure the adequate and rapid exchange of	(10) In order to achieve the objective to facilitate and ensure the adequate and rapid exchange of	(10) In order to achieve the objective to facilitate and ensure the adequate and rapid exchange of	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>information between Member States, provision should be made for obtaining such information by addressing a request for information to the Single Point of Contact of the other Member State concerned, in accordance with certain clear, simplified and harmonised requirements. Concerning the content of such requests for information, it should in particular be specified, in an exhaustive and sufficiently detailed manner and without prejudice to the need for a case-by-case assessment, when they are to be considered as urgent and which explanations they are to contain as minimum.</p>	<p>information between Member States, provision should be made for obtaining such information by addressing a request for information to the Single Point of Contact of the other Member State concerned, in accordance with certain clear, simplified and harmonised requirements. Concerning the content of such <u>as to when</u> requests for information, it should in particular be specified, in an exhaustive and sufficiently detailed manner and without prejudice to the need for a case-by-case assessment, when <u>can be sent, when they are to be considered as urgent, which details</u> they are to be considered as urgent and <u>contain as a minimum, and in</u> which explanations <u>language</u> they are to contain as minimum <u>be submitted</u>.</p> <p>AM 14</p>	<p>information between Member States, provision should be made for obtaining such information by addressing a request for information to the Single Point of Contact of the other Member State concerned, in accordance with certain clear, simplified and harmonised requirements. Concerning the content of such requests for information, it should in particular be specified, in an exhaustive and sufficiently detailed manner and without prejudice to the need for a case-by-case assessment, when they are to be considered as urgent and which explanations they are to contain as minimum.</p>	
Recital 11				
19	<p>(11) Whilst the Single Points of Contact of each Member State should in any event have the possibility to submit requests for information to the Single Point of Contact of another Member State, in the interest of flexibility, Member States should be allowed to decide that, in addition, their law</p>	<p>(11) Whilst the Single Points of Contact of each Member State should in any event have the possibility to submit requests for information to the Single Point of Contact of another Member State, in the interest of flexibility, Member States should be allowed to decide that, in addition, their <u>competent</u> law</p>	<p>(11) Whilst the Single Points of Contact of each Member State should in any event have the possibility to submit requests for information to the Single Point of Contact of another Member State, in the interest of flexibility, Member States should be allowed to decide that, in addition, <u>some of</u> their law</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>enforcement authorities may also submit such requests. In order for Single Points of Contact to be able to perform their coordinating functions under this Directive, it is however necessary that, where a Member State takes such a decision, its Single Point of Contact is made aware of all such outgoing requests, as well as of any communications relating thereto, by always being put in copy.</p>	<p>enforcement authorities may also can submit such requests. <u>The rules for such requests should be laid down in national law and communicated to the Commission. Each Member State should send the Commission a list of the national competent law enforcement authorities authorised to send such requests and notify it of any changes to that list. The Commission should publish a list of all competent law enforcement authorities of Member States and any changes thereto in the Official Journal of the European Union.</u> In order for Single Points of Contact to be able to perform their coordinating functions under this Directive, it is however necessary that, where a Member State takes such a decision, its Single Point of Contact is made aware of all such outgoing requests, as well as of any communications relating thereto, by always being put in copy. <u>Meanwhile, the Member States should seek to reduce the double storage of personal data to a strict minimum.</u></p> <p>AM 15</p>	<p>enforcement authorities <u>involved in European cooperation</u> may also submit such requests <u>to the Single Points of Contact of other Member States. The list of these designated law enforcement authorities should be updated and provided by each Member State to the Commission and to the General Secretariat of the Council to be included in the "National Fact Sheets" appended to the Council document "Manual on Law Enforcement Information Exchange"</u>. In order for Single Points of Contact to be able to perform their coordinating functions under this Directive, it is however necessary that, where a Member State takes such a decision, its Single Point of Contact is made aware of all such outgoing requests, as well as of any communications relating thereto, by always being put in copy.</p>	
Recital 12				
20	<p>(12) Time limits are necessary to ensure rapid processing of requests for information submitted to a Single</p>	<p>(12) <u>Clearly specified</u> time limits are necessary to ensure rapid processing of requests for</p>	<p>(12) Time limits are necessary to ensure rapid processing of requests for information submitted to a Single</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>Point of Contact. Such time limits should be clear and proportionate and take into account whether the request for information is urgent and whether a prior judicial authorisation is required. In order to ensure compliance with the applicable time limits whilst nonetheless allowing for a degree of flexibility where objectively justified, it is necessary to allow, on an exceptional basis, for deviations only where, and in as far as, the competent judicial authority of the requested Member State needs additional time to decide on granting the necessary judicial authorisation. Such a need could arise, for example, because of the broad scope or the complexity of the matters raised by the request for information.</p>	<p>information submitted to a Single Point of Contact <u>or a competent law enforcement authority</u>. Such time limits should be clear and proportionate, taking and take into account whether the request for information is urgent and, whether <u>it concerns a serious crime, whether the requested information is directly accessible or it has to be obtained from a public authority or private party established in that Member State, or whether a prior judicial authorisation is required under national law.</u> a prior judicial authorisation is required. In order to ensure compliance with the applicable time limits whilst nonetheless allowing for a degree of flexibility where objectively justified, it is necessary to allow, on an exceptional basis, for deviations only Where, and in as far as, <u>objectively justified, namely where</u> the competent judicial authority of the requested Member State needs additional time to decide on granting the necessary judicial authorisation, <u>the Single Point of Contact or the competent law enforcement authority, as applicable, should be able to deviate from the fixed time limits</u>. Such a need could arise, for example, because of the broad scope or the complexity of the matters raised by the request for information.</p>	<p>Point of Contact. Such time limits should be clear and proportionate and take into account whether the request for information is urgent and whether a prior judicial authorisation is required <u>the information is directly or indirectly accessible to the law enforcement authorities</u>. In order to ensure compliance with the applicable time limits whilst nonetheless allowing for a degree of flexibility where objectively justified, it is necessary to allow, on an exceptional basis, for deviations only where, and in as far as, the competent judicial authority of the requested Member State needs additional time to decide on granting the necessary judicial authorisation. Such a need could arise, for example, because of the broad scope or the complexity of the matters raised by the request for information. <u>In order to limit the risks of losing the opportunity to proceed to critical actions in specific cases, information should be provided to the requesting Member State as soon as the information is held by the Single Point of Contact even if that information is only part of the overall information available that is relevant to the request. The rest of the information should be provided afterwards.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		AM 17		
Recital 13				
21	<p>(13) In exceptional cases, it may be objectively justified for a Member State to refuse a request for information submitted to a Single Point of Contact. In order to ensure the effective functioning of the system created by this Directive, those cases should be exhaustively specified and interpreted restrictively. When only parts of the information concerned by such a request for information relate to the reasons for refusing the request, the remaining information is to be provided within the time limits set by this Directive. Provision should be made for the possibility to ask for clarifications, which should suspend the applicable time limits. However, such possibility should only exist where the clarifications are objectively necessary and proportionate, in that the request for information would otherwise have to be refused for one of the reasons listed in this Directive. In the interest of effective cooperation, it should remain possible to request necessary clarifications also in other situations, without this however leading to suspension of the time limits.</p>	<p>(13) In exceptional cases, it may be objectively justified for a Member State to refuse a request for information submitted to a Single Point of Contact. In order to ensure the effective functioning of the system created by this Directive, those cases should be exhaustively specified and interpreted restrictively. <u>In particular, necessary safeguards should be established to prevent any misuse of the mechanism for exchanging information for politically motivated purposes and manifest breaches of fundamental rights. Moreover, due diligence should be exercised as regards requests submitted by a Single Point of Contact or a competent law enforcement authority from a Member State subject to a procedure under Article 7 of the Treaty on European Union.</u> When only parts of the information concerned by such a request for information relate to the reasons for refusing the request, the remaining information is to <u>should</u> be provided within the time limits set by this Directive. Provision should be made for the possibility to ask for</p>	<p>(13) In exceptional cases, it may be objectively justified for a Member State to refuse a request for information submitted to a Single Point of Contact. In order to ensure the effective functioning of the system created by this Directive, those cases should be exhaustively specified and interpreted restrictively. When only parts of the information concerned by such a request for information relate to the reasons for refusing the request, the remaining information is to be provided within the time limits set by this Directive. Provision should be made for the possibility to ask for clarifications, which should suspend the applicable time limits. However, such possibility should only exist where the clarifications are objectively necessary and proportionate, in that the request for information would otherwise have to be refused for one of the reasons listed in this Directive. In the interest of effective cooperation, it should remain possible to request necessary clarifications also in other situations, without this however leading to suspension of the time limits.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<p>clarifications, which <u>In order to prevent unnecessary refusals, the Single Point of Contact or the competent law enforcement authority of the requesting Member State, as applicable, should suspend seek additional clarifications needed to process the request for information.</u> The applicable time limits. However, such possibility should only exist where the <u>should be suspended from the moment the requesting Member State receives the request for</u> clarifications are objectively necessary and proportionate, in that the request for <u>until the moment the requested clarifications are provided. However, in order to prevent unjustified delays in the provision of requested</u> information, <u>requests for clarifications for the purpose of preventing refusals on</u> would otherwise have to be refused for one of the reasons <u>grounds</u> listed in this Directive <u>should only be possible provided that they are objectively necessary and proportionate to evaluate the request for information.</u> In the interest of effective cooperation, it should remain possible to request necessary clarifications also in other situations, without this however leading to <u>a</u> suspension of the time limits.</p>		


	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		AM 18		
Recital 14				
22	<p>(14) In order to allow for the necessary flexibility in view of operational needs that may vary in practice, provision should be made for two other means of exchanging information, in addition to requests for information submitted to the Single Points of Contact. The first one is the spontaneous provision of information, that is, on the own initiative of either the Single Point of Contact or the law enforcement authorities without a prior request. The second one is the provision of information upon requests for information submitted either by Single Points of Contact or by law enforcement authorities not to the Single Point of Contact, but rather directly to the law enforcement authorities of another Member State. In respect of both means, only a limited number of minimum requirements should be set, in particular on keeping the Single Points of Contact informed and, as regards own-initiative provision of information, the situations in which information is to be provided and the language to be used.</p>	<p>(14) In order to allow for the necessary flexibility in view of operational needs that may vary in practice, provision should be made for two other means of exchanging information, in addition to requests for information submitted to the Single Points of Contact. The first one is the spontaneous provision of information, that is, on the own initiative of either <u>by a Single Point of Contact or the competent law enforcement authorities to</u> the Single Point of Contact or the law enforcement authorities <u>competent law-enforcement authority of another Member State</u> without a prior request, <u>namely the provision of information on their own initiative</u>. The second one is the provision of information upon requests for information submitted either by Single Points of Contact or by <u>competent</u> law enforcement authorities not to the Single Point of Contact, but rather directly to the <u>competent</u> law enforcement authorities of another Member State. In respect of both means, only a limited number of minimum requirements should be set, in particular on keeping the <u>relevant</u></p>	<p>(14) In order to allow for the necessary flexibility in view of operational needs that may vary in practice, provision should be made for two other means of exchanging information, in addition to requests for information submitted to the Single Points of Contact. The first one is the spontaneous provision of information, that is, on the own initiative of either the Single Point of Contact or the law enforcement authorities without a prior request. The second one is the provision of information upon requests for information submitted either by Single Points of Contact or by law enforcement authorities not to the Single Point of Contact, but rather directly to the law enforcement authorities of another Member State. In respect of both means, only a limited number of minimum requirements should be set, in particular on keeping the Single Points of Contact informed and, as regards own-initiative provision of information, the situations in which information is to be provided and the language to be used.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<p>Single Points of Contact informed and, as regards own-initiative provision of information, the situations in which information is to be provided and the language to be used.</p> <p>AM 19</p>		
Recital 15				
23	<p>(15) The requirement of a prior judicial authorisation for the provision of information can be an important safeguard. The Member States' legal systems are different in this respect and this Directive should not be understood as affecting such requirements established under national law, other than subjecting them to the condition that domestic exchanges and exchanges between Member States are treated in an equivalent manner, both on the substance and procedurally. Furthermore, in order to keep any delays and complications relating to the application of such a requirement to a minimum, the Single Point of Contact or the law enforcement authorities, as applicable, of the Member State of the competent judicial authority should take all practical and legal steps, where relevant in cooperation with the Single Point of Contact or the law</p>	<p>(15) The requirement of a prior judicial authorisation for the provision of information, <u>where provided in national law, constitutes</u> can be an important safeguard <u>which should be respected. However,</u> the Member States' legal systems are different in this respect and this Directive should not be understood as affecting such requirements established under the <u>rules and conditions concerning prior judicial authorisation laid down in</u> national law, other than subjecting them to the condition that domestic exchanges and exchanges between Member States are treated in an equivalent manner, both on the substance and procedurally. Furthermore, in order to keep any delays and complications relating to the application of such a requirement to a minimum, the Single Point of Contact or the <u>competent</u> law enforcement authorities, as</p>	<p>(15) The requirement of a prior judicial authorisation for the provision of information can be an important safeguard. The Member States' legal systems are different in this respect and this Directive should not be understood as affecting such requirements established under national law, other than subjecting them to the condition that domestic exchanges and exchanges between Member States are treated in an equivalent manner, both on the substance and procedurally. Furthermore, in order to keep any delays and complications relating to the application of such a requirement to a minimum, the Single Point of Contact or the law enforcement authorities, as applicable, of the Member State of the competent judicial authority should take all practical and legal steps, where relevant in cooperation with the Single Point of Contact or the law</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>enforcement authority of another Member State that requested the information, to obtain the judicial authorisation as soon as possible.</p>	<p>applicable, of the Member State of the competent judicial authority should take all practical and legal steps, where relevant in cooperation with the <u>requesting</u> Single Point of Contact or the <u>competent</u> law enforcement authority of another Member State that requested the information, to obtain the judicial authorisation as soon as possible <u>within the applicable time limits</u>.</p> <p>AM 20</p>	<p>enforcement authority of another Member State that requested the information, to obtain the judicial authorisation as soon as possible. <u>Although the legal basis of the Directive is limited to law enforcement cooperation under Article 87(2)(a) of the Treaty on the Functioning of the European Union, this does not prevent judicial authorities from being concerned by some of the provisions of this Directive.</u></p>	
Recital 16				
24	<p>(16) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, the rules of this Directive should be aligned with Directive (EU) 2016/680 of the European Parliament and of the Council¹. In particular, it should be specified that any personal data exchanged by Single Points of Contacts and law enforcement authorities is to remain limited to the categories of data listed in Section B point 2, of Annex II to Regulation (EU) 2016/794 of the European Parliament and of the Council². Furthermore, as far as possible, any</p>	<p>(16) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, the rules of <u>any personal data processing by a Single Point of Contact or a competent law enforcement authority under</u> this Directive should be aligned <u>carried out in full compliance</u> with Directive (EU) 2016/680 of the European Parliament and of the Council¹. <u>The European Union Agency for Law Enforcement Cooperation (Europol) should process data in accordance with the rules set out in Regulation (EU) 2016/794 of the</u></p>	<p>(16) It is particularly important that the protection of personal data, in accordance with Union law, is ensured in connection to all exchanges of information under this Directive. To that aim, the rules of this Directive should be aligned with Directive (EU) 2016/680 of the European Parliament and of the Council¹. In particular, it should be specified that any personal data exchanged by Single Points of Contacts and law enforcement authorities is to remain limited to the categories of data listed in Section B point 2, of Annex II to Regulation (EU) 2016/794 of the European Parliament and of the Council². Furthermore, as far as possible, any</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>such personal data should be distinguished according to their degree of accuracy and reliability, whereby facts should be distinguished from personal assessments, in order to ensure both the protection of individuals and the quality and reliability of the information exchanged. If it appears that the personal data are incorrect, they should be rectified or erased without delay. Such rectification or erasure, as well as any other processing of personal data in connection to the activities under this Directive, should be carried out in compliance with the applicable rules of Union law, in particular Directive (EU) 2016/680 and Regulation (EU) 2016/794 of the European Parliament and of the Council³, which rules this Directive leaves unaffected.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119 4.5.2016, p. 89). 2. 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) and replacing and repealing</p>	<p><u>European Parliament and the Council². That Regulation remains unaffected by this Directive.</u> In particular, it should be specified that any personal data exchanged by Single Points of Contacts and <u>competent</u> law enforcement authorities is to remain limited to the categories of data listed in Section B point 2, of per category of data <u>subject listed in</u> Annex II to Regulation (EU) 2016/794. <u>Accordingly, a clear distinction should be made between the data concerning suspects and the data concerning witnesses, victims, or persons belonging to other groups, for which stricter limitations apply of the European Parliament and of the Council².</u> Furthermore, as far as possible, any such personal data should be distinguished according to their degree of accuracy and reliability, whereby facts should be distinguished from personal assessments, in order to ensure both. <u>The Single Points of Contact or, where applicable, competent law enforcement authorities should process the requests for information pursuant to this Directive as quickly as possible to ensure the accuracy and reliability of the personal data, to avoid unnecessary double storage of data and to reduce the risk of data becoming outdated or no longer being available to the</u></p>	<p>such personal data should be distinguished according to their degree of accuracy and reliability, whereby facts should be distinguished from personal assessments, in order to ensure both the protection of individuals and the quality and reliability of the information exchanged. If it appears that the personal data are incorrect, they should be rectified or erased without delay. Such rectification or erasure, as well as any other processing of personal data in connection to the activities under this Directive, should be carried out in compliance with the applicable rules of Union law, in particular Directive (EU) 2016/680 and Regulation (EU) 2016/794 of the European Parliament and of the Council³, which rules this Directive leaves unaffected.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119 4.5.2016, p. 89). 2. 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) and replacing and repealing</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).</p> <p>3. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 4.5.2016, p. 1).</p>	<p><u><i>requested competent law enforcement authority. If it appears that the personal data are incorrect, they should be rectified or erased without delay</i></u><i>the protection of individuals and the quality and reliability of the information exchanged. If it appears that the personal data are incorrect, they should be rectified or erased without delay. Such rectification or erasure, as well as any other processing of personal data in connection to the activities under this Directive, should be carried out in compliance with the applicable rules of Union law, in particular Directive (EU) 2016/680 and Regulation (EU) 2016/679 of the European Parliament and of the Council³; which rules this Directive leaves unaffected.</i></p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119 4.5.2016, p. 89).</p> <p>2. 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) and replacing and repealing Council Decisions 2009/371/JHA,</p>	<p>Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).</p> <p>3. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 4.5.2016, p. 1).</p>	

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		<p>2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).</p> <p><i>3. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119 4.5.2016, p. 1).</i></p> <p>AM 21</p>		
Recital 17				
25	<p>(17) In order to allow for adequate and rapid provision of information by Single Points of Contact, either upon request or on their own initiative, it is important that the relevant officials of the Member States concerned understand each other. Language barriers often hamper the cross-border exchange of information. For this reason, rules should be established on the use of languages in which requests for information submitted to the Single Points of Contact, the information to be provided by Single Points of Contact as well as any other communications relating thereto, such as on refusals and clarifications, are to be provided. Those rules should strike a balance between, on the one hand, respecting the linguistic diversity within the</p>	<p>(17) In order to allow for adequate and rapid provision of information by Single Points of Contact, either upon request or on their own initiative, it is important that the relevant officials<u>competent law enforcement authorities</u> of the Member States concerned understand each other. Language barriers often hamper the cross-border exchange of<u>To prevent delays in the provision of requested information.</u>For this reason, rules should be established on the use of languages in which requests for information submitted to the Single Points of Contact, the information to be provided by<u>caused by language barriers and to limit translation costs, Member States should establish a list of one or more official languages of the Union in</u></p>	<p>(17) In order to allow for adequate and rapid provision of information by Single Points of Contact, either upon request or on their own initiative, it is important that the relevant officials of the Member States concerned understand each other. Language barriers often hamper the cross-border exchange of information. For this reason, rules should be established on the use of languages in which requests for information submitted to the Single Points of Contact, the information to be provided by Single Points of Contact as well as any other communications relating thereto, such as on refusals and clarifications, are to be provided. Those rules should strike a balance between, on the one hand, respecting the linguistic diversity within the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>Union and keeping costs of translation as limited as possible and, on the other hand, operational needs associated with adequate and rapid exchanges of information across borders. Therefore, Member States should establish a list containing one or more official languages of the Union of their choice, but containing also one language that is broadly understood and used in practice, namely, English.</p>	<p><u>which their</u> Single Points <u>Point</u> of Contact as well as any other communications relating thereto, such as on refusals and clarifications, are to be provided. Those rules can be addressed and in which it can communicate. All follow-up communications related to a specific request should strike a balance between, on the one hand, respecting the linguistic diversity within the Union and keeping costs of translation as limited as possible and, on the other hand, operational needs associated with adequate and rapid exchanges of information across borders. Therefore, be transmitted in the language in which that request was submitted. Such follow-up communications should include the provision of the requested information, refusals, including the reasons for refusals, and, where applicable, requests for clarifications and the clarifications provided. Member States should establish a list containing one or more official languages of the Union <u>also engage in the overall improvement</u> of their choice, but containing also one <u>staff's foreign</u> language that is broadly understood and used in practice, namely, English <u>skills by, for example, delivering specific training courses.</u></p> <p>AM 22</p>	<p>Union and keeping costs of translation as limited as possible and, on the other hand, operational needs associated with adequate and rapid exchanges of information across borders. Therefore, Member States should establish a list containing one or more official languages of the Union of their choice, but containing also one language that is broadly understood and used in practice, namely, English. <u>This list of languages should be updated and provided by each Member State to the Commission and to the General Secretariat of the Council to be included in the "National Fact Sheets" appended to the Council document "Manual on Law Enforcement Information Exchange".</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Recital 18				
26	<p>(18) The further development of the European Union Agency for Law Enforcement Cooperation (Europol) as the Union's criminal information hub is a priority. That is why, when information or any related communications are exchanged, irrespective of whether that is done pursuant to a request for information submitted to a Single Point of Contact or law enforcement authority, or on their own-imitative, a copy should be sent to Europol, however only insofar as it concerns offences falling within the scope of the objectives of Europol. In practice, this can be done through the ticking by default of the corresponding SIENA box.</p>	<p>(18) The further development of the European Union Agency for Law Enforcement Cooperation (Europol) <u>To ensure that Europol can fulfil its role</u> as the Union's criminal information hub is a priority. That is why, when information or any related communications are exchanged, irrespective of whether that is done pursuant to a request for information submitted to a Single Point of Contact or law enforcement authority, or on their own-imitative, <u>a copy and thereby supporting the competent law enforcement authorities, an assessment should be made, on a case-by-case basis, as to whether a copy of information or any related communications exchanged pursuant to this Directive</u> should be sent to Europol, however, only insofar as it concerns offences falling within the scope of the objectives of Europol. In practice, this can be done through the ticking by default of the corresponding SIENA box <u>Member States should ensure that their staff is adequately supported and trained to quickly and accurately identify which information exchanged in the context of this Directive falls</u></p>	<p>(18) The further development of the European Union Agency for Law Enforcement Cooperation (Europol) as the Union's criminal information hub is a priority. That is why, when information or any related communications are exchanged, irrespective of whether that is done pursuant to a request for information submitted to a Single Point of Contact or law enforcement authority, or on their own-imitative, a copy should be sent to Europol, however only insofar as it concerns offences falling within the scope of the objectives of Europol. <u>This provision goes further than the Regulation (EU) 2016/794 of the European Parliament and of the Council and reinforces the provisions of its Article 7(6)(a), which leaves it to the discretion of the Member State to decide whether information should be sent to the Agency.</u> In practice, this can be done through the ticking by default of the corresponding SIENA box. <u>In certain cases where the transmission of information to Europol could jeopardise national security, an ongoing investigation or the safety of an individual, or disclosing the information would</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<p><u>within the mandate of Europol and is necessary for the Agency to fulfil its objectives.</u></p> <p>AM 23</p>	<p><u>jeopardise the data ownership principle, the Single Points of Contact and the law enforcement authorities should be able to derogate from this mandatory copying, which justifies the establishment of a list of exceptions in line with Article 7(7) of the Regulation (EU) 2016/794 of the European Parliament and of the Council. This provision is without prejudice to Articles 18 and 19 of the Regulation (EU) 2016/794 of the European Parliament and of the Council, pertaining to the determination of the purpose of, and restrictions on, the processing of information by Europol.</u></p>	
Recital 19				
27	<p>(19) The proliferation of communication channels used for the transmission of law enforcement information between Member States and of communications relating thereto should be remedied, as it hinders the adequate and rapid exchange of such information. Therefore, the use of the secure information exchange network application called SIENA, managed by Europol in accordance with Regulation (EU) 2016/794, should be made mandatory for all such transmissions and communications</p>	<p>(19) The proliferation of communication channels used for the transmission of law enforcement information between Member States and of communications relating thereto should be remedied, as it hinders the adequate and rapid exchange of such information <u>and increases the risks concerning the security of personal data.</u> Therefore, the use of the secure information exchange network application called <u>(‘SIENA’)</u>, managed by Europol in accordance with Regulation (EU) 2016/794, should be made</p>	<p>(19) The proliferation of communication channels used for the transmission of law enforcement information between Member States and of communications relating thereto should be remedied, as it hinders the adequate and rapid exchange of such information. Therefore, the use of the secure information exchange network application called SIENA, managed by Europol in accordance with Regulation (EU) 2016/794, should be made mandatory for all such transmissions and communications</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>under this Directive, including the sending of requests for information submitted to Single Points of Contact and directly to law enforcement authorities, the provision of information upon such requests and on their own initiative, communications on refusals and clarifications, as well as copies to Single Points of Contact and Europol. To that aim, all Single Points of Contact, as well as all law enforcement authorities that may be involved in such exchanges, should be directly connected to SIENA. In this regard, a transition period should be provided for, however, in order to allow for the full roll-out of SIENA.</p>	<p>mandatory for all such transmissions and communications under this Directive, including the sending of requests for information submitted to Single Points of Contact and directly to <u>competent</u> law enforcement authorities, the provision of information upon such requests and on their own initiative, communications on refusals and clarifications, as well as copies to Single Points of Contact and Europol. To that aim^{end}, all Single Points of Contact, as well as all <u>competent</u> law enforcement authorities that may be involved in such exchanges, should be directly connected to SIENA. <u>To allow frontline officers, such as police officers involved in dragnet operations, to benefit from SIENA, it should also be operational on mobile devices.</u> In this regard, a <u>short</u> transition period should be provided for, however, in order to allow for the full roll-out of SIENA, <u>as it entails a change of the current practices in some Member States and requires that staff be trained.</u></p> <p>AM 24</p>	<p>under this Directive, including the sending of requests for information submitted to Single Points of Contact and directly to law enforcement authorities, the provision of information upon such requests and on their own initiative, communications on refusals and clarifications, as well as copies to Single Points of Contact and Europol. <u>This should not apply to internal exchanges of information within a Member State.</u> To that aim, all Single Points of Contact, as well as all law enforcement authorities that may be involved in such exchanges, should be directly connected to SIENA. In this regard, a transition period should be provided for, however, in order to allow for the full roll-out of SIENA. <u>In addition, in order to take into account the operational reality and not to hamper good cooperation between law enforcement authorities, a list of exceptions has been established to address cases where the choice of another secure communication channel is justified and promotes the exchange of information.</u></p>	
Recital 20				
28	(20) In order to simplify, facilitate and better manage information	(20) In order to simplify, facilitate and better manage information	(20) In order to simplify, facilitate and better manage information	


	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>flows, Member States should each establish or designate one Single Point of Contact competent for coordinating information exchanges under this Directive. The Single Points of Contact should, in particular, contribute to mitigating the fragmentation of the law enforcement authorities' landscape, specifically in relation to information flows, in response to the growing need to jointly tackle cross-border crime, such as drug trafficking and terrorism. For the Single Points of Contact to be able to effectively fulfil their coordinating functions in respect of the cross-border exchange of information for law enforcement purposes under this Directive, they should be assigned a number of specific, minimum tasks and also have certain minimum capabilities.</p>	<p>flows, Member States should each establish or designate one Single Point of Contact competent for coordinating <u>and facilitating</u> information exchanges under this Directive. The Single Points of Contact should, in particular, contribute to mitigating the <u>obstacles to information flows resulting from the</u> fragmentation of the <u>competent</u> law enforcement authorities' landscape, specifically in relation to information flows, in response to the growing need to jointly tackle cross-border crime, such as drug trafficking, <u>cybercrime, trafficking of human beings</u>, and terrorism. For the Single Points of Contact to be able to effectively fulfil their coordinating functions in respect of the cross-border exchange of information for law enforcement purposes under this Directive, they should be assigned a number of specific, minimum tasks and also have certain minimum capabilities.</p> <p>AM 25</p>	<p>flows, Member States should each establish or designate one Single Point of Contact competent for coordinating information exchanges under this Directive. <u>Each Member State, after establihsing its Single Point of Contact, should provide that information to the Commission for subsequent publication and should update that information where necessary. Each Member State should provide the same information to the General Secretariat of the Council to be included in the "National Fact Sheets" appended to the Council document "Manual on Law Enforcement Information Exchange".</u> The Single Points of Contact should, in particular, contribute to mitigating the fragmentation of the law enforcement authorities' landscape, specifically in relation to information flows, in response to the growing need to jointly tackle cross-border crime, such as drug trafficking and terrorism. For the Single Points of Contact to be able to effectively fulfil their coordinating functions in respect of the cross-border exchange of information for law enforcement purposes under this Directive, they should be assigned a number of specific, minimum tasks and also have certain minimum capabilities.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Recital 21				
29	<p>(21) Those capabilities of the Single Points of Contact should include having access to all information available within its own Member State, including by having user-friendly access to all relevant Union and international databases and platforms, in accordance with the modalities specified in the applicable Union and national law. In order to be able to meet the requirements of this Directive, especially those on the time limits, the Single Points of Contact should be provided with adequate resources, including adequate translation capabilities, and function around the clock. In that regard, having a front desk that is able to screen, process and channel incoming requests for information may increase their efficiency and effectiveness. Those capabilities should also include having at their disposition, at all times, judicial authorities competent to grant necessary judicial authorisations. In practice, this can be done, for example, by ensuring the physical presence or the functional availability of such judicial authorities, either within the premises of the Single Point of Contact or directly available on call.</p>	<p>(21) Those capabilities of the Single Points of Contact should include having access to all information available within its<u>their</u> own Member State, including by having user-friendly access to all relevant Union and international databases and platforms, in accordance with the modalities specified in the applicable Union and national law. In order to be able to meet the requirements of this Directive, especially those on the time limits, the Single Points of Contact should be provided with adequate resources <u>in terms of budget and staff</u>, including adequate translation capabilities, and function around the clock. In that regard, having a front desk that is able to screen, process and channel incoming requests for information may<u>could</u> increase their efficiency and effectiveness. Those capabilities should also include having at their disposition, at all times, judicial authorities competent to grant necessary judicial authorisations. In practice, this can be done, for example, by ensuring the physical presence or the functional availability of such judicial authorities, either within the premises of the Single Point of</p>	<p>(21) Those capabilities of the Single Points of Contact should include having access to all information available within its own Member State <u>whether this information is directly or indirectly accessible to the law enforcement authorities in accordance with recital (9a)</u>, including by having user-friendly access to all relevant Union and international databases and platforms, in accordance with the modalities specified in the applicable Union and national law. <u>—</u>In order to be able to meet the requirements of this Directive, especially those on the time limits, the Single Points of Contact should be provided with adequate resources, including adequate translation capabilities, and function around the clock. In that regard, having a front desk that is able to screen, process and channel incoming requests for information may increase their efficiency and effectiveness. Those capabilities should also include having at their disposition, at all times, judicial authorities competent to grant necessary judicial authorisations. In practice, this can be done, for example, by ensuring the physical presence or the functional</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		Contact or directly available on call. AM 26	availability of such judicial authorities, either within the premises of the Single Point of Contact or directly available on call.	
Recital 22				
30	(22) In order for them to be able to effectively perform their coordinating functions under this Directive, the Single Points of Contact should be composed of representatives of national law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive. While it is for each Member State to decide on the precise organisation and composition needed to meet that requirement, such representatives may include police, customs and other law enforcement authorities competent for preventing, detecting or investigating criminal offences, as well as possible contact points for the regional and bilateral offices, such as liaison officers and attachés seconded or posted in other Member States and relevant Union law enforcement agencies, such as Europol. However, in the interest of effective coordination, at minimum, the Single Points of Contact should be composed of representatives of the Europol national unit, the	(22) In order for them to be able to effectively perform their coordinating functions under this Directive, the Single Points of Contact should be composed of representatives of national <u>staff of competent</u> law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive. While it is for each Member State to decide on the precise organisation and composition needed to meet that requirement, such representatives may include police, customs and other <u>competent</u> law enforcement authorities competent <u>responsible</u> for preventing, detecting or investigating criminal offences, as well as <u>and</u> possible contact points for the regional and bilateral offices, such as liaison officers and attachés seconded or posted in other Member States and relevant Union law enforcement agencies, such as Europol, <u>should be able to be represented in Single Points of Contact</u> . However, in the interest of	(22) In order for them to be able to effectively perform their coordinating functions under this Directive, the Single Points of Contact should be composed of representatives of national law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive. While it is for each Member State to decide on the precise organisation and composition needed to meet that requirement, such representatives may include police, customs and other law enforcement authorities competent for preventing, detecting or investigating criminal offences, as well as possible contact points for the regional and bilateral offices, such as liaison officers and attachés seconded or posted in other Member States and relevant Union law enforcement agencies, such as Europol. However, in the interest of effective coordination, at minimum, the Single Points of Contact should be composed of representatives of the Europol national unit, the	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	SIRENE Bureau, the passenger information unit and the Interpol National Central Bureau, as established under the relevant legislation and notwithstanding this Directive not being applicable to information exchanges specifically regulated by such Union legislation.	effective coordination, at minimum, the Single Points of Contact should be composed of representatives of the Europol national unit, the SIRENE Bureau, the passenger information unit and the Interpol National Central Bureau, as established under the relevant legislation <u>or international agreement</u> and notwithstanding this Directive not being applicable to information exchanges specifically regulated by such Union legislation. AM 27	SIRENE Bureau, the passenger information unit and the Interpol National Central Bureau, as established under the relevant legislation and notwithstanding this Directive not being applicable to information exchanges specifically regulated by such Union legislation.	
Recital 22a				
30a		<u>(22a) Given the specific requirements of cross-border law enforcement cooperation, including the handling of sensitive information in that context, it is essential for the staff of the Single Points of Contact and the competent law enforcement authorities to have the necessary knowledge and skills to carry out their tasks in an efficient manner. For that reason, the staff of the competent law enforcement authorities in the national Single Point of Contact should be offered regular training courses at Union and national level which correspond to their professional</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<p><u>needs and specific backgrounds and facilitate their contact with Single Points of Contact and competent law enforcement authorities from other Member States. Particular attention should be paid to the areas of data processing, to imparting knowledge about the Union legal framework in the area of Justice and Home Affairs, with a particular focus on law enforcement cooperation and data protection, and to foreign languages, with a view to helping overcome language barriers in an increasingly diverse Europe. For the purpose of providing those training courses, Member States should also make use of the training courses and relevant tools offered by the European Union Agency for Law Enforcement Training (CEPOL), the possibility for law enforcement staff to spend a week at Europol, and relevant offers made by programmes and projects funded by the Union budget, such as the CEPOL exchange programme.</u></p> <p>AM 28</p>	<div>PUBLIC</div>	
Recital 22b				
30b		<p><u>(22b) In addition to technical skills and legal knowledge, mutual trust</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<p><u>and common understanding are prerequisites for effective cross-border law enforcement cooperation. Personal contacts acquired through joint operations and the sharing of expertise facilitate the building of trust and the development of a common Union culture of policing. Therefore, Member States should encourage more joint operations, joint tactical and technical trainings and staff exchanges which focus on the transfer of knowledge about the working methods, investigative approaches and organisational structures of competent law enforcement authorities in other Member States.</u></p> <p>AM 29</p>		
Recital 22c				
30c		<p><u>(22c) To increase participation in training courses for the staff of the competent law enforcement authorities within the Single Points of Contact and to enhance the attractiveness of a secondment to a Single Point of Contact or participation in cross-border joint operations, Member States could also consider specific incentives for staff.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		AM 30		
Recital 23				
31	<p>(23) The deployment and operation of an electronic single Case Management System having certain minimum functions and capabilities by the Single Points of Contact is necessary to allow them to carry out their tasks under this Directive in an effective and efficient manner, in particular as regards information management.</p>	<p>(23) The deployment and operation of an electronic single Case Management System, <u>which serves as a repository and has</u> having certain minimum functions and capabilities, by the Single Points of Contact is necessary to allow them to carry out their tasks under this Directive in an effective and efficient manner, in particular as regards <u>the exchange, processing and storage of</u> information. <u>The Case Management System should store information provided to the Single Point of Contact by domestic competent law enforcement authorities and requests for information sent by other Member States to the Single Point of Contact. The requesting law enforcement authorities should process the personal data stored in the Case Management System in accordance with Directive (EU) 2016/680 and as quickly as possible in order to limit the double storage of the data to the strict minimum. Where it is no longer necessary and proportionate to process that data, they should be irrevocably deleted from the Case Management System.</u></p>	<p>(23) The deployment and operation of an electronic single Case Management System having certain minimum functions and capabilities by the Single Points of Contact is necessary to allow them to carry out their tasks under this Directive in an effective and efficient manner, in particular as regards information management. <u>The universal message format (UMF) standard should be used in the development of the Case Management System. Member States' authorities and Europol are encouraged to use the UMF standard, which should serve as a standard for structured, cross-border information exchange between information systems, authorities or organisations in the field of Justice and Home Affairs.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		AM 31		
Recital 23a				
31a		<p><u>(23a) To encourage practical cooperation under this Directive and to foster a common European police culture between Member States, the Commission should organise regular meetings of the Single Points of Contact, at least once a year. Those meetings should facilitate the sharing of good practices in the field of the exchange of information for the purposes of this Directive.</u></p> <p>AM 32</p>		
Recital 24				
32	<p>(24) To enable the necessary monitoring and evaluation of the application of this Directive, Member States should be required to collect and annually provide to the Commission certain data. This requirement is necessary, in particular, to remedy the lack of comparable data quantifying relevant information exchanges and also facilitates the reporting obligation of the Commission.</p>	<p>(24) To enable the necessary monitoring and evaluation of the application of this Directive, Member States should be required to collect and annually provide to the Commission certain data <u>concerning the implementation of this Directive</u>. This requirement is necessary, in particular, to remedy the lack of comparable data quantifying relevant <u>cross-border information exchanges between competent law enforcement authorities</u> and also facilitates the</p>	<p>(24) To enable the necessary monitoring and evaluation of the application of this Directive, Member States should be required to collect and annually provide to the Commission certain data. This requirement is necessary, in particular, to remedy the lack of comparable data quantifying relevant information exchanges and also facilitates the reporting obligation of the Commission. <u>Required data should be automatically generated by the Case</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		reporting obligation of the Commission <u>regarding the implementation of this Directive</u> . AM 33	<u>Management System and SIENA</u> .	
Recital 25				
33	(25) The cross-border nature of crime and terrorism requires Member States to rely on one another to tackle such criminal offences. Adequate and rapid information flows between relevant law enforcement authorities and to Europol cannot be sufficiently achieved by the Member States acting alone. Due to the scale and effects of the action, this can be better achieved at Union level through the establishment of common rules on the exchange of information. Thus, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(25) The cross-border nature of crime and terrorism requires Member States to rely on one another to tackle <u>prevent, detect or investigate</u> such criminal offences. <u>Experience has shown that</u> adequate and rapid information flows between relevant <u>competent</u> law enforcement authorities and to Europol cannot be sufficiently achieved by the Member States acting alone. Due to the scale and effects of the action, this can be better achieved at Union level through the establishment of common rules <u>and a common culture</u> on the exchange of information <u>and through modern tools and communication channels</u> . Thus, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	(25) The cross-border nature of crime and terrorism requires Member States to rely on one another to tackle such criminal offences. Adequate and rapid information flows between relevant law enforcement authorities and to Europol cannot be sufficiently achieved by the Member States acting alone. Due to the scale and effects of the action, this can be better achieved at Union level through the establishment of common rules on the exchange of information. Thus, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		AM 34		
Recital 25a				
33a		<p><u>(25a) The European Data Protection Supervisor was consulted in accordance with Article 41(2) of Regulation (EU) 2018/1725 of the European Parliament and the Council, and delivered an opinion on 7 March 2022.</u></p> <p>AM 35</p>		
Recital 25b				
33b		<p><u>(25b) This Directive respects the fundamental rights and safeguards and observes the principles recognised by the Charter of Fundamental Rights of the European Union (the 'Charter'), in particular the right to respect for private and family life and the right to the protection of personal data as provided for by Articles 7 and 8 of the Charter, as well as by Article 16 of the Treaty on the Functioning of the European Union (TFEU). Any processing of personal data under this Regulation should be limited to that which is strictly necessary and proportionate and subject to clear conditions, strict requirements and</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<u>effective supervision by the national supervisory authorities and the European Data Protection Supervisor, in accordance with their respective mandates.</u> AM 36		
Recital 26				
34	<p>(26) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Given that this Directive builds upon the Schengen acquis, Denmark should, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Directive whether it will implement it in its national law.</p>	<p>(26) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Given that this Directive builds upon the Schengen acquis, Denmark should, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Directive whether it will implement it in its national law.</p>	<p>(26) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Given that this Directive builds upon the Schengen acquis, Denmark should, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Directive whether it will implement it in its national law.</p>	
Recital 27				
35	<p>(27) This Directive constitutes a development of the provisions of the Schengen acquis in which Ireland takes part, in accordance with Council Decision 2002/192/EC¹; Ireland is therefore taking part in the</p>	<p>(27) This Directive constitutes a development of the provisions of the Schengen acquis in which Ireland takes part, in accordance with Council Decision 2002/192/EC¹; Ireland is therefore taking part in the</p>	<p>(27) This Directive constitutes a development of the provisions of the Schengen acquis in which Ireland takes part, in accordance with Council Decision 2002/192/EC¹; Ireland is therefore taking part in the</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	<p>adoption of this Directive and is bound by it.</p> <p>1. Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002).</p>	<p>adoption of this Directive and is bound by it.</p> <p>1. Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002).</p>	<p>adoption of this Directive and is bound by it.</p> <p>1. Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002).</p>	
Recital 28				
36	<p>(28) As regards Iceland and Norway, this Directive constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis¹ which fall within the area referred to in Article 1, point H of Council Decision 1999/437/EC².</p> <p>1. OJ L 176, 10.7.1999, p. 36. 2. Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999).</p>	<p>(28) As regards Iceland and Norway, this Directive constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis¹ which fall within the area referred to in Article 1, point H of Council Decision 1999/437/EC².</p> <p>1. OJ L 176, 10.7.1999, p. 36. 2. Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999).</p>	<p>(28) As regards Iceland and Norway, this Directive constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis¹ which fall within the area referred to in Article 1, point H of Council Decision 1999/437/EC².</p> <p>1. OJ L 176, 10.7.1999, p. 36. 2. Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999).</p>	
Recital 29				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
37	<p>(29) As regards Switzerland, this Directive constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹ which fall within the area referred to in Article 1, point H of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC² and with Article 3 of Council Decision 2008/149/JHA³.</p> <p>1. OJ L 53, 27.2.2008, p. 52. 2. Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008). 3. Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008).</p>	<p>(29) As regards Switzerland, this Directive constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹ which fall within the area referred to in Article 1, point H of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC² and with Article 3 of Council Decision 2008/149/JHA³.</p> <p>1. OJ L 53, 27.2.2008, p. 52. 2. Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008). 3. Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008).</p>	<p>(29) As regards Switzerland, this Directive constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹ which fall within the area referred to in Article 1, point H of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC² and with Article 3 of Council Decision 2008/149/JHA³.</p> <p>1. OJ L 53, 27.2.2008, p. 52. 2. Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008). 3. Council Decision 2008/149/JHA of 28 January 2008 on the conclusion on behalf of the European Union of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008).</p>	
Recital 30				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
38	<p>(30) As regards Liechtenstein, this Directive constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹ which fall within the area referred to in Article 1, point H of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU² and with Article 3 of Council Decision 2011/349/EU³,</p> <p>1. OJ L 160, 18.6.2011, p. 21. 2. Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis,</p>	<p>(30) As regards Liechtenstein, this Directive constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹ which fall within the area referred to in Article 1, point H of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU² and with Article 3 of Council Decision 2011/349/EU³,</p> <p>1. OJ L 160, 18.6.2011, p. 21. 2. Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis,</p>	<p>(30) As regards Liechtenstein, this Directive constitutes a development of the provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis¹ which fall within the area referred to in Article 1, point H of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU² and with Article 3 of Council Decision 2011/349/EU³,</p> <p>1. OJ L 160, 18.6.2011, p. 21. 2. Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011). 3. Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011).	relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011). 3. Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011).	relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011). 3. Council Decision 2011/349/EU of 7 March 2011 on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis relating in particular to judicial cooperation in criminal matters and police cooperation (OJ L 160, 18.6.2011).	
Formula				
39	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Chapter I				
40	Chapter I General provisions	Chapter I General provisions	Chapter I General provisions	
Article 1				
41	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	
Article 1(1), first subparagraph				
42	1. This Directive establishes rules	1. This Directive establishes	1. This Directive establishes rules	1. This Directive establishes

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	for the exchange of information between the law enforcement authorities of the Member States where necessary for the purpose of preventing, detecting or investigating criminal offences.	<u>harmonised</u> rules for the <u>adequate and rapid</u> exchange of information between the <u>competent</u> law enforcement authorities of the Member States where necessary <u>and proportionate</u> for the purpose of preventing, detecting or investigating criminal offences. AM 37	for the exchange of information between the law enforcement authorities of the Member States where necessary for the purpose <u>purposes</u> of preventing, detecting or investigating criminal offences.	<u>harmonised</u> rules for the <u>adequate and rapid</u> exchange of information between the <u>competent</u> law enforcement authorities of the Member States where necessary for the purpose of preventing, detecting or investigating criminal offences.
Article 1(1), second subparagraph, introductory part				
43	In particular, this Directive establishes rules on:	In particular, this Directive establishes rules on:	In particular, this Directive establishes rules on:	In particular, this Directive establishes rules on:
Article 1(1), second subparagraph, point (a)				
44	(a) requests for information submitted to the Single Points of Contact established or designated by the Member States, in particular on the content of such requests, mandatory time limits for providing the requested information, reasons for refusals of such requests and the channel of communication to be used in connection to such requests;	(a) requests for information submitted to the Single Points of Contact established or designated by the Member States, in particular on the content of such requests, <u>the provision of information pursuant to such requests, the working languages of the Single Points of Contact</u> , mandatory time limits for providing the requested information, <u>and the</u> reasons for refusals of such requests and the channel of communication to be used in connection to such requests <u>obligations to correct incorrect information and verify outgoing information</u> ;	(a) requests for information submitted to the Single Points of Contact established or designated by the Member States, in particular on the content of such requests, <u>the provision of information pursuant to such requests</u> , mandatory time limits for providing the requested information, <u>and the</u> reasons for refusals of such requests and the channel of communication to be used in connection to such requests;	(a) requests for information submitted to the Single Points of Contact established or designated by the Member States, in particular on the content of such requests, mandatory time limits for providing the requested information, reasons for refusals of such requests and the channel of communication to be used in connection to <u>the provision of information pursuant to such requests, the working languages of the Single Points of Contact, mandatory time limits for providing the requested information and the reasons for refusals of</u> such requests;

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		AM 38		See also line 69b re deletion here
Article 1(1), second subparagraph, point (b)				
45	(b) the own-initiative provision of relevant information to Single Points of Contact or to the law enforcement authorities of other Member States, in particular the situations and the manner in which such information is to be provided;	(b) the own-initiative provision of relevant information to Single Points of Contact or to the <u>competent</u> law enforcement authorities of other Member States, in particular the situations and the manner in which such information is to be provided; AM 39	(b) the own-initiative provision of relevant information to Single Points of Contact or to the law enforcement authorities of other Member States, in particular the situations and the manner in which such information is to be provided;	(b) the own-initiative provision of relevant information to Single Points of Contact or to the <u>competent</u> law enforcement authorities of other Member States, in particular the situations and the manner in which such information is to be provided;
Article 1(1), second subparagraph, point (c)				
46	(c) the channel of communication to be used for all exchanges of information and the information to be provided to the Single Points of Contact in relation to exchanges of information directly between the law enforcement authorities of the Member States;	(c) the <u>single</u> channel of communication to be used for all exchanges of information <u>pursuant to this Directive</u> and the information to be provided to the Single Points of Contact in relation to exchanges of information directly between the <u>competent</u> law enforcement authorities of the Member States; AM 40	(c) the channel of communication to be used for all exchanges of information <u>under this Directive</u> and the information to be provided to the Single Points of Contact in relation to exchanges of information directly between the law enforcement authorities of the Member States;	(c) the <u>single</u> channel of communication to be used for all exchanges of information <u>pursuant to this Directive</u> and the information to be provided to the Single Points of Contact in relation to exchanges of information directly between the <u>competent</u> law enforcement authorities of the Member States; Exceptions will be provided for in Art 13 SIENA
Article 1(1), second subparagraph, point (d)				
47	(d) the establishment, tasks, composition and capabilities of the	(d) the establishment <u>designation, organisation</u> , tasks, composition and	(d) the establishment, tasks, composition and capabilities of the	(d) the establishment <u>or designation, organisation</u> , tasks,

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	Single Point of Contact, including on the deployment of a single electronic Case Management System for the fulfilment of its tasks.	capabilities of the <u>Member States'</u> Single Point <u>Points</u> of Contact, including on the deployment <u>and operation</u> of a single electronic Case Management System for the fulfilment of its <u>their</u> tasks- <u>under this Directive;</u> AM 41	Single Point of Contact, including on the deployment of a single electronic Case Management System for the fulfilment of its <u>providing the functions and capabilities set out in Article 16(1) for the</u> tasks <u>set out in Article 14(2).</u>	composition and capabilities of the <u>Member States'</u> Single Point <u>Points</u> of Contact, including on the deployment <u>and operation</u> of a single electronic Case Management System for the fulfilment of its <u>their</u> tasks- <u>under this Directive;</u>
Article 1(2)				
48	2. This Directive shall not apply to exchanges of information between the law enforcement authorities of the Member States for the purpose of preventing, detecting or investigating criminal offences that are specifically regulated by other acts of Union law.	2. This Directive shall not apply to exchanges of information between the <u>competent</u> law enforcement authorities of the Member States for the purpose of preventing, detecting or investigating criminal offences, <u>where those exchanges</u> that are specifically regulated by other acts of Union law <u>or to exchanges of information for the purpose of prosecuting criminal offences.</u> AM 42	2. This Directive shall not apply to exchanges of information between the law enforcement authorities of the Member States for the purpose of preventing, detecting or investigating criminal offences that are specifically regulated by other acts of Union law. <u>Without prejudice to their obligations under this Directive and other acts of Union law, Member States may adopt or maintain provisions further facilitating the exchange of information with the law enforcement authorities of other Member States for the purposes of preventing, detecting or investigating criminal offences, including by means of bilateral or multilateral arrangements concluded by the Member States.</u>	2. This Directive shall not apply to exchanges of information between the <u>competent</u> law enforcement authorities of the Member States for the purpose of preventing, detecting or investigating criminal offences that are specifically regulated by other acts of Union law. <u>Without prejudice to their obligations under this Directive and other acts of Union law, Member States may adopt or maintain provisions further facilitating the exchange of information with the law enforcement authorities of other Member States for the purposes of preventing, detecting or investigating criminal offences, including by means of bilateral or multilateral arrangements.</u> COM: explain at technical why prosecution ref may be dropped without impact on scope.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Article 1(3), introductory part				
49	3. This Directive does not impose any obligation on Member States to:	3. This Directive does not impose any obligation on Member States to:	3. This Directive does not impose any obligation on Member States to:	
Article 1(3), point (a)				
50	(a) obtain information by means of coercive measures, taken in accordance with national law, for the purpose of providing it to the law enforcement authorities of other Member States;	(a) obtain information by means of coercive measures, taken in accordance with national law , for the purpose of providing it to the <u>competent</u> law enforcement authorities of other Member States; <small>AM 43</small>	(a) obtain information by means of coercive measures, taken in accordance with national law, for the purpose of providing it to the law enforcement authorities of other Member States ;	(a) obtain information by means of coercive measures, taken in accordance with national law, for the purpose of providing it to the law enforcement authorities of other Member States ;
Article 1(3), point (b)				
51	(b) store information for the purpose referred to in point (a);	(b) store <u>any</u> information for the purpose referred to in point (a) of providing it to the competent law enforcement authorities of other Member States ; <small>AM 44</small>	(b) store information for the <u>sole</u> purpose referred to in point (a) of providing it to the law enforcement authorities of other Member States ;	(b) store <u>any</u> information for the <u>sole</u> purpose referred to in point (a) of providing it to the competent law enforcement authorities of other Member States ;
Article 1(3), point (c)				
52	(c) provide information to the law enforcement authorities of other Member States to be used as evidence in judicial proceedings	(c) provide information to the <u>competent</u> law enforcement authorities of other Member States to be used as evidence in judicial proceedings.	(c) provide information to the law enforcement authorities of other Member States to be used as evidence in judicial proceedings.	(c) provide information to the <u>competent</u> law enforcement authorities of other Member States to be used as evidence in judicial proceedings.

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		AM 45		
Article 1(4)				
53	4. This Directive does not establish any right to use the information provided in accordance with this Directive as evidence in judicial proceedings.	4. This Directive does not establish any right to use the information provided in accordance with this Directive as evidence in judicial proceedings. <u>Where a requesting Member State wishes to use information obtained in accordance with this Directive as evidence in judicial proceedings, it shall obtain the consent of the requested Member State for such use by means of existing instruments of judicial cooperation between the Member States. Where the requested Member State consents to such use at the moment it transmits the information, the requesting Member State shall be allowed to use the information accordingly.</u> AM 46	4. This Directive does not establish any right to use the information provided in accordance with this Directive as evidence in judicial proceedings. <u>The Member State providing the information may give consent for its use as evidence in judicial proceedings, including where necessary under national law, through the use of instruments regarding judicial cooperation in force between the Member States.</u>	4. This Directive does not establish any right to use the information provided in accordance with this Directive as evidence in judicial proceedings. <u>The Member State providing the information may give consent for its use as evidence in judicial proceedings.</u> Check recitals. Check recitals & if EP can agree to consent after initial transmission
Article 2				
54	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2, first paragraph, introductory part				
55	For the purpose of this Directive:	For the purpose of this Directive:	For the purpose of this Directive:	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Article 2, first paragraph, point (1)				
56	(1) 'law enforcement authority' means any authority of the Member States competent under national law for the purpose of preventing, detecting or investigating criminal offences;	(1) ' <u>competent</u> ' law enforcement authority' means any <u>police, customs or other</u> authority of the Member States competent under national law <u>to exercise authority and to take coercive measures</u> for the purpose of preventing, detecting or investigating criminal offences; AM 47	(1) 'law enforcement authority' means any authority of the Member States competent under national law for the purpose of preventing, detecting or investigating criminal offences, <u>including such authorities that take part in joint entities set up between two or more Member States on the basis of bilateral or multilateral arrangements for the purpose of preventing, detecting or investigating criminal offences. Agencies or units dealing especially with national security issues and liaison officers seconded pursuant to Art. 47 of the CISA are not covered by this definition of law enforcement authority;</u>	(1) ' <u>competent</u> ' law enforcement authority' means any <u>police, customs or other</u> authority of the Member States competent under national law <u>to exercise authority and to take coercive measures</u> for the purpose of preventing, detecting or investigating criminal offences, <u>and any authority that takes part in joint entities set up between two or more Member States for the purpose of preventing, detecting or investigating criminal offences. Agencies or units dealing especially with national security issues and liaison officers seconded pursuant to Article 47 of the Convention Implementing the Schengen Agreement are not covered by this definition;</u>
Article 2, first paragraph, point (1a)				
56a			<u>(1a) 'designated law enforcement authority' means a law enforcement authority that is authorised to submit requests for information to the Single Points of Contact of other Member States in accordance with Article 4(1);</u>	<u>(1a) 'designated law enforcement authority' means a competent law enforcement authority that is authorised to submit requests for information to the Single Points of Contact of other Member States in accordance with Article 4(1);</u>
Article 2, first paragraph, point (2), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
57	(2) 'criminal offences' means any of the following:	(2) ' <i>serious</i> ' criminal offences' means any of the following: AM 48	(2) ' <i>serious</i> ' criminal offences' means any of the following:	
Article 2, first paragraph, point (2)(a)				
58	(a) offences referred to in Article 2(2) of Council Framework Decision 2002/584/JHA ¹ ; 1. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).	(a) offences referred to in Article 2(2) of Council Framework Decision 2002/584/JHA ¹ ; 1. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).	(a) offences referred to in Article 2(2) of Council Framework Decision 2002/584/JHA ¹ ; 1. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).	
Article 2, first paragraph, point (2)(b)				
59	(b) offences referred to in Article 3(1) and (2) of Regulation (EU) 2016/794;	(b) offences referred to in Article 3(1) and (2) of Regulation (EU) 2016/794;	(b) offences referred to in Article 3(1) and (2) of Regulation (EU) 2016/794;	
Article 2, first paragraph, point (2)(c)				
60	(c) tax crimes relating to direct and indirect taxes, as laid down in national law;	(c) tax crimes relating to direct and indirect taxes, as laid down in national law; AM 49	(c) tax crimes relating to direct and indirect taxes, as laid down in national law;	
Article 2, first paragraph, point (3)				
61	(3) 'information' means any content	(3) 'information' means any content	(3) 'information' means any content	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	concerning one or more natural persons, facts or circumstances relevant to law enforcement authorities in connection to the exercise of their tasks under national law of preventing, detecting or investigating criminal offences;	concerning one or more natural <u>or legal</u> persons, facts or circumstances relevant to <u>competent</u> law enforcement authorities in connection to the exercise of <u>for the purpose of exercising</u> their tasks under national law of preventing, detecting or investigating criminal offences; AM 50	concerning one or more natural <u>or legal</u> persons, facts or circumstances relevant to law enforcement authorities in connection to the exercise of <u>for the purpose of exercising</u> their tasks under national law of preventing, detecting or investigating criminal offences <u>or criminal intelligence</u> ;	
Article 2, first paragraph, point (4)				
62	(4) 'available' information means information that is either held by the Single Point of Contact or the law enforcement authorities of the requested Member State, or information that those Single Points of Contact or those law enforcement authorities can obtain from other public authorities or from private parties established in that Member State without coercive measures;	(4) 'available' information means information that is either held by the Single Point of Contact or the law enforcement authorities of the requested Member State, or information that those Single Points of Contact or those law enforcement authorities can obtain from other public authorities or from private parties established in that Member State without coercive measures; AM 51	(4) 'available' information means information that is either held <u>in a database directly accessible</u> by the Single Point of Contact or the law enforcement authorities of the requested Member State <u>(direct access)</u> , or information that those Single Points of Contact or those law enforcement authorities can obtain from other public authorities or from private parties established in that Member State, <u>where permitted by and in accordance with national law</u> , without coercive measures <u>(indirect access)</u> ;	
Article 2, first paragraph, point (5)				
63	(5) 'SIENA' means the secure information exchange network application, managed by Europol,	(5) 'SIENA' means the secure information exchange network application, managed by Europol,	(5) 'SIENA' means the secure information exchange network application, managed <u>and developed</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	aimed at facilitating the exchange of information between Member States and Europol;	aimed at facilitating the exchange of information between Member States and Europol; AM 52	by Europol, aimed at facilitating the exchange of information between Member States and Europol;	
Article 2, first paragraph, point (6)				
64	(6) 'personal data' means personal data as defined in Article 4, point (1) of Regulation (EU) 2016/679.	(6) 'personal data' means personal data as defined in Article 43 , point (1), of Directive (EU) 2016/680 of Regulation (EU) 2016/679. AM 53	(6) 'personal data' means personal data as defined in Article 43 , point (1) of Regulation (EU) 2016/679. <u>Directive (EU) 2016/680;</u>	
Article 2, first paragraph, point (7)				
64a			<u>(7) 'requesting Member State' means the Member State whose Single Point of Contact or designated law enforcement authority submits a request for information in accordance with Article 4;</u>	
Article 2, first paragraph, point (8)				
64b			<u>(8) 'requested Member State' means the Member State whose Single Point of Contact receives a request for information in accordance with Article 4.</u>	
Article 3				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
65	Article 3 Principles of information exchange	Article 3 Principles of information exchange	Article 3 Principles of information exchange	
Article 3, first paragraph, introductory part				
66	Member States shall, in connection to all exchanges of information under this Directive, ensure that:	Member States shall, in connection to all exchanges of information under this Directive, ensure that:	Member States shall, in connection to all exchanges of information under this Directive, ensure that:	
Article 3, first paragraph, point (a)				
67	(a) any relevant information available to the Single Point of Contact or the law enforcement authorities of Member States is provided to the Single Point of Contact or the law enforcement authorities of other Member States ('principle of availability');	(a) any relevant information available to the <u>their</u> Single Point of Contact or the <u>competent</u> law enforcement authorities of Member States, <u>namely information that they can directly access or that they can obtain from other public authorities or from private parties established in that Member State without coercive measures under national law</u> , is provided to the Single Point <u>Points</u> of Contact or the <u>competent</u> law enforcement authorities of other Member States ('principle of availability'); AM 54	(a) any relevant information available to the <u>their</u> Single Point of Contact or the law enforcement authorities of Member States is <u>can be</u> provided to the Single Point of Contact or the law enforcement authorities of other Member States <u>in accordance with this Directive</u> ('principle of availability');	
Article 3, first paragraph, point (b)				
68	(b) the conditions for requesting information from the Single Point of	(b) the conditions for requesting information from the Single Point of	(b) the conditions for requesting information from the Single	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	Contact or the law enforcement authorities of other Member States, and those for providing information to the Single Points of Contact and the law enforcement authorities of other Member States, are equivalent to those applicable for requesting and providing similar information from and to their own law enforcement authorities ('principle of equivalent access');	Contact or the law enforcement authorities of other Member States, and those for <u>and</u> providing information <u>it</u> to the Single Points <u>Point</u> of Contact and the or <u>the competent</u> law enforcement authorities of other Member States, are equivalent to those applicable for requesting and providing similar information from and <u>providing it</u> to their own <u>competent</u> law enforcement authorities <u>for the same purposes in a similar domestic case</u> ('principle of equivalent access');	Point <u>Points</u> of Contact or the law enforcement authorities of other Member States, and those for providing information to the Single Points of Contact and the <u>designated</u> law enforcement authorities of other Member States, are equivalent to those applicable for requesting and providing similar information from and to their own law enforcement authorities <u>at national level</u> ('principle of equivalent access');	
	Article 3, first paragraph, point (c)			
69	(c) information provided to the Single Point of Contact or the law enforcement authorities of another Member State that is marked as confidential is protected by those law enforcement authorities in accordance with the requirements set out in the national law of that Member State offering a similar level of confidentiality ('principle of confidentiality').	(c) information provided to the Single Point of Contact or the <u>competent</u> law enforcement authorities of another Member State that is marked as confidential is protected by those <u>the Single Point of Contact or the competent</u> law enforcement authorities in accordance with the requirements set out in the national law of that Member State offering a similar level of confidentiality-('principle of confidentiality').	(c) information provided to the Single Point <u>Points</u> of Contact or the law enforcement authorities of another other Member State <u>States</u> that is marked as confidential is protected by those law enforcement authorities <u>them</u> in accordance with the requirements set out in the national law of that Member State offering a similar level of confidentiality ('principle of confidentiality').	
	Article 3, first paragraph, point (d)			

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
69a			<u>(d) where the requested information has initially been obtained from another Member State or a third country, such information may only be provided to the law enforcement authority of another Member State or Europol with the consent of and according to the conditions imposed on its use by the Member State or third country that initially provided the information, unless that Member State or third country has granted its prior consent to such provision of information ('principle of data ownership').</u>	Can this be deleted if corresponding ground for refusal is maintained in Art 6?
Article 3, first paragraph, point (ca)				
69b		<u>(ca) information provide to the Single Point of Contact or otherwise exchanged under this Directive that is found to be incorrect, inaccurate or outdated is corrected or deleted, as appropriate, and any correction or deletion is communicated to all recipients without delay.</u> AM 57		See line 44.
Chapter II				
70	Chapter II	Chapter II	Chapter II	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	Exchanges of information through Single Points of Contact	Exchanges of information through Single Points of Contact	Exchanges of information through Single Points of Contact	
Article 4				
71	Article 4 Requests for information to the Single Point of Contact	Article 4 Requests for information to the Single Point of Contact	Article 4 Requests for information to the Single Point of Contact	
Article 4(1), first subparagraph				
72	1. Member States shall ensure that their Single Point of Contact and, where they have so decided, their law enforcement authorities submit requests for information to the Single Points of Contact of other Member States in accordance with the conditions set out in paragraphs 2 to 5.	1. Member States shall ensure that their Single Point of Contact and, where they have so decided, their <u>competent</u> law enforcement authorities submit requests for information to the Single Points of Contact of other Member States in accordance with the conditions set out in paragraphs 2 to 5. AM 58	1. Member States shall ensure that <u>the request for information that</u> their Single Point of Contact and, where they have so decided, their <u>the designated</u> law enforcement authorities submit requests for information to the Single Points <u>Point</u> of Contact of other <u>another</u> Member States in accordance <u>State comply</u> with the conditions set out in paragraphs 2 to 5.	1. Member States shall ensure that <u>the request for information that</u> their Single Point of Contact and, where they have so decided, <u>their their national law so provides,</u> <u>the designated</u> law enforcement authorities, submit requests for information to the Single Points <u>Point</u> of Contact of other <u>another</u> Member States in accordance <u>State complies</u> with the conditions set out in paragraphs 2 to 5.
Article 4(1), first subparagraph a				
72a			<u>Member States shall notify the Commission with the list of law enforcement authorities designated at national level to submit requests for information directly to the Single Points of Contact of other Member States. They shall update</u>	<u>Member States shall notify the Commission with the list of their designated law enforcement authorities. They shall update that information where necessary.</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			<u>that information where necessary.</u>	
Article 4(1), second subparagraph				
73	Where a Member State has decided that, in addition to its Single Point of Contact, its law enforcement authorities may also submit requests for information to the Single Points of Contact of other Member States, it shall ensure that those authorities send, at the same time as submitting such requests, a copy of those requests, and of any other communication relating thereto, to the Single Point of Contact of that Member State.	Where a Member State has decided <u>provided in national law</u> that, in addition to its Single Point of Contact, its <u>competent</u> law enforcement authorities may also submit requests for information <u>directly</u> to the Single Points of Contact of other Member States, it <u>shall send the Commission a list of competent law enforcement authorities and, where necessary, notify it of any changes thereto. The Commission shall publish a list of all competent law enforcement authorities and any changes thereto in the Official Journal of the European Union. Member States</u> shall ensure that those authorities send, at the same time as submitting such requests, a copy of those requests, and of any other communication relating thereto, to the Single Point of Contact of that Member State. AM 59	Where a Member State has decided that, in addition to its Single Point of Contact, its law enforcement authorities may also submit requests for information <u>States shall ensure that their designated law enforcement authorities send, at the same time as submitting such requests, a copy of those requests</u> to the Single Points <u>Point</u> of Contact of other Member States, it shall ensure that those authorities send, at the same time as submitting such requests, a copy of those requests, and of any other communication relating thereto, to the Single Point of Contact of that Member State <u>that Member State. For the exceptional reasons set out in paragraph 1a, Member States may decide to permit their designated law enforcement authorities not to send such a copy.</u>	
Article 4(1), second subparagraph a				
73a			<u>(1a) Member States may decide to permit their designated law</u>	<u>(1a) Member States may decide to permit their designated law</u>

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			<u>enforcement authorities not to send, at the same time as submitting requests in accordance with paragraph 1, a copy of those requests to the Single Point of Contact of that Member State in the following cases:</u>	<u>enforcement authorities not to send, on a case by case basis, at the same time as submitting requests in accordance with paragraph 1, a copy of those requests to the Single Point of Contact of that Member State where that would jeopardise:</u> Coordinated with Art. 12
Article 4(1), second subparagraph b				
73b			<u>(a) highly sensitive investigations which need an appropriate level of confidentiality for the processing of their information, where the investigation could be jeopardised;</u>	<u>(a) an ongoing highly sensitive investigation which needs an appropriate level of confidentiality for the processing of their information;</u>
Article 4(1), second subparagraph c				
73c			<u>(b) terrorism cases not involving emergency or crisis management situations;</u>	<u>(b) terrorism cases not involving emergency or crisis management situations;</u>
Article 4(1), second subparagraph d				
73d			<u>(c) protection of individuals whose safety may be in jeopardy.</u>	<u>(c) the safety of an individual.</u>
Article 4(2), introductory part				
74	2. Requests for information to the Single Point of Contact of another	2. Requests for information to the Single Point of Contact of another	2. Requests for information to the Single Point of Contact of another	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	Member State shall be submitted only where there are objective reasons to believe that:	Member State shall be submitted only where there are objective reasons to believe that:	Member State shall be submitted only where there are objective reasons to believe that:	
Article 4(2), point (a)				
75	(a) the requested information is necessary and proportionate to achieve the purpose referred to in Article 1(1);	(a) the requested information is necessary and proportionate to achieve the purpose referred to in Article 1(1);	(a) the requested information is necessary and proportionate to achieve the purpose referred to in Article 1(1);	
Article 4(2), point (b)				
76	(b) the requested information is available to the law enforcement authorities of the requested Member State.	(b) the requested information is available to the law enforcement authorities of the requested <u>Single Point of Contact of that</u> Member State. <small>AM 60</small>	(b) the requested information is available to the law enforcement authorities of the requested Member State <u>that Member State, as defined in Article 2(4).</u>	
Article 4(3), first subparagraph				
77	3. Any request for information to the Single Point of Contact of another Member State shall specify whether or not it is urgent.	3. Any request for information to the Single Point of Contact of another Member State <u>concerning a serious criminal offence</u> shall specify <u>and justify</u> whether or not it is urgent. <small>AM 61</small>	3. Any request for information to the Single Point of Contact of another Member State shall specify whether or not it is urgent.	
Article 4(3), second subparagraph, introductory part				
78				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	Those requests for information shall be considered urgent if, having regard to all relevant facts and circumstances of the case at hand, there are objective reasons to believe that the requested information is one or more of the following:	Those requests for information shall be considered urgent if, having regard to all relevant facts and circumstances of the case at hand, there are objective reasons to believe that the requested information is one or more of the following:	Those requests for information shall be considered urgent if, having regard to all relevant facts and circumstances of the case at hand, there are objective reasons to believe that the requested information is one or more of the following:	
Article 4(3), second subparagraph, point (a)				
79	(a) essential for the prevention of an immediate and serious threat to the public security of a Member State;	(a) essential for the prevention of an immediate and serious threat to the public security of a Member State;	(a) essential for the prevention of an immediate and serious threat to the public security of a Member State;	
Article 4(3), second subparagraph, point (b)				
80	(b) necessary in order to protect a person's vital interests which are at imminent risk;	(b) necessary in order to protect a person's vital interests which are at imminent risk <u>prevent an imminent threat to life or the physical integrity of a person</u> ; AM 62	(b) necessary in order to protect <u>the life or physical integrity of</u> a person's vital interests which are at imminent risk;	
Article 4(3), second subparagraph, point (c)				
81	(c) necessary to adopt a decision that may involve the maintenance of restrictive measures amounting to a deprivation of liberty;	(c) necessary to adopt a decision that may involve the maintenance of restrictive measures amounting to a deprivation of liberty;	(c) necessary to adopt a decision that may involve the maintenance of restrictive measures amounting to a deprivation of liberty;	
Article 4(3), second subparagraph, point (d)				
82				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	(d) at imminent risk of losing relevance if not provided urgently.	(d) at imminent risk of losing relevance if not provided urgently <u>and the information is considered vitally important.</u> AM 63	(d) at imminent risk of losing relevance if not provided urgently.	
Article 4(4), introductory part				
83	4. Requests for information to the Single Point of Contact of another Member State shall contain all necessary explanations to allow for their adequate and rapid processing in accordance with this Directive, including at least the following:	4. Requests for information to the Single Point of Contact of another Member State shall contain all necessary explanations <u>details</u> to allow for their adequate and rapid processing in accordance with this Directive, including at least the following: AM 64	4. Requests for information to the Single Point of Contact of another Member State shall contain all necessary explanations to allow for their adequate and rapid processing in accordance with this Directive, including at least the following:	
Article 4(4), point (a)				
84	(a) a specification of the requested information that is as detailed as reasonably possible under the given circumstances;	(a) a specification of the requested information that is as detailed as reasonably possible under the given circumstances;	(a) a specification of the requested information that is as detailed as reasonably possible under the given circumstances;	
Article 4(4), point (b)				
85	(b) a description of the purpose for which the information is requested;	(b) a description of the purpose for which the information is requested;	(b) a description of the purpose for which the information is requested <u>including a description of the facts and indication of the underlying offence;</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Article 4(4), point (c)				
86	(c) the objective reasons according to which it is believed that the requested information is available to the law enforcement authorities of the requested Member State;	(c) the objective reasons according to which it is believed that the requested information is available to the law enforcement authorities of the requested <u>Single Point of Contact of that</u> Member State; <small>AM 65</small>	(c) the objective reasons according to which it is believed that the requested information is available to the law enforcement authorities of the requested Member State <u>that Member State as defined in Article 2(4)</u> ;	
Article 4(4), point (d)				
87	(d) an explanation of the connection between the purpose and the person or persons to whom the information relates, where applicable;	(d) an explanation of the connection between the purpose and the person or persons to whom the information relates, where applicable;	(d) an explanation of the connection between the purpose and the any person or persons to whom <u>subject to which</u> the information relates, where applicable;	
Article 4(4), point (e)				
88	(e) the reasons for which the request is considered urgent, where applicable.	(e) the reasons for which the request is considered urgent, where applicable, <u>in accordance with paragraph 3</u> . <small>AM 66</small>	(e) the reasons for which the request is considered urgent, where applicable-;	
Article 4(4), point (f)				
88a			<u>(f) restrictions on the use of the information contained in the request for purposes other than those for which it has been submitted.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Article 4(5)				
89	5. Requests for information to the Single Point of Contact of another Member State shall be submitted in one of the languages included in the list established by the requested Member State and published in accordance with Article 11.	5. Requests for information to the Single Point of Contact of another Member State shall be submitted in one of the languages included in the list established by the requested Member State and published in accordance with Article 11.	5. Requests for information to the Single Point of Contact of another Member State shall be submitted in one of the languages included in the list established by the requested Member State and published in accordance with Article 11.	
Article 5				
90	Article 5 Provision of information pursuant to requests to the Single Point of Contact	Article 5 Provision of information pursuant to requests to the Single Point of Contact	Article 5 Provision of information pursuant to requests to the Single Point of Contact	
Article 5(1), first subparagraph, introductory part				
91	1. Subject to paragraph 2 of this Article and to Article 6(3), Member States shall ensure that their Single Point of Contact provides the information requested in accordance with Article 4 as soon as possible and in any event within the following time limits, as applicable:	1. Subject to paragraph 2 of this Article and to Article 6(3), Member States shall ensure that their Single Point of Contact provides the information requested in accordance with Article 4 as soon as possible and in any event within the following time limits, as applicable: AM 67	1. Subject to paragraph 2 of this Article and to Article 6(3), Member States shall ensure that their Single Point of Contact provides the information requested in accordance with Article 4 as soon as possible and in any event within the following time limits, as applicable:	
Article 5(1), first subparagraph, point (a)				
92				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	(a) eight hours, for urgent requests relating to information that is available to the law enforcement authorities of the requested Member State without having to obtain a judicial authorisation;	(a) eight hours, for urgent requests relating to information that is available to the law enforcement authorities concerning a serious criminal offence that the Single Point of Contact of the requested Member State <u>can directly access</u> without having to obtain a judicial authorisation; <small>AM 68</small>	(a) eight hours, for urgent requests relating to information that is available to <u>held in a database directly accessible by the Single Point of Contact or</u> the law enforcement authorities of the requested Member State without having to obtain a judicial authorisation (direct access) <u>according to Article 2(4)</u> ;	(a) eight hours, for urgent requests relating to information that is available to <u>held in a database directly accessible by the Single Point of Contact or</u> the law enforcement authorities of the requested Member State without having to obtain a judicial authorisation (direct access) <u>[according to Article 2(4)]</u> ;
Article 5(1), first subparagraph, point (b)				
93	(b) three calendar days, for urgent requests relating to information that is available to the law enforcement authorities of the requested Member State subject to a requirement to obtain a judicial authorisation;	(b) three calendar days, for urgent requests relating to information that is available to the law enforcement authorities concerning a serious criminal offence that the Single Point of Contact of the requested Member State subject to a requirement to obtain a judicial authorisation; can: <small>AM 69</small>	(b) three calendar days, for urgent requests relating to information that is available to <u>the Single Point of Contact or</u> the law enforcement authorities of the requested Member State subject to a requirement to obtain a judicial authorisation can <u>obtain from other public authorities or from private parties established in that Member State, where permitted by and in accordance with national law, without coercive measures (indirect access)</u> ;	(b) three calendar days, for urgent requests relating to information that is available to <u>the Single Point of Contact or</u> the law enforcement authorities of the requested Member State subject to a requirement to obtain a judicial authorisation can <u>obtain from other public authorities or from private parties established in that Member State, where permitted by and in accordance with national law (indirect access)</u> ; Wording re: Art. 2(4) and available direct & indirect access
Article 5(1), first subparagraph, point (b)(i)				
93a		<u>(i) directly access but that is subject to a requirement to obtain a judicial authorisation and relating to</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<u>information concerning a serious criminal offence;</u> AM 70		
Article 5(1), first subparagraph, point (b)(ii)				
93b		(ii) <u>obtain from other public authorities or from private parties established in that Member State without coercive measures under national law without judicial authorisation;</u> AM 71		
Article 5(1), first subparagraph, point (ba)				
93c		(ba) <u>five calendar days for urgent requests relating to information concerning a serious criminal offence that the Single Point of Contact of the requested Member State can obtain from other public authorities or from private parties established in that Member State without coercive measures under national law and that is subject to a requirement to obtain a judicial authorisation;</u> AM 72		
Article 5(1), first subparagraph, point (c)				
94				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	(c) seven calendar days, for all requests that are not urgent.	(c) seven calendar days, for all requests that are not urgent <u>and do not require a judicial authorisation.</u> AM 73	(c) seven calendar days, for all requests that are not urgent <u>other requests.</u>	
Article 5(1), first subparagraph, point (ca)				
94a		<u>(ca) ten calendar days for all requests that are not urgent and require a judicial authorisation.</u> AM 74		
Article 5(1), second subparagraph				
95	The time periods laid down in the first subparagraph shall commence at the moment of the reception of the request for information.	The time periods <u>limits</u> laid down in the first subparagraph shall commence at the moment of the reception of the request for information. AM 75	The time periods <u>limits</u> laid down in the first subparagraph shall commence at the moment of the reception of the request for information.	
Article 5(2), first subparagraph				
96	2. Where under its national law in accordance with Article 9 the requested information is available only after having obtained a judicial authorisation, the requested Member State may deviate from the time limits referred to paragraph 1 insofar as necessary for obtaining such authorisation.	2. Where, under its national law in accordance with Article 9, the requested information is available only after having obtained a judicial authorisation, the requested Member State may deviate from the time limits referred to <u>in</u> paragraph 1, <u>first subparagraph, points (b) and (ca), as applicable, in so far</u> insofar	2. Where under its national law in accordance with Article 9 the requested information is available only after having obtained a judicial authorisation, the requested Member State may deviate from the time limits referred to <u>determined in</u> paragraph 1 insofar as necessary for obtaining such authorisation.	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		as necessary for obtaining such authorisation. AM 76		
Article 5(2), second subparagraph, introductory part				
97	In such cases, Member States shall ensure that their Single Point of Contact does both of the following:	In such cases, Member States shall ensure that their Single Point of Contact does both of the following:	In such cases, Member States shall ensure that their Single Point of Contact does both of the following:	
Article 5(2), second subparagraph(i)				
98	(i) immediately inform the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State of the expected delay, specifying the length of the expected delay and the reasons therefore;	(i) immediately inform the Single Point of Contact or, where applicable, the <u>competent</u> law enforcement authority of the requesting Member State of the expected delay, specifying the length of the expected delay and the reasons therefore; AM 77	(i) immediately inform the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State of the expected delay, specifying the length of the expected delay and the reasons therefore;	
Article 5(2), second subparagraph(ii)				
99	(ii) subsequently keep it updated and provide the requested information as soon as possible after obtaining the judicial authorisation.	(ii) subsequently keep it updated and provide the requested information as soon as possible after obtaining the judicial authorisation.	(ii) subsequently keep it updated and provide the requested information as soon as possible after obtaining the judicial authorisation.	
Article 5(3), first subparagraph				
100	3. Member States shall ensure that	3. Member States shall ensure that	3. Member States shall ensure that	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	their Single Point of Contact provides the information requested in accordance with Article 4 to the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State, in the language in which that request for information was submitted in accordance with Article 4(5).	their Single Point of Contact provides the information requested in accordance with Article 4 to the Single Point of Contact or, where applicable, the <u>competent</u> law enforcement authority of the requesting Member State, in the language in which that request for information was submitted in accordance with Article 4(5). AM 78	their Single Point of Contact provides the information requested in accordance with Article 4 to the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State, in the language in which that request for information was submitted in accordance with Article 4(5).	
Article 5(3), second subparagraph				
101	Member States shall ensure that, where their Single Point of Contact provides the requested information to the law enforcement authority of the requesting Member State, it also sends, at the same time, a copy of the information to the Single Point of Contact of that Member State.	Member States shall ensure that, where their Single Point of Contact provides the requested information to the <u>competent</u> law enforcement authority of the requesting Member State, it also sends, at the same time, a copy of the information to the Single Point of Contact of that Member State. AM 79	Member States shall ensure that, where their Single Point of Contact provides the requested information to the <u>designated</u> law enforcement authority of the requesting Member State, it also sends, at the same time, a copy of the information to the Single Point of Contact of that Member State.	
Article 5(4), first subparagraph				
101a			<u>4. For the exceptional reasons listed in Article 4(1a), Member States may decide to permit their Single Point of Contact not to send, at the same time as providing information to the designated law enforcement authorities of another</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			<u>Member State in accordance with this Article, a copy of that information to the Single Point of Contact of that Member State.</u>	
Article 5(5), first subparagraph				
101b			<u>5. Member States shall ensure that, if the requested information is not available to the Single Point of Contact and the law enforcement authorities of the requested Member State, their Single Point of Contact inform the requesting Member State.</u>	
Article 6				
102	Article 6 Refusals of requests for information	Article 6 Refusals of requests for information	Article 6 Refusals of requests for information	
Article 6(1), first subparagraph, introductory part				
103	1. Member States shall ensure that their Single Point of Contact only refuses to provide the information requested in accordance with Article 4 insofar as any of the following reasons applies:	1. Member States shall ensure that their Single Point of Contact only refuses to provide the information requested in accordance with Article 4 insofar as any of the following reasons applies:	1. <u>Without prejudice to Article 3(b),</u> Member States shall ensure that their Single Point of Contact only refuses to provide the information requested in accordance with Article 4 insofar as any of the following reasons applies:	
Article 6(1), first subparagraph, point (a)				
104				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	(a) the requested information is not available to the Single Point of Contact and the law enforcement authorities of the requested Member State;	(a) the requested information is not available to the Single Point of Contact and the <u>the competent</u> law enforcement authorities of the requested Member State; AM 80	(a) the requested information is not available to the Single Point of Contact and the law enforcement authorities of the requested Member State;	
Article 6(1), first subparagraph, point (b)				
105	(b) the request for information does not meet the requirements set out in Article 4;	(b) the request for information does not meet the requirements set out in Article 4;	(b) the request for information does not meet the requirements set out in Article 4;	
Article 6(1), first subparagraph, point (c)				
106	(c) the judicial authorisation required under the national law of the requested Member State in accordance with Article 9 was refused;	(c) the judicial authorisation required under the national law of the requested Member State in accordance with Article 9 was refused;	(c) the judicial authorisation required under the national law of the requested Member State in accordance with Article 9 was refused;	
Article 6(1), first subparagraph, point (d)				
107	(d) the requested information constitutes personal data other than that falling within the categories of personal data referred to in Article 10, point (i);	(d) the requested information constitutes personal data other than that falling within the categories of personal data referred to in Article 10, point (i);	(d) the requested information constitutes personal data other than that falling within the categories of personal data referred to in Article 10, point (i);	
Article 6(1), first subparagraph, point (da)				
107a		<u>(da) the requested information has</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<u>been found to be outdated or inaccurate and has not yet been updated or corrected;</u> AM 81		
Article 6(1), first subparagraph, point (db)				
107b		<u>(db) the request for information is not sufficiently specific and would require the Single Point of Contact to provide a large amount of non-specific information;</u> AM 82		
Article 6(1), first subparagraph, point (e), introductory part				
108	(e) there are objective reasons to believe that the provision of the requested information would:	(e) there are objective reasons to believe that the provision of the requested information would:	(e) there are objective reasons to believe that the provision of the requested information would:	
Article 6(1), first subparagraph, point (e)(i)				
109	(i) be contrary to the essential interests of the security of the requested Member State;	(i) be contrary to the essential interests of the <u>internal</u> security of the requested Member State; AM 83	(i) be contrary to <u>or would harm</u> the essential interests of the <u>national</u> security of the requested Member State;	
Article 6(1), first subparagraph, point (e)(ii)				
110	(ii) jeopardise the success of an ongoing investigation of a criminal	(ii) jeopardise the success of an ongoing investigation of a criminal	(ii) jeopardise the success of an ongoing investigation of a criminal	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	offence; or;	offence; or;	offence; or;	
Article 6(1), first subparagraph, point (e)(iii)				
111	(iii) unduly harm the vital interests of a natural or legal person.	(iii) unduly harm the vital interests of a natural or legal person— <u>or pose an imminent threat to life or the physical integrity of a natural person;</u> AM 84	(iii) unduly harm the vital interests of a natural or legal person <u>jeopardise the safety of an individual</u> .	
Article 6(1), first subparagraph, point (e)(iiia)				
111a		<u>(iiia) be used for politically motivated purposes or for manifest breaches of fundamental rights;</u> AM 85		
Article 6(1), first subparagraph, point (f)				
111b			<u>(f) the request pertains to an offence punishable by a maximum term of imprisonment of one year or less under the law of the requested Member State or the request pertains to a matter that is not an offence under the law of that Member State;</u>	
Article 6(1), first subparagraph, point (g)				
111c			<u>(g) the requested information has</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			<u>initially been obtained from another Member State or a third country and that Member State or third country has, upon request, not given its consent to the provision of the information.</u>	
Article 6(1), first subparagraph a				
111d		<u>Member States shall exercise due diligence when assessing requests submitted to their points of contact by a Member State that is subject to the procedure referred to in Article 7(1) or (2) of the Treaty on European Union.</u> AM 86		
Article 6(1), second subparagraph				
112	Any refusal shall only affect the part of the requested information to which the reasons set out in the first subparagraph relate and shall, where applicable, leave the obligation to provide the other parts of the information in accordance with this Directive unaffected.	Any refusal shall only affect the part of the requested information to which the reasons set out in the first subparagraph relate and shall, where applicable, leave the obligation to provide the other parts of the information in accordance with this Directive unaffected.	Any refusal shall only affect the part of the requested information to which the reasons set out in the first subparagraph relate and shall, where applicable, leave the obligation to provide the other parts of the information in accordance with this Directive unaffected.	
Article 6(2), first subparagraph				
113	2. Member States shall ensure that their Single Point of Contact informs	2. Member States shall ensure that their Single Point of Contact informs	2. Member States shall ensure that their Single Point of Contact informs	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State of the refusal, specifying the reasons for the refusal, within the time limits provided for in Article 5(1).	the Single Point of Contact or, where applicable, the <u>competent</u> law enforcement authority of the requesting Member State <u>that requested the information</u> of the refusal, specifying the reasons for the refusal, within the time limits provided for in Article 5(1). AM 87	the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State of the refusal, specifying the reasons for the refusal, within the time limits provided for in Article 5 (1).	
Article 6(2), second subparagraph				
113a		<u>The Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State whose request for information has been refused shall have the right to provide clarifications or request that such a decision to refuse be reassessed.</u> AM 88		
Article 6(3), first subparagraph				
114	3. Member States shall ensure that their Single Point of Contact immediately requests additional clarifications needed to process a request for information that otherwise would have to be refused from the Single Point of Contact or, where applicable, the law enforcement authority of the	3. <u>Where relevant</u> , Member States shall ensure that their Single Point of Contact immediately requests additional clarifications needed to process a request for information that otherwise would have to be refused from the Single Point of Contact or, where applicable, the <u>competent</u> law enforcement	3. Member States shall ensure that their Single Point of Contact immediately requests <u>from the requesting Member State</u> additional clarifications needed to process a request for information that otherwise would have to be refused from the Single Point of Contact or, where applicable, the law	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	requesting Member State.	authority of the requesting Member State. <small>AM 89</small>	enforcement authority of the requesting Member State.	
Article 6(3), second subparagraph				
115	The time limits referred to in Article 5(1) shall be suspended from the moment that the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State receives the request for clarifications, until the moment that the Single Point of Contact of the requested Member State receives the clarifications.	The time limits referred to in Article 5(1) shall be suspended from the moment that the Single Point of Contact or, where applicable, the <u>competent</u> law enforcement authority of the requesting Member State receives the request for clarifications, until the moment that the Single Point of Contact of the requested Member State receives the clarifications <u>clarifications are provided.</u> <small>AM 90</small>	The time limits referred to in Article 5(1) shall be suspended from the moment that the Single Point of Contact or, where applicable, the law enforcement authority of the requesting Member State receives the request for clarifications, until the moment that the Single Point of Contact of the requested Member State receives the clarifications.	
Article 6(4)				
116	4. The refusals, reasons for the refusals, requests for clarifications and clarifications referred to in paragraphs 3 and 4, as well as any other communications relating to the requests for information to the Single Point of Contact of another Member State, shall be transmitted in the language in which that request was submitted in accordance with Article 4(5).	4. The refusals, reasons for the refusals, requests for clarifications and clarifications referred to in paragraphs 3 and 4, as well as any other communications relating to the requests for information to the Single Point of Contact of another Member State, shall be transmitted in the language in which that request was submitted in accordance with Article 4(5).	4. The refusals, reasons for the refusals, requests for clarifications and clarifications referred to in paragraphs 3 and 4, as well as any other communications relating to the requests for information to the Single Point of Contact of another Member State, shall be transmitted in the language in which that request was submitted in accordance with Article 4(5).	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Chapter III				
117	Chapter III Other exchanges of information	Chapter III Other exchanges of information	Chapter III Other exchanges of information	
Article 7				
118	Article 7 Own-initiative provision of information	Article 7 Own-initiative provision of information	Article 7 Own-initiative provision of information	
Article 7(0)				
118a			<u>0. Member States may provide on their own initiative, through their Single Point of Contact or through their law enforcement authorities, information available to them to the Single Points of Contact or to the law enforcement authorities of other Member States, where there are objective reasons to believe that such information could be relevant to that Member State for the purposes referred to in Article 1(1).</u>	
Article 7(1)				
119	1. Member States shall ensure that their Single Point of Contact or their law enforcement authorities provide, on their own initiative, any information available to them to the Single Points of Contact or to the	1. Member States shall ensure that their Single Point of Contact or their <u>competent</u> law enforcement authorities provide, on their own initiative, any information available to them to the Single Points of	1. Member States shall ensure that their Single Point of Contact or their law enforcement authorities provide, on their own initiative, any information available to them to the Single Points of Contact or to the	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	law enforcement authorities of other Member States, where there are objective reasons to believe that such information could be relevant to that Member State for the purpose referred to in Article 1(1). However, no such obligation shall exist insofar as the reasons referred to in points (c), (d) or (e) of Article 6(1) apply in respect of such information.	Contact or to the <u>competent</u> law enforcement authorities of other Member States, where there are objective reasons to believe that such information could be relevant to that Member State for the purpose referred to in Article 1(1). However, no such obligation shall exist insofar <u>in so far</u> as the reasons referred to in points (c), (d) or (e) of Article 6(1) apply in respect of such information. AM 91	law enforcement authorities of other Member States, where there are objective reasons to believe that such information could be relevant to that Member State for the purpose <u>referred to purposes of preventing, detecting or investigating serious criminal offences as defined</u> in Article 1(1) <u>2(2)</u> . However, no such obligation shall exist insofar as the reasons referred to in points (c), (d) or (e) of Article 6(1) apply in respect of such information.	
Article 7(1a)				
119a		<u>1a. The rules provided for in this Article shall also apply where, upon the request of a competent law enforcement authority, the Single Point of Contact designated by the Member State of that competent law enforcement authority provides information to a Single Point of Contact or to the competent law enforcement authorities of another Member State.</u> AM 92		
Article 7(2), first subparagraph				
120	2. Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities	2. Member States shall ensure that, where their Single Point of Contact or their <u>competent</u> law enforcement	2. Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	provide information on their own-initiative in accordance with paragraph 1, they do so in one of the languages included in the list established by the requested Member State and published in accordance with Article 11.	authorities provide information on their own-initiative in accordance with paragraph 1 <i>or 1a</i> , they do so in one of the languages included in the list established by the requested Member State and published in accordance with Article 11. AM 93	provide information on their own-initiative <i>to the Single Point of Contact of the other Member State</i> in accordance with paragraph <i>0 and</i> 1, they do so in one of the languages included in the list established by the requested <i>receiving</i> Member State and published in accordance with Article 11.	
Article 7(2), second subparagraph				
121	Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities provide such information to the law enforcement authority of another Member State, they also send, at the same time, a copy of that information to the Single Point of Contact of that other Member State.	Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities provide <i>provides</i> such information <i>directly</i> to the <i>competent</i> law enforcement authority of another Member State, they also send <i>it also sends</i> , at the same time, a copy of that information to the Single Point of Contact of that other Member State. AM 94	Member States shall ensure that, where their Single Point of Contact or <i>provides such information to the law enforcement authority of another Member State, they also send, at the same time, a copy of that information to the Single Point of Contact of that other Member State. Member States shall ensure that, where</i> their law enforcement authorities provide such information to the <i>Single Point of Contact or to the</i> law enforcement authority of another Member State, they also send, at the same time, a copy of that information to <i>their own Single Point of Contact or to</i> the Single Point of Contact of that other Member State, <i>as appropriate</i> .	
Article 7(2), second subparagraph a				
121a			<i>2a. For the exceptional reasons</i>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			<u>listed in Article 4(1a), Member States may decide to permit their law enforcement authorities not to send, at the same time as providing information to the Single Point of Contact or the law enforcement authorities of another Member State in accordance with this Article, a copy of that information to their own Single Point of Contact or to the Single Point of Contact of that Member State.</u>	
Article 7(2), second subparagraph a				
121b		<u>Member States shall ensure that, where their competent law enforcement authorities provide such information to the competent law enforcement authority of another Member State, they also send, at the same time, a copy of that information to the Single Point of Contacts of both Member States concerned.</u> AM 95		
Article 8				
122	Article 8 Exchanges of information upon requests submitted directly to law enforcement authorities	Article 8 Exchanges of information upon requests submitted directly to law enforcement authorities	Article 8 Exchanges of information upon requests submitted directly to law enforcement authorities	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Article 8, first paragraph				
123	Member States shall ensure that, where Single Points of Contact or law enforcement authorities submit requests for information directly to the law enforcement authorities of another Member State, their Single Points of Contact or their law enforcement authorities send, at the same time as they send such requests, provide information pursuant to such requests or send any other communications relating thereto, a copy thereof to the Single Point of Contact of that other Member State and, where the sender is a law enforcement authority, also to the Single Point of Contact of its own Member State.	Member States shall ensure that, where Single Points of Contact or <u>competent</u> law enforcement authorities submit requests for information directly to the <u>competent</u> law enforcement authorities of another Member State, their Single Points of Contact or their <u>competent</u> law enforcement authorities — send, at the same time as they send such requests, provide information pursuant to such requests or send any other communications relating thereto, a copy thereof to the Single Point of Contact of that other Member State and, where the sender is a <u>competent</u> law enforcement authority, also to the Single Point of Contact of its own Member State. AM 96	<u>1. Member States shall ensure that, where their Single Points of Contact or law enforcement authorities submit requests for information directly to the law enforcement authorities of another Member State, their Single Points of Contact or their law enforcement authorities send <u>they provide</u>, at the same time, <u>a copy of those</u> as they send such requests, provide information pursuant to such requests or send any other communications relating thereto, a copy thereof to the Single Point of Contact of that other Member State and, where the sender is a law enforcement authority, also to the <u>to the Single Point of Contact of that other Member State.</u> <u>Member States shall ensure that, where their law enforcement authorities provide information pursuant to such requests, they provide, at the same time, a copy of that information to their own</u> Single Point of Contact of its own Member State.</u>	
Article 8, first paragraph a				
123a		<u>Member States shall ensure that their competent law enforcement authorities reply to requests pursuant to paragraph 1 within the</u>	<u>1a. For the exceptional reasons listed in Article 4(1a), Member States may decide to permit their Single Point of Contact not to send,</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<p><u>time limits referred to in Article 5(1), except where a judicial authorisation is required or where Article 6(1) applies. Where a judicial authorisation is required, Article 5(2) shall apply mutatis mutandis.</u></p> <p>AM 97</p>	<p><u>at the same time as requesting information to the law enforcement authorities of another Member State in accordance with paragraph 1, a copy of that request to the Single Point of Contact of that other Member State. For the exceptional reasons listed in Article 4(1a), Member States may decide to permit their law enforcement authorities not to send, at the same time as providing information to the Single Point of Contact of another Member State in accordance with paragraph 1, a copy of that information to their own Single Point of Contact.</u></p>	
Article 8, first paragraph b				
123b			<p><u>2. Member States shall ensure that, where their law enforcement authorities submit requests for information or provide information pursuant to such requests directly to the law enforcement authorities of another Member State, they provide, at the same time, a copy of that request or that information to their own Single Point of Contact as well as to the Single Point of Contact of that other Member State.</u></p>	
Article 8, first paragraph c				
123c				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			<u>2a. For the exceptional reasons listed in Article 4(1a), Member States may decide to permit their law enforcement authorities not to send, at the same time as requesting or providing information to the law enforcement authorities of another Member State in accordance with paragraph 2, a copy of that request or that information to their own Single Point of Contact or to the Single Point of Contact of that other Member State.</u>	
Chapter IV				
124	Chapter IV Additional rules on the provision of information under Chapters II and III	Chapter IV Additional rules on the provision of information under Chapters II and III	Chapter IV Additional rules on the provision of information under Chapters II and III	
Article 9				
125	Article 9 Judicial authorisation	Article 9 Judicial authorisation	Article 9 Judicial authorisation	
Article 9(1)				
126	1. Member States shall not require any judicial authorisation for the provision of information to the Single Points of Contact or law enforcement authority of another Member State under Chapters II and	1. Member States shall not require any judicial authorisation for the provision of information to the Single Points of Contact or <u>competent</u> law enforcement authority of another Member State	1. Member States shall not require any judicial authorisation for the provision of information to the Single Points of Contact or <u>to the</u> law enforcement authority of another Member State under Chapters II and	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	III, where no such requirement applies in respect of similar provision of information to their own Single Point of Contact or their own law enforcement authorities.	under Chapters II and III, where no such requirement applies in respect of similar provision of <u>the same</u> information <u>in a similar context</u> to their own Single Point of Contact or their own <u>competent</u> law enforcement authorities. AM 98	III, where no such requirement applies in respect of similar provision of information to their own Single Point of Contact or their own law enforcement authorities <u>at national level</u> .	
Article 9(2)				
127	2. Member States shall ensure that, where their national law requires a judicial authorisation for the provision of information to the Single Points of Contact or the law enforcement authority of another Member State in accordance with paragraph 1, their Single Points of Contact or their law enforcement authorities immediately take all necessary steps, in accordance with their national law, to obtain such judicial authorisation as soon as possible.	2. Member States shall ensure that, where their national law requires a judicial authorisation for the provision of information to the Single Points of Contact or the <u>competent</u> law enforcement authority of another Member State in accordance with paragraph 1, their Single Points of Contact or their law enforcement authorities immediately take <u>takes</u> all necessary steps, in accordance with their national law, to obtain such judicial authorisation as soon as possible <u>and within the time limits provided for in Article 5(1)</u> . AM 99	2. Member States shall ensure that, where their national law requires a judicial authorisation for the provision of information to the Single Points of Contact or the law enforcement authority of another Member State in accordance with paragraph 1, their Single Points <u>Point</u> of Contact or their law enforcement authorities immediately take all necessary steps, in accordance with their national law, to obtain such judicial authorisation as soon as possible.	
Article 9(3)				
128	3. The requests for judicial authorisation referred to in paragraph 1 shall be assessed and	3. The requests for judicial authorisation referred to in paragraph 1 <u>2</u> shall be assessed and	3. The requests for judicial authorisation referred to in paragraph 1 shall be assessed and	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	decided upon in accordance with the national law of the Member State of the competent judicial authority.	decided upon in accordance with the national law of the Member State of the competent judicial authority. AM 100	decided upon in accordance with the national law of the Member State of the competent judicial authority.	
Article 10				
129	Article 10 Additional rules for information constituting personal data	Article 10 Additional rules for information constituting personal data	Article 10 Additional rules for information constituting personal data	
Article 10, first paragraph, introductory part				
130	Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities provide information under Chapters II and III that constitutes personal data:	Member States shall ensure that, where their Single Point of Contact or their law <u>competent</u> enforcement authorities provide information under Chapters II and III that constitutes personal data: AM 101	Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities provide information under Chapters II and III that constitutes personal data:	
Article 10, first paragraph(-i)				
130a		<u>-i the personal data are accurate, complete and up to date;</u> AM 102		
Article 10, first paragraph(i)				
131	(i) the categories of personal data provided remain limited to those	(i) the categories of personal data provided <u>per category of data</u>	(i) the categories of personal data provided remain limited to those	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	listed in Section B, point 2, of Annex II to Regulation (EU) 2016/794;	<u>subject</u> remain limited to those listed in Section B, point 2, of Annex II to Regulation (EU) 2016/794 <u>and necessary for and proportionate to achieving the purpose of the request</u> ; AM 103	<u>necessary and proportionate to achieve the purpose of the request</u> , listed in Section B, point 2, of Annex II to Regulation (EU) 2016/794;	
Article 10, first paragraph(ii)				
132	(ii) their Single Point of Contact or their law enforcement authorities also provide, at the same time and insofar as possible, the necessary elements enabling the Single Point of Contact or the law enforcement authority of the other Member State to assess the degree of accuracy, completeness and reliability of the personal data, as well as the extent to which the personal data are up to date.	(ii) their Single Point of Contact or their <u>competent</u> law enforcement authorities also provide, at the same time and insofar <u>in so far</u> as possible, the necessary elements enabling the Single Point of Contact or the <u>competent</u> law enforcement authority of the other Member State to assess the degree of accuracy, completeness and reliability of the personal data, as well as the extent to which the personal data are up to date. AM 104	(ii) their Single Point of Contact or their law enforcement authorities also provide, at the same time and insofar as possible, the necessary elements enabling the Single Point of Contact or the law enforcement authority of the other Member State to assess the degree of accuracy, completeness and reliability of the personal data, as well as the extent to which the personal data are up to date.	
Article 11				
133	Article 11 List of languages	Article 11 List of languages	Article 11 List of languages	
Article 11(1)				
134	1. Member States shall establish and	1. Member States shall establish and	1. Member States shall establish and	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	keep up to date a list with one or more of the official languages of the Union in which their Single Point of Contact is able to provide information upon a request for information or on its own initiative. That list shall include English.	keep up to date a list with one or more of the official languages of the Union in which their Single Point of Contact is able to <u>receive and</u> provide information upon a request for information or on its own initiative. That list shall include English. AM 105	keep up to date a list with one or more of the official languages of the Union in which their Single Point of Contact is able to provide information upon a request <u>for exchange</u> information or on its own initiative . That list shall include English.	
Article 11(2)				
135	2. Member States shall provide those lists, as well as any updates thereof, to the Commission. The Commission shall publish those lists, as well as any updates thereof, in the Official Journal of the European Union.	2. Member States shall provide those lists, as well as any updates thereof, to the Commission. The Commission shall publish those lists, as well as any updates thereof, in the Official Journal of the European Union.	2. Member States shall provide those lists, as well as any updates thereof, to the Commission. The Commission shall publish those lists, as well as any updates thereof, in the Official Journal of the European Union.	
Article 12				
136	Article 12 Provision of information to Europol	Article 12 Provision of information to Europol	Article 12 Provision of information to Europol	
Article 12, first paragraph				
137	Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities send requests for information, provide information pursuant to such requests, provide information on	Member States shall ensure that, where their Single Point of Contact or their <u>competent</u> law enforcement authorities send requests for information, provide information pursuant to such requests, provide	<u>1.</u> Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities send requests for information, provide information pursuant to such requests, provide information on	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	their own initiative or send other communications relating thereto under Chapters II and III, they also send, at the same time, a copy thereof to Europol, insofar as the information to which the communication relates concerns offences falling within the scope of the objectives of Europol in accordance with Regulation (EU) 2016/794.	information on their own initiative or send other communications <u>and relevant information</u> relating thereto under Chapters II and III, they also send, at the same time, qualified <u>staff of their Single Point of Contact or their competent law enforcement authorities also assess, on a case-by-case basis, whether it is necessary to send</u> a copy thereof to Europol, insofar <u>in so far</u> as the information to which the communication relates concerns offences falling within the scope of the objectives of Europol in accordance with Regulation (EU) 2016/794. AM 106	their own initiative or send other communications relating thereto under Chapters II and III, they also send, at the same time, a copy thereof to Europol, insofar as the information to which the communication relates concerns offences falling within the scope of the objectives of Europol in accordance with Regulation (EU) 2016/794.	
Article 12, first paragraph a				
137a			<u>2. Member States may decide not to provide or to defer the provision of a copy to Europol if such provision would:</u>	
Article 12, first paragraph b				
137b			<u>(a) be contrary to or would harm the essential interests of the national security of the Member State;</u>	
Article 12, first paragraph c				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
137c			<u>(b) jeopardise an ongoing investigation of a criminal offence;</u>	
Article 12, first paragraph d				
137d			<u>(c) jeopardise the safety of an individual;</u>	
Article 12, first paragraph e				
137e			<u>(d) disclose information relating to organisations or specific intelligence activities in the field of national security;</u>	
Article 12, first paragraph f				
137f			<u>(e) disclose information which has initially been obtained from another Member State or a third country and that Member State or third country has, upon request, not given its consent to the provision of the information.</u>	
Article 12, second paragraph				
137g		<u>Member States shall ensure that the purposes of the processing and any possible restrictions pursuant to Article 19 of Regulation (EU) 2016/794 are duly communicated to</u>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<u>Europol when information is transmitted pursuant to paragraph 1.</u> AM 107		
Article 13				
138	Article 13 Use of SIENA	Article 13 Use of SIENA <u>Secure communication channel</u> AM 108	Article 13 Use of SIENA	
Article 13(1)				
139	1. Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities send requests for information, provide information pursuant to such requests, provide information on their own initiative or send other communications relating thereto under Chapters II and III or under Article 12, they do so through SIENA.	1. Member States shall ensure that, where their Single Point of Contact or their <u>competent</u> law enforcement authorities send requests for information, provide information pursuant to such requests, provide information on their own initiative or send other communications relating thereto under Chapters II and III or under Article 12, they do so <u>only</u> through <u>the Secure Information Exchange Network Application of Europol (SIENA)</u> . AM 109	1. Member States shall ensure that, where their Single Point of Contact or their law enforcement authorities send requests for information, provide information pursuant to such requests, provide information on their own initiative or send other communications relating thereto under Chapters II and III or under Article 12, they do so through SIENA.	
Article 13(1a)				
139a			<u>1a. Member States may allow their</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			<u>SPOC or their law enforcement authorities not to use SIENA in the following cases:</u>	
Article 13(1b)				
139b			<u>(a) exchanges of information have been initiated through the Interpol communication channel;</u>	
Article 13(1c)				
139c			<u>(b) multilateral exchanges of information that also involve third countries or international organisations not connected to SIENA;</u>	
Article 13(1d)				
139d			<u>(c) exchanges of information can be faster with another communication channel for urgent requests;</u>	
Article 13(1e)				
139e			<u>(d) exchanges of information between Member States where unexpected technical or operational incidents suggest the use of another channel.</u>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Article 13(2)				
140	2. Member States shall ensure that their Single Point of Contact, as well as all their law enforcement authorities that may be involved in the exchange of information under this Directive, are directly connected to SIENA.	2. Member States shall ensure that their Single Point of Contact, as well as all their <u>competent</u> law enforcement authorities that may be involved in the exchange of information under this Directive, are directly connected to SIENA, <u>including, where appropriate, from mobile devices.</u> AM 110	2. Member States shall ensure that their Single Point of Contact, as well as all their law enforcement authorities that may be involved in the exchange of information under this Directive, are directly connected to SIENA.	
Chapter V				
141	Chapter V Single Point of Contact for information exchange between Member States	Chapter V Single Point of Contact for information exchange between Member States	Chapter V Single Point of Contact for information exchange between Member States	
Article 14				
142	Article 14 Establishment, tasks and capabilities	Article 14 Establishment <u>Designation</u> , tasks and capabilities AM 111	Article 14 Establishment, tasks and capabilities	
Article 14(1)				
143	1. Each Member State shall establish or designate one national Single Point of Contact, which shall be the central entity responsible for	1. Each Member State shall establish or designate one <u>a single</u> national Single Point of Contact, which shall be the central entity	1. Each Member State shall establish or designate one national Single Point of Contact, which shall be the central entity responsible for	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	coordinating exchanges of information under this Directive.	responsible for coordinating <u>and facilitating</u> exchanges of information under this Directive. AM 112	coordinating exchanges of information under this Directive.	
Article 14(2), introductory part				
144	2. Member States shall ensure that their Single Point of Contact is empowered to carry out at least all of the following tasks:	2. Member States shall ensure that their Single Point of Contact is <u>equipped and</u> empowered to carry out at least all of the following tasks: AM 113	2. Member States shall ensure that their Single Point of Contact is empowered to carry out at least all of the following tasks:	
Article 14(2), point (a)				
145	(a) receive and evaluate requests for information;	(a) receive and evaluate requests for information <u>in the languages notified pursuant to Article 11(2)</u> ; AM 114	(a) receive and evaluate requests for information <u>submitted in accordance with Article 4</u> ;	
Article 14(2), point (b)				
146	(b) channel requests for information to the appropriate national law enforcement authority or authorities and, where necessary, coordinate among them the processing of such requests and the provision of information upon such requests;	(b) channel requests for information to the appropriate <u>national competent</u> law enforcement authority or authorities and, where necessary, coordinate among them the processing of such requests and the provision of information upon such requests; AM 115	(b) channel requests for information to the appropriate <u>relevant</u> national law enforcement authority or authorities and, where necessary, coordinate among them the processing of such requests and the provision of information upon such requests;	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Article 14(2), point (c)				
147	(c) analyse and structure information with a view to providing it to the Single Points of Contact and, where applicable, to the law enforcement authorities of other Member States;	(c) analyse and structure information with a view to providing it to the Single Points of Contact and, where applicable, to the <u>competent</u> law enforcement authorities of other Member States; <small>AM 116</small>	(c) analyse and structure <u>coordinate the analysis and the structuring of</u> information with a view to providing it to the Single Points of Contact <u>and, where applicable, to the law enforcement authorities of other requesting</u> Member States;	
Article 14(2), point (d)				
148	(d) provide, upon request or upon its own initiative, information to the Single Points of Contact and, where applicable, to the law enforcement authorities of other Member States in accordance with Articles 5 and 7;	(d) provide, upon request or upon its own initiative, information to the Single Points of Contact and, where applicable, or to the <u>competent</u> law enforcement authorities of other Member States in accordance with Articles 5 and 7; <small>AM 117</small>	(d) provide, upon request or upon its <u>their</u> own initiative, information to the Single Points of Contact and, where applicable, to the law enforcement authorities of other Member States in accordance with Articles 5 and 7;	
Article 14(2), point (e)				
149	(e) refuse to provide information in accordance with Article 6 and, where necessary, request clarifications in accordance with Article 6(3);	(e) refuse to provide information in accordance with Article 6 and, where necessary, request clarifications in accordance with Article 6(3);	(e) refuse to provide information in accordance with Article 6 and, where necessary, request clarifications in accordance with Article 6(3);	
Article 14(2), point (f)				
150				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	(f) send requests for information to the Single Points of Contact of other Member States in accordance with Article 4 and, where necessary, provide clarifications in accordance with Article 6(3).	(f) send requests for information to the Single Points of Contact of other Member States in accordance with Article 4 and, where necessary, provide clarifications in accordance with Article 6(3).	(f) send requests for information to the Single Points of Contact of other Member States in accordance with Article 4 and, where necessary, provide clarifications in accordance with Article 6(3).	
Article 14(3), introductory part				
151	3. Member States shall ensure that:	3. Member States shall ensure that:	3. Member States shall ensure that:	
Article 14(3), point (a)				
152	(a) their Single Point of Contact has access to all information available to their law enforcement authorities, insofar as necessary to carry out its tasks under this Directive;	(a) their Single Point of Contact has access to all information available to their <u>competent</u> law enforcement authorities, insofar <u>in so far</u> as necessary to carry out its tasks under this Directive <u>and in compliance with rules relating to the protection of personal data set out in Directive (EU) 2016/680</u> ; AM 118	(a) their Single Point of Contact has access to all information available to their law enforcement authorities <u>as defined in Article 2(4)</u> , insofar as necessary to carry out its tasks under this Directive;	
Article 14(3), point (b)				
153	(b) their Single Point of Contact carries out its tasks 24 hours a day, 7 days a week;	(b) their Single Point of Contact carries out its tasks 24 hours a day, 7 days a week;	(b) their Single Point of Contact carries out its tasks 24 hours a day, 7 days a week;	
Article 14(3), point (c)				
154				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	(c) their Single Point of Contact is provided with the staff, resources and capabilities, including for translation, necessary to carry out its tasks in an adequate and rapid manner in accordance with this Directive and in particular the time limits set out in Article 5(1);	(c) their Single Point of Contact is provided with the <u>qualified</u> staff, <u>state-of-the-art operational tools and technical resources, premises, infrastructure, financial</u> resources and capabilities, including for translation, necessary to carry out its tasks in an adequate, <u>effective</u> and rapid manner in accordance with this Directive and in particular the time limits set out in Article 5(1); AM 119	(c) their Single Point of Contact is provided with the staff, resources and capabilities, including for translation, necessary to carry out its tasks in an adequate and rapid manner in accordance with this Directive and in particular, <u>including, where applicable,</u> the time limits set out in Article 5(1);	
Article 14(3), point (d)				
155	(d) the judicial authorities competent to grant the judicial authorisations required under national law in accordance with Article 9 are available to the Single Point of Contact 24 hours a day, 7 days a week.	(d) the judicial authorities competent to grant the judicial authorisations required under national law in accordance with Article 9 are available to the Single Point of Contact 24 hours a day, 7 days a week.	(d) the judicial authorities competent to grant the judicial authorisations required under national law in accordance with Article 9 are available <u>on call</u> to the Single Point of Contact 24 hours a day, 7 days a week.	
Article 14(4), first subparagraph				
156	4. Within one month of the establishment or designation of their Single Point of Contact, Member States shall notify the Commission thereof. They shall update that information where necessary.	4. Within one month of the establishment or designation of their Single Point of Contact, Member States shall notify the Commission thereof. They shall update that information where necessary.	4. Within one month of the establishment or designation of their Single Point of Contact, Member States shall notify the Commission thereof. They shall update that information where necessary.	
Article 14(4), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
157	The Commission shall publish those notifications, as well as any updates thereof, in the Official Journal of the European Union.	The Commission shall publish those notifications, as well as any updates thereof, in the Official Journal of the European Union.	The Commission shall publish those notifications, as well as any updates thereof, in the Official Journal of the European Union.	
Article 15				
158	Article 15 Composition	Article 15 <u>Organisation</u> , composition <u>and</u> <u>training</u> AM 120	Article 15 Composition	
Article 15(1)				
159	1. Member States shall determine the organisation and the composition of its Single Point of Contact in such a manner that it can carry out its tasks under this Directive in an efficient and effective manner.	1. Member States shall determine the organisation and the composition of its <u>their</u> Single Point of Contact in such a manner that it can carry out its tasks under this Directive in an efficient and effective manner. AM 121	1. Member States shall determine the organisation and the composition of its <u>their</u> Single Point of Contact in such a manner that it can carry out its tasks under this Directive in an efficient and effective manner.	
Article 15(2), introductory part				
160	2. Member States shall ensure that their Single Point of Contact is composed of representatives of national law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive, including at least the following	2. Member States shall ensure that their Single Point of Contact is composed of representatives of national <u>staff of their competent</u> law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive,	2. Member States shall ensure that their Single Point of Contact is composed of representatives of national law enforcement authorities whose involvement is necessary for the adequate and rapid exchange of information under this Directive, including at least the following	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	insofar as the Member State concerned is bound by the relevant legislation to establish or designate such units or bureaux:	including at least the following insofar <u>in so far</u> as the Member State concerned is bound by the relevant legislation <u>or international agreement</u> to establish or designate such units or bureaux: AM 122	insofar as the Member State concerned is bound by the relevant legislation to establish or designate such units or bureaux:	
Article 15(2), point (a)				
161	(a) the Europol national unit established by Article 7 of Regulation (EU) 2016/794;	(a) the Europol national unit established by Article 7 of Regulation (EU) 2016/794;	(a) the Europol national unit established by Article 7 of Regulation (EU) 2016/794;	
Article 15(2), point (b)				
162	(b) the SIRENE Bureau established by Article 7(2) of Regulation (EU) 2018/1862 of the European Parliament and of the Council ¹ ; 1. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312 7.12.2018, p. 56).	(b) the SIRENE Bureau established by Article 7(2) of Regulation (EU) 2018/1862 of the European Parliament and of the Council ¹ ; 1. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312 7.12.2018, p. 56).	(b) the SIRENE Bureau established by Article 7(2) of Regulation (EU) 2018/1862 of the European Parliament and of the Council ¹ ; 1. Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (OJ L 312 7.12.2018, p. 56).	
Article 15(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
163	(c) the passenger information unit established under Article 4 of Directive (EU) 2016/681;	(c) the passenger information unit established under Article 4 of Directive (EU) 2016/681;	(c) the passenger information unit established under Article 4 of Directive (EU) 2016/681;	
Article 15(2), point (d)				
164	(d) the INTERPOL National Central Bureau (NCB) established by Article 32 of Constitution of the International Criminal Police Organisation – INTERPOL.	(d) the INTERPOL National Central Bureau (NCB) established by Article 32 of Constitution of the International Criminal Police Organisation – INTERPOL.	(d) the INTERPOL National Central Bureau (NCB) established by Article 32 of Constitution of the International Criminal Police Organisation – INTERPOL.	
Article 15(2a)				
164a		<p><u>2a. Member States shall ensure that the staff operating in the Single Point of Contact and competent law enforcement authorities are adequately qualified for their tasks in order to enable them to perform their functions under this Directive. To that end, Member States shall provide the staff of their competent law enforcement authorities in their Single Point of Contact with access to adequate and regular training, in particular as regards:</u></p> <p><u>(a) data processing;</u></p> <p><u>(b) national and Union law in the areas of data protection and confidentiality and of Justice and Home Affairs, in particular concerning law enforcement cooperation and the mandate and</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<u>objectives of Europol for the purpose of applying Article 12;</u> <u>(c) foreign languages.</u> AM 123		
Article 15(2b)				
164b		<u>2b. The training referred to in paragraph 2a may include:</u> <u>(a) language courses, with a particular focus on English and the official languages of the Member States with which the Single Point of Contact has most exchanges;</u> <u>(b) IT training, including on the proper use of relevant software and databases;</u> <u>(c) a practical week at Europol or presentations by the liaison officers at Europol;</u> <u>(d) relevant tools and training courses offered by the European Union Agency for Law Enforcement Training (CEPOL).</u> AM 124		
Article 16				
165	Article 16 Case Management System	Article 16 Case Management System	Article 16 Case Management System	
Article 16(1), introductory part				
166				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	1. Member States shall ensure that their Single Point of Contact deploys and operates an electronic single Case Management System as the repository that allows the Single Point of Contact to carry out its tasks under this Directive. The Case Management System shall have at least all of the following functions and capabilities:	1. Member States shall ensure that their Single Point of Contact deploys and operates an electronic single Case Management System as the repository that allows the Single Point of Contact to carry out its tasks under this Directive. The Case Management System shall have at least all of the following functions and capabilities:	1. Member States shall ensure that their Single Point of Contact deploys and operates an electronic single Case Management System as the repository that allows the Single Point of Contact to carry out its tasks under this Directive. The Case Management System shall have at least all of the following functions and capabilities:	
Article 16(1), point (a)				
167	(a) recording incoming and outgoing requests for information referred to in Articles 5 and 8, as well as any other communications with Single Points of Contact and, where applicable, law enforcement authorities of other Member States relating to such requests, including the information about refusals and the requests for and provision of clarifications referred to in Article 6(2) and (3) respectively;	(a) recording incoming and outgoing requests for information referred to in Articles 5 and 8, as well as any other communications with Single Points of Contact and, where applicable, <u>competent</u> law enforcement authorities of other Member States relating to such requests, including the information about refusals, <u>requests for the reassessment of refusals</u> , and the requests for and provision of clarifications referred to in Article 6(2) and (3) respectively; AM 125	(a) recording incoming and outgoing requests for information referred to in Articles 5 and 8, as well as any other communications with Single Points of Contact and, where applicable, law enforcement authorities of other Member States relating to such requests, including the information about refusals and the requests for and provision of clarifications referred to in Article 6(2) and (3) respectively;	
Article 16(1), point (b)				
168	(b) recording communications between the Single Point of Contact and national law enforcement	(b) recording communications between the Single Point of Contact and national <u>the competent</u> law	(b) recording communications between the Single Point of Contact and national law enforcement	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	authorities, pursuant to Article 15(2), point (b);	enforcement authorities <u>of its own Member State</u> , pursuant to Article 15(2), point (b); AM 126	authorities, pursuant to Article 15(2), point (b);	
Article 16(1), point (c)				
169	(c) recording provisions of information to the Single Point of Contact and, where applicable, to the law enforcement authorities of other Member States in accordance with Articles 5, 7 and 8;	(c) recording provisions of information to the Single Point of Contact and, where applicable, to the <u>competent</u> law enforcement authorities of other Member States in accordance with Articles 5, 7 and 8; AM 127	(c) recording provisions of information to the Single Point of Contact and, where applicable, to the law enforcement authorities of other Member States in accordance with Articles 5, 7 and 8;	
Article 16(1), point (d)				
170	(d) cross-checking incoming requests for information referred to in Articles 5 and 8, against information available to the Single Point of Contact, including information provided in accordance with the second subparagraph of Article 5(3) and the second subparagraph of Article 7(2) and other relevant information recorded in the Case Management System;	(d) cross-checking incoming requests for information referred to in Articles 5 and 8, against information available to the Single Point of Contact, including information provided in accordance with the second subparagraph of Article 5(3) and the second subparagraph of Article 7(2) and other relevant information recorded in the Case Management System;	(d) cross-checking incoming requests for information referred to in Articles 5 and 8, against information available to the Single Point of Contact, including information provided in accordance with the second subparagraph of Article 5(3) and the second subparagraph of Article 7(2) and other relevant information recorded in the Case Management System;	
Article 16(1), point (e)				
171	(e) ensuring adequate and rapid	(e) ensuring adequate and rapid	(e) ensuring adequate and rapid	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	follow-up to incoming requests for information referred to in Article 4, in particular with a view to respecting the time limits for the provision of the requested information set out in Article 5;	follow-up to incoming requests for information referred to in Article 4, in particular with a view to respecting the time limits for the provision of the requested information set out in Article 5;	follow-up to incoming requests for information referred to in Article 4, in particular with a view to respecting the time limits for the provision of the requested information set out in Article 5;	
Article 16(1), point (f)				
172	(f) be interoperable with SIENA, ensuring in particular that incoming communications through SIENA can be directly recorded in, and that outgoing communications through SIENA can be directly sent from, the Case Management System;	(f) be interoperable with SIENA, ensuring in particular that incoming communications through SIENA can be directly recorded in, and that outgoing communications through SIENA can be directly sent from, the Case Management System;	(f) be interoperable with SIENA, ensuring in particular that incoming communications through SIENA can be directly recorded in, and that outgoing communications through SIENA can be directly sent from, the Case Management System;	
Article 16(1), point (g)				
173	(g) generating statistics in respect of exchanges of information under this Directive for evaluation and monitoring purposes, in particular for the purpose of Article 17;	(g) generating statistics in respect of exchanges of information under this Directive for evaluation and monitoring purposes, in particular for the purpose of Article 17;	(g) generating statistics in respect of exchanges of information under this Directive for evaluation and monitoring purposes, in particular for the purpose of Article 17;	
Article 16(1), point (h)				
174	(h) logging of access and of other processing activities in relation to the information contained in the Case Management System, for accountability and cybersecurity purposes.	(h) logging of access and of other processing activities in relation to the information contained in the Case Management System, for accountability and cybersecurity purposes.	(h) logging of access and of other processing activities in relation to the information contained in the Case Management System, for accountability and cybersecurity purposes, <u>in accordance with Article 25 of Directive (EU)</u>	


	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
			2016/680	
Article 16(2)				
175	2. Member States shall take the necessary measures to ensure that all cybersecurity risks relating to the Case Management System, in particular as regards its architecture, governance and control, are managed and addressed in a prudent and effective manner and that adequate safeguards against unauthorised access and abuse are provided for.	2. Member States shall take the necessary measures to ensure that all cybersecurity risks relating to the Case Management System, in particular as regards its architecture, governance and control, are managed and addressed in a prudent and effective manner and that adequate safeguards against unauthorised access and abuse are provided for.	2. Member States shall take the necessary measures to ensure that all cybersecurity risks relating to the Case Management System, in particular as regards its architecture, governance and control, are managed and addressed in a prudent and effective manner and that adequate safeguards against unauthorised access and abuse are provided for.	
Article 16(3)				
176	3. Member States shall ensure that any personal data processed by their Single Point of Contact are contained in the Case Management System only for as long as is necessary and proportionate for the purposes for which the personal data are processed and are subsequently irrevocably deleted.	3. Member States shall ensure, in accordance with Article 4 (1), point (e), and Article 5 of Directive (EU) 2016/680 , that any personal data processed by their Single Point of Contact are contained in the Case Management System only for as long as is necessary and proportionate for the purposes for which the personal data are processed and are subsequently irrevocably deleted for all authorities concerned to download them. Once they have been downloaded, the data shall be irrevocably deleted to limit the double storage of such data to the	3. Member States shall ensure that any personal data processed by their Single Point of Contact are contained in the Case Management System only for as long as is necessary and proportionate for the purposes for which the personal data are processed and are subsequently irrevocably deleted, in accordance with Article 4(1)(e) and Article 5 of Directive (EU) 2016/680 .	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<u>strict minimum. The retention period shall not exceed four weeks.</u> AM 128		
Article 16a				
176a		<u>Article 16a</u> <u>Cooperation between Single Points of Contact</u> AM 129		
Article 16a(1)				
176b		<u>1. Member States shall encourage practical cooperation between their Single Point of Contact and competent law enforcement authorities for the purposes of this Directive.</u> AM 129		
Article 16a(2)				
176c		<u>2. The Commission shall organise regular meetings between the Single Points of Contact, at least once a year, to support the sharing of best practice related to the exchange of information between law enforcement authorities.</u> AM 129		

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Chapter VI				
177	Chapter VI Final provisions	Chapter VI Final provisions	Chapter VI Final provisions	
Article 17				
178	Article 17 Statistics	Article 17 Statistics	Article 17 Statistics	
Article 17(1)				
179	1. Member States shall provide the Commission with statistics on the exchanges of information with other Member States under this Directive, by 1 March of each year.	1. <u>By 1 March of each year,</u> Member States shall provide the Commission with statistics on the exchanges of information with other Member States under this Directive, by 1 March of each year <u>during the previous calendar year under this Directive.</u> AM 130	1. Member States shall provide the Commission with statistics <u>of the previous year</u> on the exchanges of information with other Member States under this Directive, by 1 March of each year.	
Article 17(2), introductory part				
180	2. The statistics shall cover, as a minimum:	2. The statistics shall cover, as a minimum:	2. The statistics shall cover, as a minimum:	
Article 17(2), point (a)				
181	(a) the number of requests for	(a) the number of requests for	(a) the number of requests for	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	information submitted by their Single Point of Contact and by their law enforcement authorities;	information submitted by their Single Point of Contact and, <u>where relevant</u> , by their <u>competent</u> law enforcement authorities; AM 131	information submitted by their Single Point of Contact and by their law enforcement authorities;	
Article 17(2), point (b)				
182	(b) the number of requests for information received and replied to by the Single Point of Contact and by their law enforcement authorities, broken down by urgent and non-urgent, and broken down by the other Member States receiving the information;	(b) the number of requests for information received and replied to by the Single Point of Contact and by their <u>competent</u> law enforcement authorities, broken down by urgent and non-urgent, and broken down by the other Member States receiving the information; AM 132	(b) the number of requests for information received and replied to by the Single Point of Contact and by their law enforcement authorities, broken down by urgent and non-urgent, and broken down by the other Member States receiving the information;	
Article 17(2), point (c)				
183	(c) the number of requests for information refused pursuant to Article 6, broken down per requesting Member States and per grounds of refusal;	(c) the number of requests for information refused pursuant to Article 6, broken down per requesting Member States and per grounds of refusal;	(c) the number of requests for information refused pursuant to Article 6, broken down per requesting Member States and per grounds of refusal;	
Article 17(2), point (d)				
184	(d) the number of cases where the time limits referred to in Article 5(1) were deviated from due to having to obtain a judicial authorisation in accordance with Article 5(2), broken	(d) the number of cases where the time limits referred to in Article 5(1) were deviated from due to having to obtain a judicial authorisation in accordance with Article 5(2), broken	(d) the number of cases where the time limits referred to in Article 5(1) were deviated from due to having to obtain a judicial authorisation in accordance with Article 5(2), broken	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	down by the Member States having submitted the requests for information concerned.	down by the Member States having submitted the requests for information concerned.	down by the Member States having submitted the requests for information concerned.	
Article 17(2a)				
184a		<p><u>2a. The Commission shall compile the statistics provided by Member States in accordance with paragraph 1 and make them available to the European Parliament and to the Council.</u></p> <p>AM 133</p>		
Article 18				
185	Article 18 Reporting	Article 18 Reporting	Article 18 Reporting	
Article 18(1)				
186	1. The Commission shall, by [date of entry into force + 3 years], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive.	1. The Commission shall, by [date of entry into force + 3 2 years], <u>and every three years thereafter</u> , submit a report to the European Parliament and to the Council, assessing the implementation of this Directive <u>and containing detailed information on how each Member State has implemented it. In compiling that report, the Commission shall pay particular attention to the efficiency of the exchange of information</u>	1. The Commission shall, by [date of entry into force + 3 years], submit a report to the European Parliament and to the Council, assessing the implementation of this Directive.	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		<p><u>between competent authorities, the grounds for which requests for information were refused, in particular where the request falls outside the scope of the objectives of this Directive, and the compliance with provisions on data protection and the transferring of information to Europol.</u></p> <p>AM 134</p>		
Article 18(2)				
187	<p>2. The Commission shall, by [date of entry into force + 5 years], submit a report to the European Parliament and to the Council assessing the effectivity and effectiveness of this Directive. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if necessary, a legislative proposal.</p>	<p>2. The Commission shall, by [date of entry into force + 54 years], <u>and every three years thereafter</u>, submit a report to the European Parliament and to the Council assessing the effectivity and effectiveness of this Directive, <u>in particular its impact on law enforcement cooperation, the obligations laid down in Article 14(3), point (c), and the protection of personal data</u>. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive, <u>including, where applicable, practical obstacles that hamper its effective implementation</u>. On the basis of this evaluation, the Commission shall decide on appropriate follow-up</p>	<p>2. The Commission shall, by [date of entry into force + 5 years], submit a report to the European Parliament and to the Council assessing the effectivity and effectiveness of this Directive. The Commission shall take into account the information provided by Member States and any other relevant information related to the transposition and implementation of this Directive. On the basis of this evaluation, the Commission shall decide on appropriate follow-up actions, including, if necessary, a legislative proposal.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
		actions, including, if necessary ^{appropriate} , a legislative proposal. AM 135		
Article 19				
188	Article 19 Amendments to the Convention Implementing the Schengen Agreement	Article 19 Amendments to the Convention Implementing the Schengen Agreement	Article 19 Amendments to the Convention Implementing the Schengen Agreement	
Article 19, first paragraph, introductory part				
189	From [the date referred to in Article 21(1), the first subparagraph], the Convention Implementing the Schengen Agreement is amended as follows:	From [the date referred to in Article 21(1), the first subparagraph], the Convention Implementing the Schengen Agreement is amended as follows:	From [the date referred to in Article 21(1), the first subparagraph], the Convention Implementing the Schengen Agreement is amended as follows:	
Article 19, first paragraph(i)				
190	(i) Article 39 is replaced by this Directive insofar as that article relates to the exchange of information for the purpose referred to in Article 1(1) of this Directive;	(i) Article 39 is replaced by this Directive insofar as that article relates to the exchange of information for the purpose referred to in Article 1(1) of this Directive;	(i) Article 39 is replaced by this Directive insofar as that article relates to the exchange of information for the purpose referred to in Article 1(1) of this Directive;	
Article 19, first paragraph(ii)				
191	(ii) Article 46 is deleted.	(ii) Article 46 is deleted.	(ii) Article 46 is deleted.	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
Article 20				
192	Article 20 Repeal	Article 20 Repeal	Article 20 Repeal	
Article 20, first paragraph				
193	Framework Decision 2006/960/JHA is repealed from [the date referred to in Article 21(1), the first subparagraph].	Framework Decision 2006/960/JHA is repealed from [the date referred to in Article 21(1), the first subparagraph].	Framework Decision 2006/960/JHA is repealed from [the date referred to in Article 21(1), the first subparagraph].	
Article 20, second paragraph				
194	References to that Framework Decision shall be construed as references to the corresponding provisions of this Directive.	References to that Framework Decision shall be construed as references to the corresponding provisions of this Directive.	References to that Framework Decision shall be construed as references to the corresponding provisions of this Directive.	
Article 21				
195	Article 21 Transposition	Article 21 Transposition	Article 21 Transposition	
Article 21(1), first subparagraph				
196	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date of entry into force + 2 years]. They shall forthwith communicate to the Commission the text of those	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date of entry into force + 2 years <u>12 months</u>]. They shall forthwith communicate to the Commission the	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date of entry into force + 2 years]. They shall forthwith communicate to the Commission the text of those	

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	provisions.	text of those provisions. <small>AM 136</small>	provisions.	
Article 21(1), second subparagraph				
197	They shall apply those provisions from that date. However, they shall apply Article 13 from [date of entry into force + 4 years].	They shall apply those provisions from that date. However, they shall apply Article 13 from [date of entry into force + 4 2 years]. <small>AM 137</small>	They shall apply those provisions from that date. However, they shall apply Article 13 from [date of entry into force + 4 years].	
Article 21(1), third subparagraph				
198	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	
Article 21(2)				
199	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	
Article 22				
200				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	Article 22 Entry into force	Article 22 Entry into force	Article 22 Entry into force	
Article 22, first paragraph				
201	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 23				
202	Article 23 Addressees	Article 23 Addressees	Article 23 Addressees	
Article 23, first paragraph				
203	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	
Formula				
204	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
205	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
206				

	Commission Proposal	EP Mandate	Council Mandate	Auxiliary 1
	The President	The President	The President	
Formula				
207	For the Council	For the Council	For the Council	
Formula				
208	The President	The President	The President	