



Plenary sitting

A9-0245/2022

13.10.2022

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726 (COM(2021)0756 – C9-0448/2021 – 2021/0391(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Malik Azmani

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726 (COM(2021)0756 – C9-0448/2021 – 2021/0391(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2021)0756),
 - having regard to Article 294(2) and Article 82(1) point (d) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0448/2021),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0245/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) The Union has set itself the objective of offering its citizens a common area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured. At the

Amendment

(1) The Union has set itself the objective of offering its citizens a common area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured. At the

same time, the Union has to ensure that that common area remains a safe place. That objective can only be achieved by means of appropriate measures to prevent and combat crime, including organised crime and terrorism.

same time, the Union has to ensure that, that common area remains a safe place. That objective can only be achieved ***by a more effective, coordinated cooperation of the international judicial authorities and*** by means of appropriate measures to prevent and combat crime, including organised crime and terrorism.

Amendment 2

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) JITs have proven instrumental in improving international collaboration for the prosecution of cross-border crimes, such as cybercrime, terrorism, and serious and organised crime, by eliminating time-consuming procedures and formalities between JIT members. The increased use of JITs has also enhanced the culture of international cooperation in criminal matters between judicial authorities in the Union.

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

Amendment

(3) The Union aquis provides for two legal frameworks to set up JITs with the participation of at least two Member States: Council Framework Decision 2002/465/JHA¹⁹ and Article 13 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union on Mutual Assistance in Criminal Matters between the Member States of the European Union²⁰. Third countries can be involved in JITs as parties

(3) The Union aquis provides for two legal frameworks to set up JITs with the participation of at least two Member States: Council Framework Decision 2002/465/JHA¹⁹ and Article 13 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union on Mutual Assistance in Criminal Matters between the Member States of the European Union²⁰. ***The Convention drawn up on the basis of***

where there is a legal basis for such involvement, such as Article 20 of the Second Additional Protocol of the 1959 Council of Europe Convention²¹ and Article 5 of the Agreement on Mutual Legal Assistance between the European Union and the United States of America²².

¹⁹ Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams (OJ L 162, 20.6.2002, p. 1).

²⁰ OJ C 197, 12.7.2000, p. 3.

²¹ CET No 182

²² OJ L 181, 19.7.2003, p. 34.

Article K.3 of the Treaty on European Union, on mutual assistance and cooperation between customs administrations^{20a} (Naples II Convention) is also covered by this Regulation for cases in which specialised customs JITs are created. Third countries can be involved in JITs as parties where there is a legal basis for such involvement, such as Article 20 of the Second Additional Protocol of the 1959 Council of Europe Convention²¹ and Article 5 of the Agreement on Mutual Legal Assistance between the European Union and the United States of America²².

¹⁹ Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams (OJ L 162, 20.6.2002, p. 1).

²⁰ OJ C 197, 12.7.2000, p. 3.

^{20a} **OJ C 24, 23.1.1998, p. 2.**

²¹ CET No 182

²² OJ L 181, 19.7.2003, p. 34.

Amendment 4

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) In addition, it is necessary that close cooperation with any other court, tribunal or international judicial authority that aims to address crimes affecting international peace and safety, in particular the International Criminal Court (ICC), in JITs is foreseen. This Regulation allows for such entities to participate in the JITs collaboration platform in order to enhance international cooperation towards the prosecution of international crimes.

Amendment 5

Proposal for a regulation Recital 3 b (new)

Text proposed by the Commission

Amendment

(3b) There is a pressing need for a collaboration platform for JITs to communicate efficiently and exchange information and evidence in a secure manner in order to ensure that those responsible for the gravest crimes can be swiftly held responsible. That need is underlined by the amended mandate of the European Union Agency for Criminal Justice Cooperation (Eurojust) as set out in Regulation (EU) 2022/838 of the European Parliament and of the Council^{1a} enabling the agency to preserve, analyse and store evidence relating to genocide, crimes against humanity, war crimes and related criminal offences and enabling the exchange of related evidence with competent national authorities and international judicial authorities, in particular the International Criminal Court (ICC).

^{1a} Regulation(EU) 2022/838 of the European Parliament and of the Council of 30 May 2022 amending Regulation (EU) 2018/1727 as regards the preservation, analysis and storage at Eurojust of evidence relating to genocide, crimes against humanity, war crimes and related criminal offences (OJ L 148, 31.5.2022, p. 1.).

Amendment 6

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) The existing legal frameworks at Union level do not set out how the entities participating in JITs exchange information and communicate. Those entities reach an agreement on such exchange and communication on the basis of the needs and available means. However, there is **a** lack of dedicated secure and effective channel to which all participants could have recourse and through which they could promptly exchange large volumes of information and evidence or allow for secure and effective communication. Furthermore, there is no system that would support daily management of JITs, including the traceability of evidence exchanged among the participants.

Amendment

(4) The existing legal frameworks at Union level do not set out how the entities participating in JITs exchange information and communicate. Those entities reach an agreement on such exchange and communication on the basis of the needs and available means. ***To fight the increasingly complex and time-sensitive cross-border crime, speed, cooperation and efficiency are crucial.*** However, there is ***currently no system to support the daily management of JITs, to allow for more efficient evidence searching and recording, and to secure the data exchanged between the participants.*** ***There is an evident*** lack of dedicated secure and effective channel to which all participants could have recourse and through which they could promptly exchange large volumes of information and evidence or allow for secure and effective communication. Furthermore, there is no system that would support daily management of JITs, including the traceability of evidence exchanged among the participants ***in a manner that is compliant with legal requirements before national courts, as well as the planning and coordination of JIT operations.***

Amendment 7

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) In light of the increasing possibilities of crime infiltrating Information Technology (IT) systems, the current state of play could hamper the effectiveness and efficiency of cross-border investigations, as well as jeopardise and slow down such investigations and prosecutions, making them more costly.

Amendment

(5) In light of the increasing possibilities of crime infiltrating Information Technology (IT) systems, the current state of play could hamper the effectiveness and efficiency of cross-border investigations, as well as jeopardise and slow down such investigations and prosecutions ***due to the unsecure and non-***

The judiciary and law enforcement in particular need to ensure that their systems are as safe as possible and that all JIT members can connect and interact easily, independently of their national systems.

digital exchange of information and evidence, making them more costly. The judiciary and law enforcement in particular need to ensure that their systems are as ***modern and as*** safe as possible and that all JIT members can connect and interact easily, independently of their national systems.

Amendment 8

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) The speed and efficiency of the exchanges between the entities participating in JITs could be considerably enhanced by creating a dedicated IT platform to support their functioning. Therefore it is necessary to lay down rules establishing a centralised IT platform ('JITs collaboration platform') at Union level to help JITs collaborate, securely communicate and share information and evidence.

Amendment

(6) ***It is important for JITs' cooperation to be improved and supported by modern IT tools.*** The speed and efficiency of the exchanges between the entities participating in JITs could be considerably enhanced by creating a dedicated IT platform to support their functioning. Therefore it is necessary to lay down rules establishing a centralised IT platform ('JITs collaboration platform') at Union level to help JITs collaborate, securely communicate and share information and evidence.

Amendment 9

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) The use of the JITs collaboration platform should be on a voluntary basis. However, in view of its added value for cross-border investigations its use is strongly encouraged. The use or non-use of the JITs collaboration platform should not prejudice or affect the legality of other forms of communication or exchange of information and should not change the way

Amendment

(8) The use of the JITs collaboration platform should be on a voluntary basis. However, in view of its added value for cross-border investigations its use is strongly encouraged. The use or non-use of the JITs collaboration platform should not prejudice or affect the legality of other forms of communication or exchange of information and should not change the way

the JITs are set up, organised or function. The establishment of the JITs collaboration platform should not impact the underlying legal bases for JITs nor the applicable national procedural legislation regarding the collection and use of the obtained evidence. The platform should only provide a secure IT tool to improve *the* cooperation and the effectiveness of the JITs.

the JITs are set up, organised or function. The establishment of the JITs collaboration platform should not impact the underlying legal bases for JITs nor the applicable national procedural legislation regarding the collection and use of the obtained evidence. The platform should only provide a secure IT tool to improve cooperation, ***accelerate the flow of information between its users and increase the security of the data exchanged*** and the effectiveness of the JITs.

Amendment 10

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) The JITs collaboration platform should cover the operational and post-operational phases of a JIT, starting from the moment the relevant JIT agreement is signed by its members, and finishing once the JIT evaluation is over. Due to the fact that the actors participating in the JIT set-up process are different from the actors who are members of JIT once it is established, the process of setting up a JIT, especially the negotiation of the content and the signature of the JIT agreement, should not be managed by the JITs collaboration platform. However, following a need for an electronic tool to support the process of signing up a JIT, the Commission should consider covering that process by the e-Evidence Digital Exchange System (eEDES).

Amendment

(9) The JITs collaboration platform should cover the operational and post-operational phases of a JIT, starting from the moment the relevant JIT agreement is signed by its members, and finishing once the JIT evaluation is over. Due to the fact that the actors participating in the JIT set-up process are different from the actors who are members of JIT once it is established, the process of setting up a JIT, especially the negotiation of the content and the signature of the JIT agreement, should not be managed by the JITs collaboration platform. However, following a need for an electronic tool to support the process of signing up a JIT, the Commission should consider covering that process by the e-Evidence Digital Exchange System (eEDES). ***It is important that the pre-operational exchanges are readily available in the JITs collaboration platform at the beginning of the operational phase.***

Amendment 11

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The JIT agreement should be a prerequisite for the use of the JITs collaboration platform. The content of all future JIT agreements should be adapted to take into account the relevant provisions of this Regulation.

Amendment

(11) The JIT agreement, ***including any appendices***, should be a prerequisite for the use of the JITs collaboration platform. The content of all future JIT agreements should be adapted to take into account the relevant provisions of this Regulation.

Amendment 12

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) From a technical perspective, the JITs collaboration platform should be accessible via a secure connection over the internet and should be composed of a centralised information system, accessible through a web portal, communication software for mobile and desktop devices, and a connection between the centralised information system and relevant IT tools, supporting the functioning of JITs and managed by the **JIT** Secretariat.

Amendment

(13) From a technical perspective, the JITs collaboration platform should be accessible via a secure connection over the internet and should be composed of a centralised information system, accessible through a ***secure*** web portal, communication software for mobile and desktop devices, ***including a machine translation functionality for the working languages of the Union, advanced logging, a tracking mechanism*** and a connection between the centralised information system and relevant IT tools, supporting the functioning of JITs and managed by the ***JITs Network*** Secretariat.

Amendment 13

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The JITs collaboration platform complements existing tools allowing for secure exchange of data among judicial

Amendment

(15) ***The coordination and exchange of data between Justice and Home Affairs agencies and Union bodies active in***

authorities and law enforcement, such as the Secure Information Exchange Network Application (SIENA).

judicial cooperation and JIT members is key to ensuring a coordinated Union response to criminal activities and providing crucial support to Member States in tackling crime. The JITs collaboration platform complements existing tools allowing for secure exchange of data among judicial authorities and law enforcement, such as the Secure Information Exchange Network Application (SIENA).

Amendment 14

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) Communication-related functionalities of the JITs collaboration platform should be provided by **a** software allowing for non-traceable communication stored locally at the devices of the users.

Amendment

(16) Communication-related functionalities of the JITs collaboration platform should be provided by ***state of the art*** software allowing for non-traceable communication stored locally at the devices of the users.

Amendment 15

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) A proper functionality allowing to exchange operational information and evidence, including large files, should be ensured through an upload/download mechanism designed to store the data centrally only for the limited period of time necessary for the technical transfer of the data. As soon as the data is downloaded by all addresses, it should be automatically deleted from the JITs collaboration platform.

Amendment

(17) A proper functionality allowing to exchange operational information and evidence, including large files, should be ensured through an upload/download mechanism designed to store the data centrally only for the limited period of time necessary for the technical transfer of the data. As soon as the data is downloaded by all addresses, it should be automatically ***and permanently*** deleted from the JITs collaboration platform.

Amendment 16

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Given its experience with managing large-scale systems in the area of justice and home affairs, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) established by Regulation (EU) 2018/1726 of the European Parliament and of the Council²³ should be entrusted with the task of designing, developing and operating the JITs collaboration platform making use of the existing functionalities of SIENA and other functionalities at Europol to ensure complementarity and interoperability. Therefore, its mandate should be amended to reflect those new tasks and it should be provided with the appropriate funding and staffing to meet its responsibilities under this Regulation. In that regard, rules should be established on the responsibilities of eu-LISA, as the Agency entrusted with the development, technical operation and maintenance of the JITs collaboration platform.

²³ Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

Amendment

(18) Given its experience with managing large-scale systems in the area of justice and home affairs, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA) established by Regulation (EU) 2018/1726 of the European Parliament and of the Council²³ should be entrusted with the task of designing, developing and operating the JITs collaboration platform making use of the existing functionalities of SIENA and other functionalities at Europol to ensure complementarity and, **where appropriate**, interoperability. Therefore, its mandate should be amended to reflect those new tasks and it should be provided with the appropriate funding and staffing to meet its responsibilities under this Regulation. In that regard, rules should be established on the responsibilities of eu-LISA, as the Agency entrusted with the development, technical operation and maintenance of the JITs collaboration platform.

²³ Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

Amendment 17

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) *When designing the JITs collaboration platform*, eu-LISA should ensure technical interoperability with SIENA.

Amendment

(19) *In order to ensure the widest possible participation of relevant actors in the Union and to avoid the duplication of the use of data in different systems*, eu-LISA should ensure technical interoperability with SIENA *when designing the JITs collaboration platform, allowing for established secure channels to interact with the envisaged platform. It is important that the Commission ensures that the legislative financial statement annexed to the proposal for this Regulation reflects the budgetary impact of this requirement.*

Amendment 18

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) Since the establishment of the Network of National Experts on Joint Investigation Teams (the ‘JITs Network’) in accordance with Council Document 11037/05²⁴, the **JIT** Secretariat supports the work of the JITs Network by organising annual meetings, trainings, collecting and analysing the JIT evaluation reports and managing the Eurojust’s JIT funding programme. Since 2011, the **JIT** Secretariat is hosted by Eurojust as a separate unit. To allow the **JIT** Secretariat to support users in the practical application of the JITs collaboration platform, as well as to provide technical and administrative support *to JIT space administrators*, Eurojust should be provided with *appropriate* staff *allocated* to the **JIT** Secretariat.

Amendment

(20) Since the establishment of the Network of National Experts on Joint Investigation Teams (the ‘JITs Network’) in accordance with Council Document 11037/05²⁴, the **JITs Network** Secretariat supports the work of the JITs Network by organising annual meetings, trainings, collecting and analysing the JIT evaluation reports and managing the Eurojust’s JIT funding programme. Since 2011, the **JITs Network** Secretariat is hosted by Eurojust as a separate unit. To allow the **JITs Network** Secretariat to support users in the practical application of the JITs collaboration platform, as well as to provide technical and administrative support, *training on the use of the platform, outreach activities, and data protection expertise to users of the platform*, Eurojust should be provided with *additional budget and* staff *corresponding*

to the *JITs Network Secretariat's new tasks. The Commission should ensure that the legislative financial statement annexed to the proposal for this Regulation reflects the budgetary impact of the additional tasks for the JITs Network Secretariat, in particular by allocating sufficient staff to Eurojust.*

²⁴ Council of the European Union, Outcome of Proceedings of Article Art 36 Committee on 7 and 8 July 2005, Item 7 of the Agenda: Joint Investigation Teams - Proposal for designation of national experts, 11037/05.

²⁴ Council of the European Union, Outcome of Proceedings of Article Art 36 Committee on 7 and 8 July 2005, Item 7 of the Agenda: Joint Investigation Teams - Proposal for designation of national experts, 11037/05.

Amendment 19

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) Given the currently existing IT tools supporting operations of JITs, which are hosted at Eurojust and managed by the **JIT** Secretariat, it is necessary to connect the JITs collaboration platform with those IT tools, in order to facilitate the management of JITs. To that end, Eurojust should ensure the necessary technical adaptation of its systems in order to establish such connection. Eurojust should be provided with the appropriate funding and staffing to meet its responsibilities in that regard.

Amendment

(21) Given the currently existing IT tools supporting operations of JITs, which are hosted at Eurojust and managed by the **JITs Network** Secretariat, it is necessary to connect the JITs collaboration platform with those IT tools, in order to facilitate the management of JITs. To that end, Eurojust should ensure the necessary technical adaptation of its systems in order to establish such connection. Eurojust should **also** be provided with the appropriate funding and staffing to meet its responsibilities in that regard **as well**.

Amendment 20

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) During the operational phase of a

JIT, Eurojust and Europol provide valuable support to JIT members by offering a wide range of supporting tools, including mobile offices, cross-match and analytical analyses, coordination and operational centres, the coordination of prosecution, expertise and funding.

Amendment 21

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) This Regulation establishes rules on access to the JITs collaboration platform and the necessary safeguards. The JIT space administrator or administrators should be entrusted with the management of the access rights to the individual JIT collaboration spaces. They should be in charge of granting access, during the operational and post-operational phases of the JIT, to JITs collaboration platform users. JIT space administrators should be able to transfer their role to the **JIT** secretariat.

Amendment

(24) This Regulation establishes rules on access to the JITs collaboration platform and the necessary safeguards. The JIT space administrator or administrators should be entrusted with the management of the access rights to the individual JIT collaboration spaces. They should be in charge of granting access, during the operational and post-operational phases of the JIT, to JITs collaboration platform users. JIT space administrators should be able to transfer their role to the **JITs Network** secretariat.

Amendment 22

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) Directive (EU) 2016/680 of the European Parliament and of the Council²⁵ applies to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. As regards the processing

Amendment

(28) ***The processing of personal data under this Regulation should comply with the Union's legal framework on the protection of personal data.*** Directive (EU) 2016/680 of the European Parliament and of the Council²⁵ applies to the processing of personal data by competent national authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the

by Union institutions, bodies, offices and agencies, Regulation (EU) 2018/1725 of the European Parliament and of the Council²⁶ should apply in the context of this Regulation.

execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. As regards the processing by Union institutions, bodies, offices and agencies, Regulation (EU) 2018/1725 of the European Parliament and of the Council²⁶ should apply in the context of this Regulation. ***To that end, appropriate data protection safeguards should be ensured.***

²⁵ 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).

²⁶ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

²⁵ 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).

²⁶ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Amendment 23

Proposal for a regulation Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) Each competent national authority of a Member State, and where appropriate, Eurojust, Europol, the European Public Prosecutor's Office, OLAF or any other competent Union

body, office or agency should be individually responsible for the processing of operational personal data when using the collaboration platform established by this Regulation. JITs collaboration platform users should be considered joint controllers for the processing of non-operational personal data.

Amendment 24

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) *Where appropriate*, it should be possible for JIT space administrators to grant access to a JIT collaboration space to third countries which are parties to a JIT agreement. Any transfer of personal data to third countries or international organisations in the context of a JIT agreement is subject to compliance with the provisions set out in Chapter V of Directive (EU) 2016/680. Exchanges of operational data with third countries should be limited to those required to fulfil the purposes of the JIT agreement.

Amendment

(29) *In accordance with the JIT agreement*, it should be possible for JIT space administrators to grant access to a JIT collaboration space to third countries which are parties to a JIT agreement *or to international judicial authorities participating in a JIT*. Any transfer of personal data to third countries or international organisations in the context of a JIT agreement is subject to compliance with the provisions set out in Chapter V of Directive (EU) 2016/680. Exchanges of operational data with third countries should be limited to those *strictly* required to fulfil the purposes of the JIT agreement.

Amendment 25

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) Where a JIT has multiple JIT space administrators, those JIT space administrators should agree among themselves, *as soon as* the JIT collaboration space including third countries is established, *about* one of them to be controller of the data uploaded by

Amendment

(31) Where a JIT has multiple JIT space administrators, those JIT space administrators should agree among themselves *upon signing the JIT agreement, before* the JIT collaboration space including third countries is established, *and nominate* one of them to

those third countries.

be controller of the data uploaded by those third countries.

Amendment 26

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) eu-LISA should ensure that accessing the centralised information system and all data processing operations in the centralised information system are logged for the purposes of monitoring data integrity and security, the lawfulness of the data processing as well as for the purposes of self-monitoring.

Amendment

(32) eu-LISA should ensure that accessing the centralised information system and all data processing operations in the centralised information system are logged for the purposes of monitoring data integrity and security, the lawfulness of the data processing as well as for the purposes of self-monitoring. ***eu-LISA should not have access to the content of the JIT collaboration space.***

Amendment 27

Proposal for a regulation Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) Where machine translation is provided it should always be hosted internally within the centralised information system.

Amendment 28

Proposal for a regulation Recital 33

Text proposed by the Commission

Amendment

(33) This Regulation imposes reporting obligations on eu-LISA regarding the development and functioning of the JITs collaboration platform in light of objectives relating to the planning, technical output,

(33) This Regulation imposes reporting obligations on eu-LISA regarding the development and functioning of the JITs collaboration platform in light of objectives relating to the planning, technical output,

cost-effectiveness, security and quality of service. Furthermore, the Commission should conduct an overall evaluation of the JITs collaboration platform **four** years after the start of operations of the JITs collaboration platform and every **four** years thereafter.

cost-effectiveness, security and quality of service. Furthermore, the Commission should conduct an overall evaluation of the JITs collaboration platform **taking into account also the objectives of this Regulation in terms of scope, efficiency and usability, as well as the aggregated results of the evaluations of the individual JITs, two** years after the start of operations of the JITs collaboration platform and every **two** years thereafter.

Amendment 29

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) Each Member State as well as Eurojust, Europol, the European Public Prosecutor's Office, OLAF and any other competent Union body, office and agency should bear its own costs arising from their use of the JITs collaboration platform.

Amendment

(34) **While the setting up and maintenance of the JITs collaboration platform and the supporting role of Eurojust after the start of operations should be born by the Union budget,** each Member State as well as Eurojust, Europol, the European Public Prosecutor's Office, OLAF and any other competent Union body, office and agency should bear its own costs arising from their use of the JITs collaboration platform.

Amendment 30

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) The Commission should determine the date of the start of operations of the JITs collaboration platform once the relevant implementing acts necessary for the technical development of the JITs collaboration platform have been **adopted** and eu-LISA has carried out a comprehensive test of the JITs

Amendment

(36) The Commission should determine the date of the start of operations of the JITs collaboration platform once **it is satisfied that the technical requirements as adopted in** the relevant implementing acts necessary for the technical development of the JITs collaboration platform have been **implemented** and eu-

collaboration platform, in cooperation with the Member States.

LISA has carried out a comprehensive test of the JITs collaboration platform, in cooperation with the Member States. ***Upon the adoption of this Regulation, eu-LISA should immediately start its activities regarding the design and implementation of the JITs collaboration platform with a view to rendering the project operational in time, by 1 January 2025, including by making use of tailored and customised off-the-shelf products. Acknowledging that this puts a strain on eu-LISA's operations, the Commission should ensure that the budgetary impact related to these requirements are reflected in the legislative financial statement of the proposal for this Regulation, including by allowing eu-LISA to recruit technical staff for the design of this project as soon as possible.***

Amendment 31

Proposal for a regulation Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) Where potential substantial delays are reported to the Commission and the European Parliament, the Commission should provide assistance to eu-LISA in executing its responsibilities for the design and development of the JITs collaboration platform. In that case, eu-LISA and the Commission should assume joint responsibility to meet the deadline laid down in this Regulation.

Amendment 32

Proposal for a regulation Recital 39

Text proposed by the Commission

(39) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) No 2018/1725 and delivered ***an opinion*** on ***XXXX***,

Amendment

(39) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) No 2018/1725 and delivered ***formal comments*** on ***25 January 2022***.

Amendment 33

Proposal for a regulation

Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) establishes an IT platform (the ‘JITs collaboration platform’), to be used on a voluntary basis, to facilitate the cooperation of competent authorities participating in Joint Investigation Teams (‘JITs’) set up on the basis of Article 13 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union or on Framework Decision 2002/465/JHA;

Amendment

(a) establishes an IT platform (the ‘JITs collaboration platform’), to be used on a voluntary basis, to facilitate the cooperation of competent authorities participating in Joint Investigation Teams (‘JITs’) set up on the basis of Article 13 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union or on Framework Decision 2002/465/JHA ***and, for cases in which specialised customs JITs are created, on the basis of Article 24 of Naples II Convention***;

Amendment 34

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation applies to the processing of information, including personal data, within the context of a JIT. That includes the exchange and storage of operational information and evidence as well as non-operational information. ***This***

Amendment

1. This Regulation applies to the processing of information, including personal data, within the context of a JIT. That includes the exchange and storage of operational information and evidence as well as non-operational information.

Regulation applies to the operational and post-operational phases of a JIT, starting from the moment the relevant JIT agreement is signed by its members.

Amendment 35

Proposal for a regulation Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Regulation applies to the operational and post-operational phases of a JIT, starting from the moment the relevant JIT agreement is signed by its members until all operational and non-operational data of that JIT has been removed from the central storage of the JITs collaboration platform.

Amendment 36

Proposal for a regulation Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. This Regulation does not amend or otherwise affect the existing legal provisions on the establishment, conduct or evaluation of JITs.

2. Notwithstanding Article 1(8) of Framework Decision 2002/465/JHA, international judicial authorities may participate in JITs. This Regulation does not ***otherwise*** amend or otherwise affect the existing legal provisions on the establishment, conduct or evaluation of JITs.

Amendment 37

Proposal for a regulation Article 3 – paragraph 1 – point 2

Text proposed by the Commission

Amendment

(2) ‘communication software’ means

(2) ‘communication software’ means

software that facilitates **remote access to systems and** the exchange of files and messages in text, audio or video formats between JITs collaboration platform users;

software that facilitates the exchange of files and messages in text, audio or video formats between JITs collaboration platform users;

Amendment 38

Proposal for a regulation

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘competent authorities’ means the authorities competent to **set up a JIT as referred to in** Article 1 of Framework Decision 2002/465/JHA **and** Article 13 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union on Mutual Assistance in Criminal Matters between the Member States of the European Union, the European Public Prosecutor’s Office when acting pursuant to its competences as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, as well as the competent authorities of a third country where they are party of a JIT agreement on the basis of an additional legal basis;

Amendment

(3) competent authorities’ means the authorities **of the Member States** competent to **be part of** a JIT **that was set up in accordance with** Article 1 of Framework Decision 2002/465/JHA **or** Article 13 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union on Mutual Assistance in Criminal Matters between the Member States of the European Union **or Article 24 of the Naples II Convention**, the European Public Prosecutor’s Office when acting pursuant to its competences as provided for by Articles 22, 23 and 25 of Council Regulation (EU) 2017/1939, as well as the competent authorities of a third country where they are party of a JIT agreement on the basis of an additional legal basis;

Amendment 39

Proposal for a regulation

Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘JITs collaboration platform users’ means JIT members, Eurojust, Europol, OLAF and other competent Union bodies, offices and agencies;

Amendment

(5) ‘JITs collaboration platform users’ means JIT members, Eurojust, Europol, OLAF and other competent Union bodies, offices and agencies, **or a participating international judicial authority**;

Amendment 40

Proposal for a regulation

Article 3 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

(5a) ‘international judicial authority’ means an international body, court, tribunal, or mechanism established to investigate and prosecute serious crimes of concern to international community as a whole, namely crimes of genocide, crimes against humanity, war crimes and related criminal offences that affect international peace and security;

Amendment 41

Proposal for a regulation

Article 3 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

(7) ‘JIT space administrator’ means a representative of the competent authorities of the Member State in charge of the JIT collaboration space;

(7) ‘JIT space administrator’ means a representative of the competent authorities of the Member State **or of the European Public Prosecutor’s Office, that is in charge of the JIT collaboration space as determined by the JIT agreement;**

Amendment 42

Proposal for a regulation

Article 3 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(8) ‘operational data’ means information **and evidence** processed by the JITs collaboration platform during the operational phase of a JIT to support cross-border investigations and prosecutions;

(8) ‘operational data’ means information processed by the JITs collaboration platform during the operational phase of a JIT to support cross-border investigations and prosecutions;

Amendment 43

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) a communication software, which allows for local storage of communication data;

Amendment

(b) a communication software, which allows for ***secure and confidential*** local storage of communication data ***and local instant in-house machine translation in all working languages of the institutions of the Union for communication purposes***;

Amendment 44

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) a connection between the centralised information system and relevant IT tools, supporting the functioning of JITs and managed by the ***JIT*** Secretariat.

Amendment

(c) a connection between the centralised information system and relevant IT tools, supporting the functioning of JITs and managed by the ***JITs Network*** Secretariat;

Amendment 45

Proposal for a regulation

Article 4 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) an ability to connect the centralised information system and the Secure Information Exchange Network Application (SIENA).

Amendment 46

Proposal for a regulation

Article 4 – paragraph 2 (new)

Text proposed by the Commission

Amendment

The centralised information system shall be hosted by eu-LISA at its technical sites.

Amendment 47

Proposal for a regulation

Article 5 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the **daily** coordination and management of a JIT, through a set of functionalities supporting the administrative and financial processes within the JIT;

(a) the coordination and management of a JIT, through a set of functionalities supporting the administrative and financial processes within the JIT;

Amendment 48

Proposal for a regulation

Article 5 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the exchange and temporary storage of operational information **and evidence**, including large files, through an upload and download functionality;

(b) the **rapid and secure** exchange and temporary storage of operational information, including large files, through an upload and download functionality;

Amendment 49

Proposal for a regulation

Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) **evidence** traceability through **a** business logging mechanism allowing to keep track of all evidence exchanged through the JITs collaboration platform;

(d) **the** traceability **of exchanges of evidence** through **an advanced** business logging **and tracking** mechanism **[AM 133 (Renew)]** allowing to keep track of all evidence exchanged, **including its access and processing**, through the JITs collaboration platform;

Amendment 50

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. ***The centralised information system shall be hosted by eu-LISA at its technical sites.***

deleted

Amendment 51

Proposal for a regulation Article 6 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the list of functionalities required for the ***daily*** coordination and management of a JIT;

(a) the list of functionalities required for the coordination and management of a JIT;

Amendment 52

Proposal for a regulation Article 6 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) technical statistics in accordance with Article 22;

(f) technical statistics ***and additional data*** in accordance with Article 22;

Amendment 53

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

Amendment

The implementing acts referred to in the first subparagraph of this Article shall be adopted in accordance with the examination procedure referred to in

The implementing acts referred to in the first subparagraph of this Article shall be adopted in accordance with the examination procedure referred to in

Article 25.

Article 25. *The Commission shall make sure that the first implementing act allowing eu-LISA to initiate its activities shall be adopted not later than 6 months after the entry into force of this Regulation.*

Amendment 54

Proposal for a regulation Article 7 – paragraph 7

Text proposed by the Commission

7. eu-LISA shall ensure the provision of training on the **practical** use of the JITs collaboration platform.

Amendment

7. eu-LISA shall ensure the provision of training on the **technical** use of the JITs collaboration platform **to the JITs Network Secretariat, including by providing online training materials.**

Amendment 55

Proposal for a regulation Article 7 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. eu-LISA shall set up a dedicated support service which shall be responsible for mitigating incidents reported to it in a timely manner.

Amendment 56

Proposal for a regulation Article 7 – paragraph 7 b (new)

Text proposed by the Commission

Amendment

7b. eu-LISA shall continuously carry out improvements necessary for the good functioning of the JITs collaboration platform, based on the input it receives from the users of the platform and from the JITs Network Secretariat either

directly or through its annual report referred to in Article 9a, point (e).

Amendment 57

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

Each Member State shall make the technical arrangements necessary for access of its competent authorities to the JITs collaboration platform in accordance with this Regulation.

Amendment

Each Member State shall make the technical arrangements necessary for access of its competent authorities to the JITs collaboration platform in accordance with this Regulation. ***Member States shall ensure that their representatives follow the training provided by the JITs Network Secretariat pursuant to Article 9a, point (c) and that their representatives are fully aware of data protection requirements under Union law.***

Amendment 58

Proposal for a regulation Article 9 – title

Text proposed by the Commission

Responsibilities of competent Union bodies, offices and agencies

Amendment

Responsibilities of competent Union bodies, offices and agencies ***and international judicial authorities***

Amendment 59

Proposal for a regulation Article 9 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Any international judicial authority with which there is a JIT agreement, voluntarily participating in a JIT, shall make the necessary technical arrangements to enable it to access the

Amendment 60

Proposal for a regulation
Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

**Responsibilities of the JITs Network
Secretariat**

The JITs Network Secretariat shall support the functioning of the JITs collaboration platform by:

- (a) providing, at the request of the JIT space administrator or administrators, administrative, legal, and technical support in the context of the setup and access rights management of individual JIT collaboration spaces, pursuant to Article 12(3a);*
- (b) providing day-to-day guidance, functional support, and assistance to practitioners on the use of the JITs collaboration platform and its functionalities;*
- (c) designing and providing training- and outreach modules for national authorities aiming to promote and facilitate the use of the JITs collaboration platform;*
- (d) enhancing a culture of cooperation within the Union in relation to international cooperation in criminal matters by raising awareness and promoting the use of the JITs collaboration platform among practitioners, and by collecting their feedback on its practical use;*
- (e) keeping, after the start of operations of the JITs collaboration platform, eu-LISA informed of additional technical requirements of the system by*

drafting an annual report on the potential improvements of the platform based on the feedback it receives from users.

Amendment 61

Proposal for a regulation Article 10 – paragraph 1

Text proposed by the Commission

1. Prior to the design and development phase of the JITs collaboration platform, the Management Board of eu-LISA shall establish a Programme Management Board.

Amendment

1. Prior to the design and development phase of the JITs collaboration platform, the Management Board of eu-LISA shall establish a Programme Management Board ***for the duration of the design and development phase.***

Amendment 62

Proposal for a regulation Article 10 – paragraph 5

Text proposed by the Commission

5. The Programme Management Board shall meet at least once every three months, and more often as necessary. It shall ensure the adequate management of the design and development phase of the JITs collaboration platform. The Programme Management Board shall submit written reports regularly to the Management Board of eu-LISA, and where possible every month, on the progress of the project. The Programme Management Board shall have no decision-making power nor any mandate to represent the members of the eu-LISA Management Board.

Amendment

5. The Programme Management Board shall meet at least once every three months, and more often as necessary. It shall ensure the adequate management of the design and development phase of the JITs collaboration platform. The Programme Management Board shall submit written reports regularly to the Management Board of eu-LISA, and where possible every month, on the progress of the project. The Programme Management Board shall ***provide to the Commission and the European Parliament updates on the progress of the project through eu-LISA's annual report. The Programme Management Board shall*** have no decision-making power nor any mandate to represent the members of the eu-LISA Management Board, ***which shall remain responsible for the implementation of the project within the required deadline and***

within the limits of the allocated budget.

Amendment 63

Proposal for a regulation Article 10 – paragraph 6

Text proposed by the Commission

6. The Programme Management Board shall establish its rules of procedure which shall include in particular rules on chairmanship, meeting venues, preparation of meetings, admission of experts to the meetings, communication plans ensuring that non-participating Members of the eu-LISA Management Board are kept fully informed.

Amendment

6. The Programme Management Board, ***in consultation with eu-LISA's Management Board***, shall establish its rules of procedure which shall include in particular rules on chairmanship, meeting venues, preparation of meetings, admission of experts to the meetings, communication plans ensuring that non-participating Members of the eu-LISA Management Board are kept fully informed. ***The rules of procedure shall determine when the Programme Management Board will cease to exist.***

Amendment 64

Proposal for a regulation Article 10 – paragraph 8

Text proposed by the Commission

8. The Programme Management Board's secretariat shall be ensured by eu-LISA.

Amendment

8. The Programme Management Board's secretariat shall be ensured ***provided*** by eu-LISA.

Amendment 65

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. eu-LISA shall establish an Advisory Group in order to obtain expertise related to the JITs collaboration platform, in particular in the context of

Amendment

1. eu-LISA shall establish an Advisory Group in order to obtain expertise related to the JITs collaboration platform, in particular in the context of ***the***

preparation of its annual work programme and its annual activity report.

preparation of its annual work programme and its annual activity report, ***and identify improvements to be made to the JITs collaboration platform.***

Amendment 66

Proposal for a regulation

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

2. During the design and development phase of the JITs collaboration platform, the Advisory Group shall be composed of the representatives of the Member States, the Commission and the ***JIT*** Secretariat. ***It*** shall be chaired by eu-LISA. It shall:

Amendment

2. During the design and development phase of the JITs collaboration platform, the Advisory Group shall be composed of the representatives of the Member States, the Commission and the ***JITs Network*** Secretariat. ***Europol may be invited to the Advisory Group meetings in so far as those meetings concern the connection of the JITs collaboration platform to SIENA. The Advisory Group*** shall be chaired by eu-LISA. It shall:

Amendment 67

Proposal for a regulation

Article 11 – paragraph 3 (new)

Text proposed by the Commission

Amendment

3. ***Following the start of operations of the JITs collaboration platform, the Advisory Group shall continue its advisory role relating to the operational use of the platform, including the evaluations thereof, possible technical issues, further development of the existing systems. During this time, the Advisory Group shall report directly to eu-LISA's Management Board on a regular basis.***

Amendment 68

Proposal for a regulation
Article 12 – title

Text proposed by the Commission

Access to the JIT collaboration spaces *by Member States' competent authorities*

Amendment

General access to the JIT collaboration spaces **and related rules for the JIT agreement**

Amendment 69

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Following the signature of a JIT agreement, a JIT collaboration space shall be created within the JITs collaboration platform for **each** JIT.

Amendment

1. Following the signature of a JIT agreement **providing for the use of the JITs collaboration platform in accordance with this Regulation**, a JIT collaboration space shall be created within the JITs collaboration platform for **the** JIT **set up on the basis of that JIT agreement**.

Amendment 70

Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The JIT space administrator or administrators shall establish the access rights to the JIT collaboration space for the JITs collaboration platform users in accordance with Articles 12 to 14, unless the JIT agreement determines rules for such access.

Amendment 71

Proposal for a regulation
Article 12 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. One or more JIT space administrators shall be designated in the JIT agreement among the JIT members. When multiple JIT space administrators are designated, the JIT agreement shall lay down rules for their decision-making and the distribution of their tasks, which shall include rules on the competences of respective JIT space administrators to grant access in accordance with Articles 12a, 13 and 14.

Amendment 72

Proposal for a regulation Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The JIT space administrator or administrators shall **establish** the access rights of the JITs collaboration platform users to the JIT collaboration space, **on the basis of** the JIT agreement.

3. The JIT space administrator or administrators shall **manage** the access rights of the JITs collaboration platform users to the JIT collaboration space, **in accordance with** the JIT agreement.

Amendment 73

Proposal for a regulation Article 12 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The JIT agreement may provide for the JITs Network Secretariat to have access to a JIT collaboration space for the purpose of technical and administrative support, including for the management of access rights.

Amendment 74

Proposal for a regulation
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Access to the JIT collaboration spaces by Member States' competent authorities and the European Public Prosecutor's Office

In accordance with the JIT agreement, the JIT space administrator or administrators shall grant access to a JIT collaboration space to the competent authorities designated in that JIT agreement.

Amendment 75

Proposal for a regulation
Article 13 – title

Text proposed by the Commission

Amendment

Access to the JIT collaboration spaces by competent Union bodies, offices and agencies

Access to the JIT collaboration spaces by competent Union bodies, offices and agencies ***and by international judicial authorities participating in a JIT***

Amendment 76

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. The JIT space administrator or administrators may ***decide to*** grant Eurojust, including the ***JIT*** Secretariat, access to a JIT collaboration space for the purpose of fulfilling its tasks set out in Regulation (EU) 2018/1727 of the European Parliament and of the Council²⁹. In particular, the JIT space administrator or administrators may decide to grant the ***JIT*** Secretariat access to a JIT collaboration

1. The JIT space administrator or administrators may grant Eurojust, including the ***JITs Network*** Secretariat, access to a JIT collaboration space for the purpose of fulfilling its tasks set out in Regulation (EU) 2018/1727 of the European Parliament and of the Council²⁹. In particular, the JIT space administrator or administrators may decide to grant the ***JITs Network*** Secretariat access to a JIT

space for the purpose of technical and administrative support, including access rights management.

collaboration space for the purpose of technical and administrative support, including access rights management.

²⁹ Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust) (OJ L 295, 21.11.2018, p. 138).

²⁹ Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), **and replacing and repealing Council Decision 2002/187/JHA** (OJ L 295, 21.11.2018, p. 138).

Amendment 77

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The JIT space administrator or administrators may **decide to** grant Europol access to a JIT collaboration space for the purpose of fulfilling its tasks set out in Regulation (EU) 2016/794 of the European Parliament and of the Council³⁰.

Amendment

2. The JIT space administrator or administrators may grant Europol access to a JIT collaboration space for the purpose of fulfilling its tasks set out in Regulation (EU) 2016/794 of the European Parliament and of the Council³⁰.

³⁰ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) (OJ L 135, 24.5.2016, p. 53).

³⁰ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) (OJ L 135, 24.5.2016, p. 53).

Amendment 78

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The JIT space administrator or administrators may **decide to** grant OLAF access to a JIT collaboration space for the purpose of fulfilling its tasks set out in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the

Amendment

3. The JIT space administrator or administrators may grant OLAF access to a JIT collaboration space for the purpose of fulfilling its tasks set out in Regulation (EU, Euratom) No 883/2013 of the

Council³¹.

European Parliament and of the Council³¹.

³¹ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

³¹ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

Amendment 79

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. The JIT space administrator or administrators may ***decide to*** grant the European Public Prosecutor's Office access to a JIT collaboration space for the purpose of fulfilling its tasks set out in Council Regulation (EU) 2017/1939.

Amendment

4. The JIT space administrator or administrators may grant the European Public Prosecutor's Office access to a JIT collaboration space for the purpose of fulfilling its tasks set out in Council Regulation (EU) 2017/1939.

Amendment 80

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

5. The JIT space administrator or administrators may ***decide to*** grant other competent Union bodies, offices and agencies access to a JIT collaboration space for the purpose of fulfilling tasks set out in their basic acts.

Amendment

5. The JIT space administrator or administrators may grant other competent Union bodies, offices and agencies access to a JIT collaboration space for the purpose of fulfilling tasks set out in their basic acts.

Amendment 81

Proposal for a regulation Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The JIT space administrator or administrators may grant international judicial authorities access to a JIT collaboration space for the purpose of fulfilling cooperation objectives included in the relevant JIT agreement.

Amendment 82

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. For the purposes listed in Article 5, the JIT space administrator or administrators **may decide to** grant access to a JIT collaboration space to the competent authorities of third countries which have signed a particular JITs agreement.

Amendment

1. For the purposes listed in Article 5, the JIT space administrator or administrators **shall, where provided for in the JIT agreement,** grant access to a JIT collaboration space to the competent authorities of third countries which have signed a particular JITs agreement.

Amendment 83

Proposal for a regulation Article 14 – paragraph 2

Text proposed by the Commission

2. The JIT space administrator or administrators shall ensure that the exchanges of operational data with the competent authorities of third countries that have been granted access to a JIT collaboration space are limited to what is required for the purposes of the JIT agreement and subject to the conditions laid therein.

Amendment

2. The JIT space administrator or administrators shall **verify and** ensure that the exchanges of operational data with the competent authorities of third countries that have been granted access to a JIT collaboration space are limited to what is required for the purposes of the JIT agreement and subject to the conditions laid therein.

Amendment 84

Proposal for a regulation
Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Union bodies, offices and agencies shall ensure that their transfers of personal data to third countries that have been granted access to a JIT collaboration space take place only where the conditions laid down in Chapter IX of Regulation (EU) 2018/1725 are met.

Amendment 85

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. For the purposes of paragraphs 1 and 2, eu-LISA shall adopt a security plan, a business continuity and disaster recovery plan, to ensure that the centralised information system may, in case of interruption, be restored.

3. For the purposes of paragraphs 1 and 2, eu-LISA shall adopt a security plan, a business continuity and disaster recovery plan, to ensure that the centralised information system may, in case of interruption, be restored. **eu-LISA shall provide for a working arrangement with the Computer Emergency Response Team for the Union's institutions, bodies and agencies (CERT-EU) and shall adopt the security plan in consultation with the European Union Agency for Cybersecurity (ENISA).**

Amendment 86

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. Upon expiry of the retention period referred to in paragraph 1, the data **record** shall be automatically erased from the centralised system.

2. **As soon as the process of downloading is completed by all intended JITs collaboration platform users or** upon expiry of the retention period referred to in paragraph 1, the data shall be automatically

and permanently erased from the centralised system.

Amendment 87

Proposal for a regulation Article 18 – paragraph 2

Text proposed by the Commission

2. Upon expiry of the retention period referred to in paragraph 1, the data **record** shall be automatically erased from the centralised system.

Amendment

2. Upon expiry of the retention period referred to in paragraph 1, the data shall be automatically erased from the centralised system.

Amendment 88

Proposal for a regulation Article 19 – paragraph 1

Text proposed by the Commission

1. Each competent national authority of a Member State, and where appropriate, Eurojust, Europol, the European Public Prosecutor's Office, OLAF or any other competent Union body, office or agency shall be considered to be data controllers in accordance with applicable Union data protection rules for the processing of personal data under this Regulation.

Amendment

1. Each competent national authority of a Member State, and where appropriate, Eurojust, Europol, the European Public Prosecutor's Office, OLAF or any other competent Union body, office or agency shall be considered to be data controllers in accordance with applicable Union data protection rules for the processing of **operational** personal data under this Regulation.

Amendment 89

Proposal for a regulation Article 19 – paragraph 2

Text proposed by the Commission

2. With regard to data uploaded to the JITs collaboration platform by the competent authorities of third countries, one of the JIT space administrators is to be **considered** data controller as regards the

Amendment

2. With regard to data uploaded to the JITs collaboration platform by the competent authorities of third countries, one of the JIT space administrators, **as designated in the JIT agreement upon**

personal data exchanged through, and stored in the JITs collaboration platform.

signing, is to be **nominated** data controller as regards the personal data exchanged through, and stored in the JITs collaboration platform.

Amendment 90

Proposal for a regulation

Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where no single administrator is named as data controller in the JIT agreement, all JIT space administrators shall act as joint controllers in accordance with Regulation (EU) 2018/1725 as regards the personal data exchanged through, and stored in the JITs collaboration platform.

Amendment 91

Proposal for a regulation

Article 19 – paragraph 4

Text proposed by the Commission

Amendment

4. The JITs collaboration platform users shall be **jointly responsible** for **managing** non-operational data in the JITs collaboration platform.

4. The JITs collaboration platform users shall be **joint controllers** for **the processing of** non-operational **personal** data in the JITs collaboration platform, **the fact of which shall be underlined in the JIT agreement.**

Amendment 92

Proposal for a regulation

Article 20 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the exchange of operational information and evidence between the JITs collaboration platform users;

(a) the exchange of operational information and evidence between the JITs collaboration platform users **for the**

purpose of which the particular JIT has been set up;

Amendment 93

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. Access to the JITs collaboration platform shall be limited to duly authorised staff of the competent Member States' and third country authorities, Eurojust, Europol, the European Public Prosecutor's Office, OLAF and other competent Union bodies, offices or agencies, to the extent needed for the performance of their tasks in accordance with the purposes referred to in paragraph 1, and to what is necessary and proportionate to the objectives pursued.

Amendment

2. Access to the JITs collaboration platform shall be limited to duly authorised staff of the competent Member States' and third country authorities, Eurojust, Europol, the European Public Prosecutor's Office, OLAF and other competent Union bodies, offices or agencies, ***or international judicial authorities*** to the extent needed for the performance of their tasks in accordance with the purposes referred to in paragraph 1, and to what is ***strictly*** necessary and proportionate to the objectives pursued.

Amendment 94

Proposal for a regulation Article 21 – paragraph 2 – point b

Text proposed by the Commission

(b) the identifying mark of JIT's collaboration platform ***user*** who accessed the centralised information system;

Amendment

(b) the identifying mark ***of agents*** of JIT's collaboration platform ***users*** who accessed the centralised information system;

Amendment 95

Proposal for a regulation Article 21 – paragraph 2 – point c

Text proposed by the Commission

(c) the date, time zone and access time of ***the*** operation carried out by the ***JIT's***

Amendment

(c) the date, time zone and access time of ***each*** operation carried out by the ***JITs***

collaboration platform **user**;

collaboration platform **users**;

Amendment 96

Proposal for a regulation

Article 21 – paragraph 2 – point d

Text proposed by the Commission

(d) the operation carried out by the **JIT's** collaboration platform **user**.

Amendment

(d) the operation carried out by the **JITs** collaboration platform **users**.

Amendment 97

Proposal for a regulation

Article 21 – paragraph 3

Text proposed by the Commission

3. The logs shall be protected by appropriate technical measures against unauthorised access and shall be kept for three years or for such longer period as required for the termination of ongoing monitoring procedures.

Amendment

3. The logs shall be protected by appropriate technical measures against **modification**, unauthorised access and shall be kept for three years or for such longer period as required for the termination of ongoing monitoring procedures.

Amendment 98

Proposal for a regulation

Article 21 – paragraph 4

Text proposed by the Commission

4. On request, eu-LISA shall make the logs available to the competent authorities of the Member States without undue delay.

Amendment

4. On request, eu-LISA shall make the logs available to the competent authorities of the Member States **who participated in a particular JIT** without undue delay.

Amendment 99

Proposal for a regulation

Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. eu-LISA shall also establish procedures to monitor and measure the effectiveness of the JITs collaboration platform as regards the scope, the efficiency, and the usability of the platform.

Amendment 100

Proposal for a regulation Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. The procedures referred to in paragraph 1 shall provide for the possibility to produce regular technical statistics for monitoring purposes.

2. The procedures referred to in paragraph 1 shall provide for the possibility to produce regular technical statistics for monitoring purposes ***and shall contribute to the overall evaluation of the JITs collaboration platform.***

Amendment 101

Proposal for a regulation Article 22 – paragraph 3

Text proposed by the Commission

Amendment

3. In the event of substantial delays in the development process, eu-LISA shall inform the European Parliament and the Council as soon as possible of the reasons for the delays ***and of*** their impact in terms of timeframes and finances.

3. In the event of ***potential*** substantial delays in the development process, eu-LISA shall inform the European Parliament and the Council as soon as possible of the reasons for the delays, their impact in terms of timeframes and finances, ***and the steps it intends to take to remedy the situation.***

Amendment 102

Proposal for a regulation Article 22 – paragraph 6

Text proposed by the Commission

6. Two years after the start of operations of the JITs collaboration platform and every year thereafter, eu-LISA shall submit to the Commission a report on the technical functioning of the JITs cooperation platform, including its security.

Amendment

6. Two years after the start of operations of the JITs collaboration platform and every year thereafter, eu-LISA shall submit to the Commission a report on the technical functioning of the JITs cooperation platform, including its security. ***The report shall be made publicly available.***

Amendment 103

**Proposal for a regulation
Article 22 – paragraph 7**

Text proposed by the Commission

7. ***Four*** years after the start of operations of the JITs collaboration platform and every ***four*** years thereafter, the Commission shall conduct an overall evaluation of the JITs collaboration platform. The Commission shall transmit the overall evaluation report to the European Parliament and the Council.

Amendment

7. ***Two*** years after the start of operations of the JITs collaboration platform and every ***two*** years thereafter, the Commission shall conduct an overall evaluation of the JITs collaboration platform. The Commission shall transmit the overall evaluation report to the European Parliament and the Council.

Amendment 104

**Proposal for a regulation
Article 22 – paragraph 8**

Text proposed by the Commission

8. The Member States' competent authorities, Eurojust, Europol, the European Public Prosecutor's Office, OLAF and other competent Union bodies, offices and agencies shall provide eu-LISA and the Commission with the information necessary to draft the reports referred to in paragraphs 4 and 7. That information shall not jeopardise working methods or include information that reveals sources, names of staff members or investigations.

Amendment

8. The Member States' competent authorities, Eurojust, Europol, the European Public Prosecutor's Office, OLAF and other competent Union bodies, offices and agencies shall ***draft a monitoring and evaluation plan regarding their use of the JITs collaboration platform, including reporting requirements the feedback of which will be collected by the JITs Network Secretariat, in order to*** provide eu-LISA

and the Commission with the information necessary to draft the reports referred to in paragraphs 4 and 7. That information shall not jeopardise working methods or include information that reveals sources, names of staff members or investigations.

Amendment 105

Proposal for a regulation

Article 24 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall determine the date of the start of operations of the JITs collaboration platform, once it is satisfied that the following conditions are met:

Amendment

1. ***The date of start of operations shall not be later than 1 January 2025.***
The Commission shall determine the date of the start of operations of the JITs collaboration platform, once it is satisfied that the following conditions are met;

Amendment 106

Proposal for a regulation

Article 24 – paragraph 1 – point a

Text proposed by the Commission

(a) the ***relevant*** implementing acts referred to in Article 6 have been ***adopted***;

Amendment

(a) ***the requirements adopted in*** the implementing acts referred to in Article 6 have been ***implemented***;

Amendment 107

Proposal for a regulation

Article 24 – paragraph 1 – point b

Text proposed by the Commission

(b) eu-LISA has carried out a comprehensive test of the JITs collaboration platform, ***in cooperation with*** the Member States, using anonymous test data.

Amendment

(b) eu-LISA has carried out a comprehensive test of the JITs collaboration platform, ***during a trial period with involvement of*** the Member States, using anonymous test data;

Amendment 108

Proposal for a regulation

Article 24 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

***(ba) the trial period referred to in point
(b) has been conducted successfully.***

Amendment 109

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the Commission has determined the date of start of operations in accordance with paragraph 1, it shall communicate that date to the Member States, Eurojust, Europol, the European Public Prosecutor's Office and OLAF.

2. Where the Commission has determined the date of start of operations in accordance with paragraph 1, it shall communicate that date to the ***European Parliament, the*** Member States, Eurojust, Europol, the European Public Prosecutor's Office and OLAF.

Amendment 110

Proposal for a regulation

Article 24 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Where potential substantial delays are reported in accordance with Article 22(3) which may jeopardise meeting the deadline for the start of operations, the Commission shall assume, jointly with eu-LISA, the responsibility to remedy that situation and meet the deadline for the start of operations provided for in paragraph 1 through contingency planning and by providing assistance to eu-LISA.

Amendment 111

Proposal for a regulation

Article 26 – paragraph 1 – point 2

Regulation (EU) 2018/1726

Article 8b – paragraph 1 – point b

Text proposed by the Commission

(b) tasks relating to training on the technical use of the JITs collaboration platform, including provision of online training materials.

Amendment

(b) tasks relating to training on the technical use of the JITs collaboration platform ***provided to the JITs Network Secretariat***, including provision of online training materials.

EXPLANATORY STATEMENT

Joint investigation teams (JITs) bring together prosecutors, police and investigative judges from different countries to coordinate cross-border investigations and conclude prosecutions swiftly and successfully. They belong to the most successful tools of international judicial cooperation in criminal matters.

The first time participation of the Office of the Prosecutor of the International Criminal Court (ICC) in the JIT investigating war crimes in Ukraine further shows that international coordination and information exchange for the gravest of crimes will only become increasingly important in the upcoming years.

The draft report presented by the Rapporteur therefore proposes **new provisions allowing for the participation of international judicial authorities, in particular the ICC, in the JITs collaboration platform.**

In the information gathering process, it became clear that having in place this platform would have already facilitated considerably the international collaboration on the prosecution of international crimes, including in the cooperation with the ICC and in relation to the updated mandate of Eurojust in collecting, preserving and analysing evidence relating to war crimes.

Moreover, the current ways of communicating and exchanging information and data in JITs do not comply with today's security requirements and it is therefore indispensable that the Union creates the JITs collaboration platform as soon as possible. The Rapporteur therefore aims to have a functioning platform in place sooner rather than later.

To this end, the draft report aims to **advance the start of the operations of the JITs collaboration platform by at least one year**, a deadline for which the report includes the date and provisions aiming to speed up the design and development phase by allocating staff and resources.

In the Rapporteur's view, the creation of a new platform should be used by as many competent authorities as possible while it should strengthen the EU's security infrastructure altogether. The Rapporteur therefore proposed to **include the possibility to allow for participation of specialised customs JITs created under the Naples II convention**, provided that they function in the context of a criminal investigation while under the supervision of a judicial authority.

The Rapporteur specified recitals and provisions relating to data protection to make them **compliant with the European Data Protection Supervisor's formal comments**. Further provisions are proposed to **specify the role of EU agencies involved in the support and functioning of the platform**, in particular for Eurojust (and its JITs Network Secretariat) and eu-LISA. The Rapporteur calls on the Commission to ensure that the legislative financial statement better reflects the requirements and new tasks for these agencies as proposed in this Regulation.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726
References	COM(2021)0756 – C9-0448/2021 – 2021/0391(COD)
Date submitted to Parliament	2.12.2021
Committee responsible Date announced in plenary	LIBE 17.1.2022
Committees asked for opinions Date announced in plenary	BUDG 17.1.2022
Not delivering opinions Date of decision	BUDG 9.12.2021
Rapporteurs Date appointed	Malik Azmani 20.4.2022
Discussed in committee	27.6.2022
Date adopted	10.10.2022
Result of final vote	+: 56 –: 0 0: 0
Members present for the final vote	Abir Al-Sahlani, Konstantinos Arvanitis, Malik Azmani, Malin Björk, Patrick Breyer, Saskia Bricmont, Patricia Chagnon, Clare Daly, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Assita Kanko, Alice Kuhnke, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Emil Radev, Paulo Rangel, Terry Reintke, Karlo Ressler, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Sara Skytvedal, Vincenzo Sofo, Ramona Strugariu, Tomas Tobé, Yana Toom, Elissavet Vozemberg-Vrionidi, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Romeo Franz, Erik Marquardt, Michal Šimečka, Paul Tang, Róza Thun und Hohenstein, Miguel Urbán Crespo
Substitutes under Rule 209(7) present for the final vote	Gilles Boyer, Deirdre Clune, Jonás Fernández, Vlad Gheorghe, Hannes Heide, Eero Heinäluoma, Othmar Karas, Georgios Kyrtos, Karsten Lucke, Aušra Maldeikienė, Peter Pollák, Evelyn Regner, Antonio Maria Rinaldi, Simone Schmiedtbauer, Ralf Seekatz, Ivan Štefanec
Date tabled	13.10.2022

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

56	+
ECR	Assita Kanko, Vincenzo Sofo
ID	Patricia Chagnon, Antonio Maria Rinaldi
PPE	Deirdre Clune, Andrzej Halicki, Othmar Karas, Jeroen Lenaers, Aušra Maldeikienė, Lukas Mandl, Nuno Melo, Nadine Morano, Peter Pollák, Emil Radev, Paulo Rangel, Karlo Ressler, Simone Schmiedtbauer, Ralf Seekatz, Sara Skyttedal, Ivan Štefanec, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Javier Zarzalejos
RENEW	Abir Al-Sahlani, Malik Azmani, Gilles Boyer, Vlad Gheorghe, Sophia in 't Veld, Georgios Kyrtos, Maite Pagazaurtundúa, Michal Šimečka, Ramona Strugariu, Róza Thun und Hohenstein, Yana Toom
S&D	Jonás Fernández, Hannes Heide, Eero Heinäluoma, Evin Incir, Karsten Lucke, Javier Moreno Sánchez, Evelyn Regner, Isabel Santos, Birgit Sippel, Paul Tang, Elena Yoncheva
THE LEFT	Konstantinos Arvanitis, Malin Björk, Clare Daly, Miguel Urbán Crespo
VERTS/ALE	Patrick Breyer, Saskia Bricmont, Romeo Franz, Alice Kuhnke, Erik Marquardt, Terry Reintke, Diana Riba i Giner

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention