



**2021/0393(COD)**

19.9.2022

# **AMENDMENTS**

## **42 - 150**

**Draft report**

**Patryk Jaki**

(PE734.463v01-00)

Amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the digital information exchange in terrorism cases

Proposal for a regulation

(COM(2021)0757 – C9-0449/2021 – 2021/0393(COD))



**Amendment 42**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**(4 a) This Regulation respects fundamental rights and observes the principles recognised by Article 6 TEU and the Charter, by international law and international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in Member States' constitutions, in their respective fields of application. Such rights and principles include, in particular, the right to liberty and security, the respect for private and family life, the protection of personal data, the right to an effective remedy and to a fair trial, the presumption of innocence and the right to defence, the principles of legality and proportionality, as well as the right not to be tried or punished twice in criminal proceedings for the same criminal offence.**

Or. en

**Amendment 43**  
**Jean-Paul Garraud, Patricia Chagnon, Tom Vandendriessche, Laura Huhtasaari**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) As the register has been set up after Regulation (EU) 2018/1727 had already been adopted, the European Judicial Counter-Terrorism Register is neither technically well integrated at Eurojust nor legally well integrated in Regulation (EU)

(6) As the register has been set up after Regulation (EU) 2018/1727 had already been adopted, the European Judicial Counter-Terrorism Register is neither technically well integrated at Eurojust nor legally well integrated in Regulation (EU)

2018/1727. Therefore, it is necessary to remedy that.

2018/1727. Therefore, it is necessary to remedy that ***by adopting a consistent approach to the verification of identified potential links between terrorism cases and the effective follow-up of these links. The management of the information in the European Judicial Register and the follow-up of potential links must be carried out in full respect of confidentiality and data ownership.***

Or. fr

**Amendment 44**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible. ***The persistence of the terrorist threat and the complexity of the phenomenon raise the need for an ever greater exchange of information.***

*Amendment*

(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible.

Or. en

**Amendment 45**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist

*Amendment*

(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist

offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible. ***The persistence of the terrorist threat and the complexity of the phenomenon raise the need for an ever greater exchange of information.***

offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible.

Or. en

#### **Amendment 46**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible. The persistence of the terrorist threat and the complexity of the phenomenon raise the need for an ever greater exchange of information.

###### *Amendment*

(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible ***and to systematically share that information using a common structure.*** The persistence of the terrorist threat and the complexity of the phenomenon raise the need for an ever greater exchange of information.

Or. en

#### **Amendment 47**

**Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

#### **Proposal for a regulation**

##### **Recital 7**

###### *Text proposed by the Commission*

(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist

###### *Amendment*

(7) To combat terrorism effectively, efficient exchange of information for investigation or prosecution of terrorist

offences between competent authorities and Union agencies is crucial. It is essential to have the most complete and updated information possible. The persistence of the terrorist threat and the complexity of the phenomenon raise the need for an ever greater exchange of information.

offences between competent authorities and Union agencies is crucial. It is essential to have the most complete, **structured** and updated information possible. The persistence of the terrorist threat and the complexity of the phenomenon raise the need for an ever greater exchange of information.

Or. en

#### **Amendment 48**

**Jean-Paul Garraud, Patricia Chagnon, Tom Vandendriessche, Laura Huhtasaari**

#### **Proposal for a regulation**

##### **Recital 8**

###### *Text proposed by the Commission*

(8) As terrorist organisations are increasingly involved in other forms of **serious crimes**, such as trafficking in human beings, drug trafficking or money laundering, it is also necessary to cross-check judicial proceedings against such serious crimes.

###### *Amendment*

(8) As terrorist organisations are increasingly involved in other **serious and sophisticated** forms of **financial and organised crime**, such as trafficking in human beings, drug trafficking or money laundering, it is also necessary to cross-check judicial proceedings against such serious crimes.

Or. fr

#### **Amendment 49**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

##### **Recital 8**

###### *Text proposed by the Commission*

(8) As terrorist organisations are increasingly involved in other forms of serious **crimes**, such as trafficking in human beings, drug trafficking or money laundering, it is also necessary to cross-check judicial proceedings against such serious crimes.

###### *Amendment*

(8) As terrorist organisations are increasingly involved in other forms of serious **and organised crime**, such as trafficking in human beings, drug trafficking or money laundering, it is also necessary to cross-check judicial proceedings against such serious crimes.

## Amendment 50

Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld

### Proposal for a regulation

#### Recital 9

##### *Text proposed by the Commission*

(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust receives sufficient information to enable Eurojust to cross-check this data.

##### *Amendment*

(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust receives, ***at the earliest possible stage***, sufficient information to enable Eurojust to cross-check this data.

Or. en

## Amendment 51

Saskia Bricmont

### Proposal for a regulation

#### Recital 9

##### *Text proposed by the Commission*

(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust receives ***sufficient*** information ***to enable Eurojust to cross-check this data***.

##### *Amendment*

(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust receives ***from the competent authorities the information that is necessary to identify these cross-links***.

Or. en

## Amendment 52

Franco Roberti

### Proposal for a regulation

#### Recital 9

*Text proposed by the Commission*

(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust receives sufficient information to enable Eurojust to cross-check this data.

*Amendment*

(9) In order to enable Eurojust to identify cross-links between cross-border judicial proceedings against suspects of terrorist offences as well as cross-links between judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes, it is essential that Eurojust receives, ***without delay***, sufficient information to enable Eurojust to cross-check this data.

Or. it

## Amendment 53

Jean-Paul Garraud, Patricia Chagnon, Tom Vandendriessche, Laura Huhtasaari

### Proposal for a regulation

#### Recital 10

*Text proposed by the Commission*

(10) The competent authorities need to know exactly what kind of information they have to transmit to Eurojust, at what stage of the national proceedings and in which cases, in order to provide such data. This is expected to increase the information Eurojust receives significantly.

*Amendment*

(10) The competent authorities need to know exactly what kind of information they have to transmit to Eurojust, at what stage of the national proceedings, ***in accordance with national law***, and in which cases, in order to provide such data. This is expected to increase the information Eurojust receives significantly.

Or. fr

## Amendment 54

Saskia Bricmont

**Proposal for a regulation**  
**Recital 10**

*Text proposed by the Commission*

(10) The competent authorities need to know exactly what kind of information they have to transmit to Eurojust, at what stage of the national proceedings and in which cases, in order to provide such data. This is expected to increase the information Eurojust receives **significantly**.

*Amendment*

(10) The competent authorities need to know exactly what kind of information they have to transmit to Eurojust, at what stage of the national **criminal** proceedings and in which cases, in order to provide such data. This is expected to increase the **quality and relevance of the** information Eurojust receives.

Or. en

**Amendment 55**  
**Dragoș Tudorache, Michal Šimečka, Sophia in 't Veld**

**Proposal for a regulation**  
**Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**(10 a) New competencies of sharing, storing and cross-checking data will significantly increase the amount of data processed at Eurojust for which reason additional financial, human and technical resources should be foreseen.**

Or. en

**Amendment 56**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

*Amendment*

**(11) Directive (EU) 2017/541 of the European Parliament and of the Council<sup>34</sup> is the reference point for national authorities to define terrorist offences as implemented in national law.**

**deleted**

---

<sup>34</sup> *Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).*

Or. en

**Amendment 57**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) Directive (EU) 2017/541 of the European Parliament and of the Council<sup>34</sup> is the reference point for national authorities to define terrorist offences as implemented in national law.

---

<sup>34</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

*Amendment*

(11) Directive (EU) 2017/541 of the European Parliament and of the Council<sup>34</sup> is the reference point for national authorities to define terrorist offences as implemented in national law. ***Information provided to Eurojust for the purpose of this Regulation should be strictly related to crimes of terrorism and serious organised crimes, as exhaustively listed in Directive (EU) 2017/541. Information provided to Eurojust should therefore not relate to criminal proceedings initiated on the basis of extended or political definitions of terrorism or organised crime, or to criminal proceedings initiated for politically-motivated purposes or in manifest breach of fundamental rights.***

---

<sup>34</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).

Or. en

**Amendment 58**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to **exchange** biometric data. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, a strict necessity test should be applied by the competent authorities and Eurojust in each case.

*Amendment*

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to **provide to Eurojust** biometric data, ***provided such data has been collected in accordance with national law in the context of criminal proceedings and in full respect of the procedural rights set out in Directives 2010/64/EU<sup>1a</sup>, 2012/13/EU<sup>1b</sup>, 2013/48/EU<sup>1c</sup>, 2016/343<sup>1d</sup>, 2016/800<sup>1e</sup> and 2016/1919<sup>1f</sup> of the European Parliament and of the Council.*** Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, a strict necessity ***and proportionality*** test should be applied by the competent authorities and Eurojust in each case.

---

<sup>1a</sup> ***Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).***

<sup>1b</sup> ***Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).***

<sup>1c</sup> ***Directive 2013/48/EU of the European***

*Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).*

*<sup>1d</sup> Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).*

*<sup>1e</sup> Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).*

*<sup>1f</sup> Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).*

Or. en

**Amendment 59**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be

*Amendment*

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be

possible to *exchange* biometric data. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, a strict necessity test should be applied by the competent authorities and Eurojust in each case.

possible to *provide to Eurojust* biometric data, *provided such data has been collected in accordance with national law in the context of criminal proceedings and in full respect of the procedural rights set out in Directives 2010/64/EU, 2012/13/EU, 2013/48/EU, 2016/343, 2016/800 and 2016/1919 of the European Parliament and of the Council*. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, a strict necessity *and proportionality* test should be applied by the competent *national* authorities and Eurojust in each case.

Or. en

## **Amendment 60**

**Jean-Paul Garraud, Patricia Chagnon, Tom Vandendriessche, Laura Huhtasaari**

### **Proposal for a regulation**

#### **Recital 12**

##### *Text proposed by the Commission*

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to exchange biometric data. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, a strict necessity test should be applied by the competent authorities and Eurojust in each case.

##### *Amendment*

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to exchange biometric data, *provided that such data are collected and stored and can be transmitted to the competent national authorities in accordance with the national law of each Member State*. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of

Fundamental Rights of the European Union, a strict necessity test should be applied by the competent authorities and Eurojust in each case.

Or. fr

**Amendment 61**  
**Franco Roberti**

**Proposal for a regulation**  
**Recital 12**

*Text proposed by the Commission*

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification ***data*** is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to exchange biometric data. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, a strict ***necessity test should be applied by the competent authorities and Eurojust in each case.***

*Amendment*

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, ***a dataset that ensures reliable identification and that those data are kept and exchanged*** is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to exchange biometric data, ***which are the only certain identifiers.*** Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, ***such data should be provided in conformity with a strict test for necessity and proportionality for the purposes of identifying the data subject.***

Or. it

**Amendment 62**  
**Loránt Vincze, Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Recital 12**

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, **reliable identification data is crucial**. Due to the uncertainties regarding alphanumerical data especially for third country nationals, **it should be possible to exchange biometric data**. Due to the sensitive nature of biometric data **and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union**, a strict **necessity test** should be **applied** by the competent authorities and Eurojust **in each case**.

(12) **The exchange of reliable identification data is crucial** for the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences. **The use of biometric data is therefore vital** due to the uncertainties regarding alphanumerical data especially for third country nationals, **the use of fake and double identities by suspects as well as the fact that such data often are the only link to the suspects in the investigative phase**. Member states should **therefore provide such information in cases where the national judicial authorities have access to it**. Due to the sensitive nature of biometric data, a strict **purpose limitation** should be **put in place with regard to such data** by the competent authorities and Eurojust.

Or. en

#### **Amendment 63**

**Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

#### **Proposal for a regulation**

#### **Recital 12**

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to exchange biometric data. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, **a strict necessity test**

(12) For the identification of cross-links between terrorism investigations and judicial proceedings against suspects of terrorist offences, reliable identification data is crucial. Due to the uncertainties regarding alphanumerical data especially for third country nationals, it should be possible to exchange biometric data. Due to the sensitive nature of biometric data and the impact processing of biometric data has on the respect for private and family life and the protection of personal data, as enshrined in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, **those data** should be

should be *applied by the competent authorities and Eurojust in each case.*

*transmitted only in cases where it is necessary for the identification of the data subject.*

Or. en

#### **Amendment 64**

**Dragoș Tudorache, Michal Šimečka**

#### **Proposal for a regulation**

##### **Recital 13**

*Text proposed by the Commission*

(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as judicial *authorities are involved*. If the competent national authorities are already aware of cross-links, they should inform Eurojust accordingly.

*Amendment*

(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as *the case is referred to a judicial authority in accordance with national law. A case should be considered to be referred to a judicial authority when, for instance, the authority is informed of an ongoing investigation, approves or orders an investigation measure, or decides to prosecute, depending on the applicable national law*. If the competent national authorities are already aware of cross-links, they should inform Eurojust accordingly.

Or. en

#### **Amendment 65**

**Saskia Bricmont**

#### **Proposal for a regulation**

##### **Recital 13**

*Text proposed by the Commission*

(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the

*Amendment*

(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the

competent authorities provide information to Eurojust as soon as judicial **authorities are involved**. If the competent national authorities are already aware of cross-links, they should inform Eurojust accordingly.

competent authorities provide information to Eurojust as soon as **the case is referred to a judicial authority in accordance with national law. Depending on the national law, the moment at which a case is considered to be referred to a judicial authority is when the authority is informed of an ongoing investigation or authorises or orders an investigation**. If the competent national authorities are already aware of cross-links **between criminal proceedings**, they should inform Eurojust accordingly.

Or. en

#### **Amendment 66**

**Jean-Paul Garraud, Patricia Chagnon, Tom Vandendriessche, Laura Huhtasaari**

#### **Proposal for a regulation**

##### **Recital 13**

###### *Text proposed by the Commission*

(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as **judicial authorities are involved**. If the competent national authorities are already aware of cross-links, they should inform Eurojust accordingly.

###### *Amendment*

(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as **the opportunity arises, in accordance with the national law of each Member State**. If the competent national authorities are already aware of cross-links, they should inform Eurojust accordingly.

Or. fr

#### **Amendment 67**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

##### **Recital 13**

###### *Text proposed by the Commission*

###### *Amendment*

(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as judicial **authorities are involved**. If the competent national authorities are already aware of cross-links, they should inform Eurojust accordingly.

(13) As information about existing cross-links to other judicial proceedings is most useful at an early stage of the investigation, it is necessary that the competent authorities provide information to Eurojust as soon as **the case is referred to a judicial authority, in accordance with national law**. If the competent national authorities are already aware of cross-links, they should inform Eurojust accordingly.

Or. en

#### **Amendment 68** **Saskia Bricmont**

##### **Proposal for a regulation** **Recital 14**

*Text proposed by the Commission*

(14) In order to ensure the accuracy of the data in the European Judicial Counter-Terrorism Register, to identify cross-links early and to ensure time limits are respected, the competent national authorities should **update the** information **provided regularly**. Such updates should include new information relating to the person under investigation, judicial decisions such as pre-trial detention **or** opening of **the** court proceedings **and** judicial cooperation requests or identified links with other jurisdictions.

*Amendment*

(14) In order to ensure the accuracy of the data in the European Judicial Counter-Terrorism Register, to identify cross-links **or clear suspects as early as possible in an investigation** and to ensure time limits are respected, the competent national authorities should **provide updated** information **whenever it emerges**. Such updates should include new information relating to the person under investigation, judicial decisions such as pre-trial detention, opening of court proceedings, judicial cooperation requests or identified links with other jurisdictions **as well as not guilty verdicts and acquittals**.

Or. en

#### **Amendment 69** **Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

##### **Proposal for a regulation** **Recital 14**

*Text proposed by the Commission*

(14) In order to ensure the accuracy of the data in the European Judicial Counter-Terrorism Register, to identify cross-links early and to ensure time limits are respected, the competent national authorities should update the information provided regularly. Such updates should include new information relating to the person under investigation, judicial decisions such as pre-trial detention or opening of the court proceedings and judicial cooperation requests or identified links with other jurisdictions.

*Amendment*

(14) In order to ensure the accuracy of the data in the European Judicial Counter-Terrorism Register, to identify cross-links early and to ensure time limits are respected, the competent national authorities should update the information provided regularly. Such updates should include new information relating to the person under investigation, ***developments in the proceedings and*** judicial decisions such as pre-trial detention or opening of the court proceedings and judicial cooperation requests or identified links with other jurisdictions.

Or. en

**Amendment 70**  
**Franco Roberti**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) ***Given the sensitive nature of judicial proceedings against suspects of terrorist offences, it is not always possible for*** the competent national authorities to share the information on terrorist offences at the earliest stage. Such derogations from the obligation to provide information should ***remain an exception***.

*Amendment*

(15) ***Where the sharing of information would undermine ongoing investigations or the safety of an individual, or where it would be contrary to the essential interests of the security of the Member State concerned,*** the competent national authorities ***could choose not to*** share the information on terrorist offences ***with Eurojust*** at the earliest stage. Such derogations from the obligation to provide information should ***be applied only in exceptional circumstances and on a case-by-case basis, as Eurojust handles the information provided by national authorities in compliance with Union law on data protection while also considering the confidentiality of the judicial proceedings brought.***

Or. it

## Amendment 71

Jean-Paul Garraud, Patricia Chagnon, Tom Vandendriessche, Laura Huhtasaari

### Proposal for a regulation

#### Recital 15

*Text proposed by the Commission*

(15) Given the sensitive nature of judicial proceedings against suspects of terrorist offences, it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage. ***Such derogations from the obligation*** to provide information should remain an ***exception***.

*Amendment*

(15) Given the sensitive nature of judicial proceedings against suspects of terrorist offences, it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage. ***If the transmission of information could jeopardise ongoing investigations or the security of the person or the Member State concerned, the competent national authorities should not be obliged to provide Eurojust with information on terrorist offences at the initial stage of the proceedings. Information sharing*** should remain an ***exceptional measure***.

Or. fr

## Amendment 72

Dragoş Tudorache, Michal Šimečka

### Proposal for a regulation

#### Recital 15

*Text proposed by the Commission*

(15) Given the sensitive nature of judicial proceedings against suspects of terrorist offences, it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage. Such derogations from the obligation to provide information should remain an exception.

*Amendment*

(15) Given the sensitive nature of judicial proceedings against suspects of terrorist offences, it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage. Such derogations from the obligation to provide information should remain an exception. ***When considering a derogation, the fact that the information provided is covered by Union law on protection of personal data and that Eurojust is obligated to treat it***

*accordingly should be taken into account while also ensuring the confidentiality of the judicial proceedings.*

Or. en

### **Amendment 73**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

### **Proposal for a regulation**

#### **Recital 15**

#### *Text proposed by the Commission*

(15) Given the sensitive nature of judicial proceedings against suspects of terrorist offences, it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage. Such derogations from the obligation to provide information should *remain an exception*.

#### *Amendment*

(15) Given the sensitive nature of judicial proceedings against suspects of terrorist offences, it is not always possible for the competent national authorities to share the information on terrorist offences at the earliest stage. Such derogations from the obligation to provide information should *only be applied in strictly exceptional situations*.

Or. en

### **Amendment 74**

**Cornelia Ernst**

### **Proposal for a regulation**

#### **Recital 16**

#### *Text proposed by the Commission*

(16) For the purposes of exchanging and processing *sensitive data* between competent national authorities and Eurojust for protecting such data against unauthorised disclosure and cyber attacks, and without prejudice to future technological developments, secure communication channels, such as the secure communication connections referred to in Article 9 of Council Decision 2008/976/JHA<sup>35</sup> or the decentralised IT system as defined in Regulation (EU)

#### *Amendment*

(16) For the purposes of exchanging and processing *personal data related to suspects and accused persons in criminal proceedings* between competent national authorities and Eurojust *and* for protecting such data, *which by nature is sensitive*, against unauthorised disclosure and cyber attacks, and without prejudice to future technological developments, secure communication channels, such as the secure communication connections referred to in Article 9 of Council Decision

[.../...] of the European Parliament and of the Council<sup>36</sup> [Regulation on the digitalisation of judicial cooperation] should be used. In order to exchange data securely and protect the integrity of the communication and data exchange, the case management system should be connected to such secure communication systems and meet high cybersecurity standards.

---

<sup>35</sup> Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).

<sup>36</sup> Regulation (EU) [.../...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal law cases (OJ L...).

2008/976/JHA<sup>35</sup> or the decentralised IT system as defined in Regulation (EU) [.../...] of the European Parliament and of the Council<sup>36</sup> [Regulation on the digitalisation of judicial cooperation] should be used. In order to exchange data securely and protect the integrity of the communication and data exchange, the case management system should be connected to such secure communication systems and meet high cybersecurity standards.

---

<sup>35</sup> Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).

<sup>36</sup> Regulation (EU) [.../...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal law cases (OJ L...).

Or. en

## **Amendment 75** **Saskia Bricmont**

### **Proposal for a regulation** **Recital 16**

#### *Text proposed by the Commission*

(16) For the purposes of exchanging and processing **sensitive data** between competent **national** authorities and Eurojust for protecting such data against unauthorised disclosure and cyber attacks, and without prejudice to future technological developments, secure communication channels, such as the secure communication connections referred to in Article 9 of Council Decision 2008/976/JHA<sup>35</sup> or the decentralised IT system as defined in Regulation (EU) [.../...] of the European Parliament and of the Council<sup>36</sup> [Regulation on the digitalisation of judicial cooperation]

#### *Amendment*

(16) For the purposes of exchanging and processing **personal data related to suspects and accused persons in criminal proceedings** between competent authorities and Eurojust **and** for protecting such data, **which by nature is sensitive**, against unauthorised disclosure and cyber attacks, and without prejudice to future technological developments, secure communication channels, such as the secure communication connections referred to in Article 9 of Council Decision 2008/976/JHA<sup>35</sup> or the decentralised IT system as defined in Regulation (EU) [.../...] of the European Parliament and of

should be used. In order to exchange data securely and protect the integrity of the communication and data exchange, the case management system should be connected to such secure communication systems and meet high cybersecurity standards.

---

<sup>35</sup> Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).

<sup>36</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal law cases (OJ L...).

the Council<sup>36</sup> [Regulation on the digitalisation of judicial cooperation] should be used. In order to exchange data securely and protect the integrity of the communication and data exchange, the case management system should be connected to such secure communication systems and meet high cybersecurity standards.

---

<sup>35</sup> Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (OJ L 348, 24.12.2008, p. 130).

<sup>36</sup> Regulation (EU) [...] of the European Parliament and of the Council on the digitalisation of judicial cooperation and access to justice in civil, commercial and criminal law cases (OJ L...).

Or. en

#### **Amendment 76**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

#### **Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16 a) In order to serve its purposes under Regulation (EU) 2018/1727 and other applicable Union law, the case management system should be linked to other relevant Union IT systems, such as the Schengen Information System (SIS), ECRIS-TCN and the JIT Collaboration Platform, in accordance with Union law. Access to the information in such systems should be provided based on the rules set out in provisions on the respective IT systems.***

Or. en

#### **Amendment 77**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The transmission of unstructured data makes manual intervention necessary, creates additional administrative burden, and reduces the quality of the results of cross-checking. Therefore, ***national*** competent authorities should transmit the data in a structured manner while respecting minimal interoperability requirements as defined in the European Interoperability Framework<sup>39</sup>. In addition, the transfer of data should be automated ***as much as possible*** to lessen the administrative burden of national authorities and to ensure the necessary data is provided regularly and quickly.

---

<sup>39</sup>

<https://joinup.ec.europa.eu/collection/nif-national-interoperability-framework-observatory/european-interoperability-framework>.

*Amendment*

(18) The transmission of unstructured data makes manual intervention necessary, creates additional administrative burden, and reduces the quality of the results of cross-checking. Therefore, competent ***national*** authorities should transmit the data in a structured manner while respecting minimal interoperability requirements as defined in the European Interoperability Framework<sup>39</sup>. In addition, the transfer of data should be automated to lessen the administrative burden of national authorities and to ensure the necessary data is provided regularly and quickly. ***Transfer of sensitive data related to suspects and accused persons in criminal proceedings should not be fully automated, but subject to a transmission mode which is, at least partly, human controlled. For the purpose of data transfers under this Regulation, human control in the transmission mode should entail the verification of the quality and quantity of data to be transferred and of the transfer of data having been authorised by competent national authorities as well as the verification of necessity and proportionality requirements. The national authorities competent for the transfer of information should be responsible for the accuracy and legality of the acquisition of the information provided to Eurojust.***

---

<sup>39</sup>

<https://joinup.ec.europa.eu/collection/nif-national-interoperability-framework-observatory/european-interoperability-framework>.

Or. en

**Amendment 78**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

(18) The transmission of unstructured data makes manual intervention necessary, creates additional administrative burden, and reduces the quality of the results of cross-checking. Therefore, ***national*** competent authorities should transmit the data in a structured manner while respecting minimal interoperability requirements as defined in the European Interoperability Framework<sup>39</sup>. In addition, the transfer of data should be automated ***as much as possible*** to lessen the administrative burden of national authorities and to ensure the necessary data is provided regularly and quickly.

---

<sup>39</sup>

<https://joinup.ec.europa.eu/collection/nif-national-interoperability-framework-observatory/european-interoperability-framework>.

*Amendment*

(18) The transmission of unstructured data makes manual intervention necessary, creates additional administrative burden, and reduces the quality of the results of cross-checking. Therefore, competent authorities should transmit the data in a structured manner while respecting minimal interoperability requirements as defined in the European Interoperability Framework<sup>39</sup>. In addition, the transfer of data should be automated to lessen the administrative burden of national authorities and to ensure the necessary data is provided regularly and quickly. ***Transfer of sensitive data related to suspects and accused persons in criminal proceedings should not be fully automated, but subject to a transmission mode which is, at least partly, human controlled. For the purpose of data transfers under this Regulation, human control in the transmission mode should entail the verification of the quality and quantity of data to be transferred and of the transfers of data having been authorised by competent national authorities as well as the verification of necessity and proportionality requirements. The national authorities competent for the transfer of information should be responsible for the accuracy and legality of the acquisition of the information provided to Eurojust.***

---

<sup>39</sup>

<https://joinup.ec.europa.eu/collection/nif-national-interoperability-framework-observatory/european-interoperability-framework>.

## Amendment 79

Dragoș Tudorache, Michal Šimečka

### Proposal for a regulation

#### Recital 19

*Text proposed by the Commission*

(19) A modernized case management system is necessary for Eurojust to process the sensitive personal data securely. The new system needs to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve the capacities of Eurojust regarding link detection.

*Amendment*

(19) A modernized case management system is necessary for Eurojust to process the sensitive personal data securely. The new system needs to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve the capacities of Eurojust regarding link detection ***while taking, as a rule, full advantage of pre-existing and already-in-place national and Union level mechanisms for comparing biometric data.***

Or. en

## Amendment 80

Saskia Bricmont

### Proposal for a regulation

#### Recital 19

*Text proposed by the Commission*

(19) A modernized case management system is necessary for Eurojust to process the sensitive personal data securely. The new system needs to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve the capacities of Eurojust regarding ***link*** detection.

*Amendment*

(19) A modernized case management system is necessary for Eurojust to process the sensitive personal data securely. The new system needs to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve the capacities of Eurojust regarding ***the detection of cross links.***

Or. en

**Amendment 81**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

(20) It is important to maintain the control and responsibility of the national members for the data, which they receive from the national competent authorities. No operational personal data should be shared with another Member State by default. Operational personal data should only be shared in as far as national competent authorities authorise the exchange of data. In order to digitalise and speed up the follow up on potential links while ensuring full control over the data, handling codes should be introduced.

*Amendment*

(20) It is important to maintain the control and responsibility of the national members for the data, which they receive from the national competent authorities. No operational personal data should be shared with another Member State by default. Operational personal data should only be shared ***by national members*** in as far as national competent authorities authorise the exchange of data ***after carrying out a necessity and proportionality assessment in each individual case***. In order to digitalise and speed up the follow up on potential links while ensuring full control over the data, handling codes should be introduced.

Or. en

**Amendment 82**  
**Franco Roberti**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(21) ***Terrorist activities*** often affect two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. ***Therefore, terrorist offences should be considered per se transnational in their nature***, if the specific circumstances of the case do not clearly indicate a purely national character.

*Amendment*

(21) ***Present-day terrorism and serious and organised crime are very dynamic and globalised phenomena*** that often affect two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. ***The transnational nature of a terrorist offence might not be known at the moment at which the case is referred to a judicial***

*authority. It is possible, however, for the transnational character of a terrorist offence to be revealed through cross-checking by Eurojust, making a timely exchange of data essential. Indeed, the investigation or prosecution of terrorist offences requires coordination and cooperation between prosecuting authorities or a prosecution on common bases, as provided for in Article 85 TFEU. Information on terrorism cases should be exchanged with Eurojust, if the specific circumstances of the case do not clearly indicate a purely national character.*

Or. it

### Amendment 83

Dragoș Tudorache, Michal Šimečka, Sophia in 't Veld

### Proposal for a regulation

#### Recital 21

*Text proposed by the Commission*

(21) Terrorist activities often affect two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. ***Therefore***, terrorist offences should ***be considered per se transnational in their nature, if*** the specific circumstances of the case ***do not*** clearly ***indicate*** a purely national character.

*Amendment*

(21) Terrorist activities often affect two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. ***When a case is referred to a judicial body, the international nature of a terrorist offense might, however, not be discovered. Through cross-checking, Eurojust might be able to identify the transnational nature of a terrorist offense. That is why prosecution of*** terrorist offences ***require, as allowed for in Article 85 TFEU, coordination and collaboration among prosecuting agencies or a prosecution on common bases. Information on terrorism cases should therefore be exchanged with Eurojust, unless*** the specific circumstances of the case clearly ***indicates*** a purely national

character.

Or. en

## **Amendment 84**

**Loránt Vincze**

### **Proposal for a regulation**

#### **Recital 21**

##### *Text proposed by the Commission*

(21) Terrorist activities often affect two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. Therefore, terrorist offences should be considered *per se* transnational in their nature, if the specific circumstances of the case do not clearly indicate a purely national character.

##### *Amendment*

(21) Terrorist activities **very** often affect two or more Member States. Terrorism already had a strong transnational component in the past. However, with the use and availability of electronic communication, transnational collaboration between terrorist offenders has increased significantly. Therefore, terrorist offences should be considered *per se* transnational in their nature, if the specific circumstances of the case do not clearly indicate a purely national character.

Or. en

## **Amendment 85**

**Saskia Bricmont**

### **Proposal for a regulation**

#### **Recital 21**

##### *Text proposed by the Commission*

(21) Terrorist activities often affect two or more Member States. Terrorism already had a strong transnational component in the past. **However, with** the use and availability of electronic communication, transnational collaboration between terrorist offenders **has increased significantly**. Therefore, terrorist offences should be considered ***per se*** transnational in their nature, if the specific circumstances of the case do not clearly indicate a purely

##### *Amendment*

(21) Terrorist activities often affect two or more Member States. Terrorism already had a strong transnational component in the past. The use and availability of electronic communication **can increase** transnational collaboration between terrorist offenders. Therefore, terrorist offences should be considered transnational in their nature, if the specific circumstances of the case do not clearly indicate a purely national character.

national character.

Or. en

**Amendment 86**

**Jean-Paul Garraud, Patricia Chagnon, Tom Vandendriessche, Laura Huhtasaari**

**Proposal for a regulation**

**Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) The transnational dimension of cross-border terrorism investigations poses several practical problems for the national authorities involved. For this reason, Eurojust should play an important role, in particular as regards constraints related to travel, limited access to operational equipment and language barriers.***

Or. fr

**Amendment 87**

**Jean-Paul Garraud, Patricia Chagnon, Tom Vandendriessche, Laura Huhtasaari**

**Proposal for a regulation**

**Recital 21 b (new)**

*Text proposed by the Commission*

*Amendment*

***(21b) The free movement of people in the European Union strengthens terrorism. Eurojust's operational missions should support the actions taken by Member States in the fight against this movement of criminals by strengthening police and judicial cooperation.***

Or. fr

**Amendment 88**

**Cornelia Ernst**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) Investigations and prosecutions in terrorism cases ***are often*** impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations ***also*** with previous investigations and ***establish*** potential links, it ***is*** necessary to store the data on ***any*** previous investigations, ***not only on*** convictions ***and*** to extend the time limits for storing data in the European Judicial Counter-Terrorism Register. ***However, it is necessary to ensure that such data is processed for prosecution purposes only.*** The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.

*Amendment*

(22) Investigations and prosecutions in terrorism cases ***could be*** impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations with previous investigations and ***identify*** potential links, it ***might be*** necessary to store the data on previous investigations ***and*** convictions ***related to terrorist cases.*** ***It should be possible*** to extend the time limits for storing data in the European Judicial Counter-Terrorism Register ***on a case by case basis to the extent that such extension is necessary and proportionate for the purpose of ongoing operational activities. Data on previous investigations and convictions should be retained and processed for purposes related to cross-checking links with other investigations and prosecutions only. Information on previous investigations or prosecution related to persons who are not guilty, acquitted or otherwise rehabilitated should not be stored beyond the time that is necessary to perform the cross-checking and should be deleted if links between judicial proceedings are not identified.*** The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.

Or. en

**Amendment 89**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 22**

(22) Investigations and prosecutions in terrorism cases ***are often*** impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations ***also*** with previous investigations and ***establish*** potential links, it ***is*** necessary to store the data on ***any*** previous investigations, ***not only on*** convictions ***and*** to extend the time limits for storing data in the European Judicial Counter-Terrorism Register. ***However, it is necessary to ensure that such data is processed for prosecution purposes only.*** The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.

(22) Investigations and prosecutions in terrorism cases ***could be*** impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations with previous investigations and ***identify*** potential links, it ***might be*** necessary to store the data on previous investigations ***and*** convictions ***related to terrorist cases.*** ***It should be possible*** to extend the time limits for storing data in the European Judicial Counter-Terrorism Register ***on a case by case basis to the extent that such extension is necessary and proportionate for the purpose of ongoing operational activities. Data on previous investigations and convictions should be retained and processed for purposes related to cross-checking links with other investigations and prosecutions only. Information on previous investigations or prosecution related to persons who are not guilty, acquitted or otherwise rehabilitated should not be stored beyond the time that is necessary to perform the cross-checking and should be deleted if links between judicial proceedings are not identified.*** The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.

Or. en

## **Amendment 90**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

### **Proposal for a regulation**

#### **Recital 22**

(22) Investigations and prosecutions in terrorism cases are often impeded by the

(22) Investigations and prosecutions in terrorism cases are often impeded by the

lack of information exchange between national investigation and prosecution authorities. ***In order to be able to cross check new terrorist investigations also with previous investigations and establish potential links,*** it is necessary ***to store the data on any previous investigations, not only on convictions and*** to extend the time limits for storing data in the European Judicial Counter-Terrorism Register. However, it is necessary to ensure that such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.

lack of information exchange between national investigation and prosecution authorities. It is ***therefore*** necessary to extend the time limits for storing data in the European Judicial Counter-Terrorism Register. ***In addition, the possibility to cross-check new terrorist investigations also with previous investigations could establish potential links and entail the need for cooperation. Such cross-checking might reveal that a person suspected or prosecuted in an ongoing case in a Member State was suspected or prosecuted in a concluded case in another Member State. It might also establish links between ongoing investigations or prosecutions which could have been hidden otherwise. This is the case even where previous investigations ended in an acquittal or in a final decision not to prosecute. It is therefore necessary to store the data on any previous investigations, not only on convictions.*** However, it is necessary to ensure that such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.

Or. en

## **Amendment 91**

**Franco Roberti**

### **Proposal for a regulation**

#### **Recital 22**

#### *Text proposed by the Commission*

(22) Investigations and prosecutions in terrorism cases are often impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations also with previous investigations and establish

#### *Amendment*

(22) Investigations and prosecutions in terrorism cases are often impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations also with previous investigations and establish

potential links, it is necessary to ***store the*** data on any previous investigations, ***not only on convictions and*** to extend the time limits for storing data in the European Judicial Counter-Terrorism Register. However, it is necessary to ensure that such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.

potential links, it is necessary to ***ensure that a retention period for*** data on any previous investigations ***and convictions is adequate for operational activities.*** ***Therefore, it is necessary*** to extend the time limits for storing data in the European Judicial Counter-Terrorism Register, ***as national authorities may not be aware of links and developments relevant to investigations requiring close cooperation, and therefore may not carry out the requisite cross-checking of new investigation data even with previous investigations, which could lead to potential links, even with previous investigations that ended with an acquittal, not emerging.*** However, it is necessary to ensure that such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.

Or. it

## Amendment 92 Dragoş Tudorache, Michal Šimečka

### Proposal for a regulation Recital 22

#### *Text proposed by the Commission*

(22) Investigations and prosecutions in terrorism cases are often impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations also with previous investigations and establish potential links, it is necessary to ***store*** the data on any previous investigations, not only on convictions and to extend the time limits for storing data in the European Judicial Counter-Terrorism Register. However, it is necessary to ensure that

#### *Amendment*

(22) Investigations and prosecutions in terrorism cases are often impeded by the lack of information exchange between national investigation and prosecution authorities. In order to be able to cross check new terrorist investigations also with previous investigations and establish potential links, it is necessary to ***adequately extend the time limits for storing*** the data on any previous investigations, not only on convictions and to extend the time limits for storing data in the European Judicial Counter-Terrorism

such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.

Register. However, it is necessary to ensure that such data is processed for prosecution purposes only. The information may not be used for anything else but identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions. ***However, when the competent national authority determines that the processing of the data of acquitted or non-prosecuted persons is not required, including because of the particularities of the case or the grounds for the acquittal or non-prosecution, that data should be deleted after the decision on acquittal or non-prosecution becomes final.***

Or. en

#### **Amendment 93**

**Jean-Paul Garraud, Patricia Chagnon, Tom Vandendriessche, Laura Huhtasaari**

#### **Proposal for a regulation**

##### **Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) The competent national authority, in accordance with its domestic legislation, may decide whether to retain the data of persons who have been acquitted or refused prosecution after final judgements.***

Or. fr

#### **Amendment 94**

**Dragoş Tudorache, Michal Šimečka**

#### **Proposal for a regulation**

##### **Recital 24**

*Text proposed by the Commission*

*Amendment*

(24) While Regulation (EU) 2018/1727

(24) While Regulation (EU) 2018/1727

provides a legal basis for the cooperation and exchange of data with third countries, it does not contain any rules on the formal and technical aspects of the cooperation with third country liaison prosecutors seconded to Eurojust, in particular their access to the case management system. In the interest of legal certainty, Regulation (EU) 2018/1727 should provide an explicit legal basis for the cooperation between Eurojust and the third country liaison prosecutors and their access to the Eurojust case management system. Eurojust should ensure adequate safeguards and security measures for the protection of data and fundamental rights through the technical setup and internal rules.

provides a legal basis for the cooperation and exchange of data with third countries, it does not contain any rules on the formal and technical aspects of the cooperation with third country liaison prosecutors seconded to Eurojust, in particular their access to the case management system. In the interest of legal certainty, Regulation (EU) 2018/1727 should provide an explicit legal basis for the cooperation between Eurojust and the third country liaison prosecutors and their access to the Eurojust case management system. Eurojust should ensure adequate safeguards and security measures for the protection of data and fundamental rights through the *updated* technical setup and *strict* internal rules.

Or. en

## **Amendment 95** **Saskia Bricmont**

### **Proposal for a regulation** **Recital 24**

#### *Text proposed by the Commission*

(24) While Regulation (EU) 2018/1727 provides a legal basis for the cooperation and exchange of data with third countries, it does not contain any rules on the formal and technical aspects of the cooperation with third country liaison prosecutors seconded to Eurojust, in particular their access to the case management system. In the interest of legal certainty, Regulation (EU) 2018/1727 should provide an explicit legal basis for the cooperation between Eurojust and the third country liaison prosecutors and their access to the Eurojust case management system. Eurojust should **ensure** adequate safeguards and security measures for the protection of data and fundamental rights through the technical setup and internal rules.

#### *Amendment*

(24) While Regulation (EU) 2018/1727 provides a legal basis for the cooperation and exchange of data with third countries, it does not contain any rules on the formal and technical aspects of the cooperation with third country liaison prosecutors seconded to Eurojust, in particular their access to the case management system. In the interest of legal certainty, Regulation (EU) 2018/1727 should provide an explicit legal basis for the cooperation between Eurojust and the third country liaison prosecutors and their access to the Eurojust case management system. Eurojust should **implement** adequate safeguards and security measures for the protection of data and fundamental rights through the technical setup and internal rules.

Or. en

**Amendment 96**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Recital 25**

*Text proposed by the Commission*

(25) ***In the interest of clarity***, the relationship between the exchange of information between national competent authorities on terrorism cases with Eurojust under Decision 2005/671/JHA and Regulation (EU) 2018/1727 should be clarified. Therefore, the relevant provisions should be deleted from Decision 2005/671/JHA and be added to Regulation (EU) 2018/1727.

*Amendment*

(25) The relationship between the exchange of information between national competent authorities on terrorism cases with Eurojust under Decision 2005/671/JHA and Regulation (EU) 2018/1727 should be clarified. Therefore, the relevant provisions should be deleted from Decision 2005/671/JHA and be added to Regulation (EU) 2018/1727.

Or. en

**Amendment 97**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Regulation (EU) **2017/1727** is amended as follows:

*Amendment*

Regulation (EU) **2018/1727** is amended as follows:

Or. en

**Amendment 98**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2**  
Regulation (EU) 2018/1727  
Article 20 – paragraph 2a

*Text proposed by the Commission*

2a. Each Member State shall designate

AM\1263056EN.docx

*Amendment*

2a. Each Member State shall designate

37/65

PE736.482v01-00

a competent national authority as Eurojust national correspondent for terrorism matters. This national correspondent for terrorism matters shall be a judicial or other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect such information and to *send it* to Eurojust;

a competent national authority as Eurojust national correspondent for terrorism matters. This national correspondent for terrorism matters shall be a judicial or other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect ***information about investigations and prosecution of terrorist offences, including those which ended in an acquittal or which were concluded in another way, judicial decisions such as pre-trial detention or opening of court proceedings, and judicial cooperation requests or identified links with other jurisdictions, to send*** such information to Eurojust and to ***carry out necessity and proportionality assessments. Before sending information*** to Eurojust, ***the national correspondent shall obtain authorisation from the responsible national authority to verify the quality and quantity of information to be transferred, and to assess the necessity and proportionality of the transfers of information, where the responsible national authority is different from the national correspondent;***

Or. en

**Amendment 99**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 2**  
Regulation (EU) 2018/1727  
Article 20 – paragraph 2a

*Text proposed by the Commission*

2a. Each Member State shall designate a competent national authority as Eurojust national correspondent for terrorism

*Amendment*

2a. Each Member State shall designate a competent national authority as Eurojust national correspondent for terrorism

matters. This national correspondent for terrorism matters shall be a judicial or other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect such information and to *send it* to Eurojust;

matters. This national correspondent for terrorism matters shall be a judicial or other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect *information about investigations and prosecution of terrorist offences, including those which ended in an acquittal or which were concluded in another way, judicial decisions such as pre-trial detention or opening of court proceedings, and judicial cooperation requests or identified links with other jurisdictions, to send* such information to Eurojust and to *carry out necessity and proportionality assessments. Before sending information* to Eurojust, *the national correspondent shall obtain the authorisation from the responsible national authority to verify the quality and quantity of information to be transferred, and to assess the necessity and proportionality of the transfers of information, where the responsible national authority is different from the national correspondent,*

Or. en

#### **Amendment 100**

**Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

#### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 2**

Regulation (EU) 2018/1727

Article 20 – paragraph 2a

#### *Text proposed by the Commission*

2a. Each Member State shall designate a competent national authority as Eurojust national correspondent for terrorism matters. This national correspondent for terrorism matters shall be a judicial or

#### *Amendment*

2a. Each Member State shall designate a competent national authority as Eurojust national correspondent for terrorism matters. This national correspondent for terrorism matters shall be a judicial or

other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect such information and to send it to Eurojust;

other competent authority. Where the national legal system requires, more than one authority can be designated. The national correspondent for terrorism matters shall have access to all relevant information in accordance with Article 21a(1). It shall be competent to collect such information and to send it to Eurojust ***in compliance with the applicable data protection rules;***

Or. en

#### **Amendment 101**

**Dragoş Tudorache, Michal Šimečka**

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 3 – point b**

Regulation (EU) 2018/1727

Article 21 – paragraph 10

*Text proposed by the Commission*

(b) paragraph 10 is ***deleted;***

*Amendment*

(b) paragraph 10 is ***replaced by the following:***

***10. Where information referred to in this Article has previously been provided to Eurojust in accordance with other provisions of this Regulation, the competent national authority shall not be required to provide such information.***

Or. en

#### **Amendment 102**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EU) 2018/1727

Article 21a – paragraph 1

*Text proposed by the Commission*

1. The competent national authorities shall inform their national members of any

*Amendment*

1. The competent national authorities shall inform their national members of any

ongoing or concluded criminal investigations supervised by judicial authorities, prosecutions, court proceedings and court decisions on terrorist offences as soon as judicial authorities *are involved*.

ongoing or concluded criminal investigations supervised by judicial authorities, prosecutions, court proceedings and court decisions on terrorist offences as soon as *the case is referred to the* judicial authorities, *in accordance with national law. That obligation shall apply to all criminal investigations related to terrorist offences regardless of whether there is a known link to another Member State or a third country, unless the criminal investigation, due to its specific circumstances, clearly affects only one Member State.*

Or. en

**Amendment 103**  
**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4**  
Regulation (EU) 2018/1727  
Article 21a – paragraph 1

*Text proposed by the Commission*

1. The competent national authorities shall inform their national members of any ongoing or concluded criminal investigations supervised by judicial authorities, prosecutions, court proceedings and court decisions on terrorist offences *as soon as judicial authorities are involved*.

*Amendment*

1. The competent national authorities shall inform their national members of any ongoing or concluded criminal investigations supervised by judicial authorities, prosecutions, court proceedings and court decisions on terrorist offences *at the earliest possible stage, in accordance with national law*.

Or. en

**Amendment 104**  
**Loránt Vincze, Karolin Braunsberger-Reinhold**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 4**  
Regulation (EU) 2018/1727  
Article 21a – paragraph 1 a (new)

**1 a. Paragraph 1 shall not apply where:**

***a) the sharing of information would jeopardise a current investigation or the safety of an individual; or***

***b) the sharing of information would be contrary to essential security interests of the Member State concerned.***

Or. en

## **Amendment 105**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EU) 2018/1727

Article 21a – paragraph 2

*Text proposed by the Commission*

2. Terrorist offences for the purpose of this Article are offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council\*. ***The obligation referred to in paragraph 1 shall apply to all terrorist offences regardless whether there is a known link to another Member State or third country, unless the case, due to its specific circumstances, clearly affects only one Member State.***

*Amendment*

2. Terrorist offences for the purpose of this Article are offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council\*.

Or. en

## **Amendment 106**

**Saskia Bricmont**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EU) 2018/1727

Article 21a – paragraph 2

*Text proposed by the Commission*

2. Terrorist offences for the purpose of this Article are offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council\*. The obligation referred to in paragraph 1 shall apply to all terrorist offences regardless whether there is a known link to another Member State or third country, ***unless the case***, due to ***its*** specific circumstances, clearly ***affects*** only one Member State.

*Amendment*

2. Terrorist offences for the purpose of this Article are offences referred to in Directive (EU) 2017/541 of the European Parliament and of the Council\*. The obligation referred to in paragraph 1 shall apply to all terrorist offences regardless ***of*** whether there is a known link to another Member State or third country, ***The obligation referred to in paragraph 1 shall not apply to terrorist offences that***, due to ***their*** specific circumstances, clearly ***affect*** only one Member State.

Or. en

**Amendment 107**

**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EU) 2018/1727

Article 21a – paragraph 3

*Text proposed by the Commission*

3. The information transmitted in accordance with paragraph 1 shall include the operational personal data and non-personal data listed in Annex III.

*Amendment*

3. The information transmitted in accordance with paragraph 1 shall include the operational personal data and non-personal data listed in Annex III. ***However, personal data referred to in Annex III, point d, shall only be included if such data is held by or may be shared with the relevant national authorities under applicable national law and if its transmission is required to accurately identify a person referred to in Article 27(5).***

Or. en

**Amendment 108**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EU) 2018/1727

Article 21a – paragraph 3

*Text proposed by the Commission*

3. The information transmitted in accordance with paragraph 1 shall include the operational personal data and non-personal data listed in Annex III.

*Amendment*

3. The information transmitted in accordance with paragraph 1 shall include the operational personal data and non-personal data listed in Annex III ***the competent national authorities have access to. In case of personal data referred to in Annex III, point d, however, that data shall only be transmitted if the transmission is necessary to reliably identify a person referred to in Article 27(5).***

Or. en

**Amendment 109**

**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EU) 2018/1727

Article 21a – paragraph 4

*Text proposed by the Commission*

4. The competent national authorities shall inform their national member without delay about any relevant changes in the national proceedings.

*Amendment*

4. The competent national authorities shall inform their national member without delay about any relevant changes in the national proceedings. ***That obligation shall not apply, however, where the sharing of information would jeopardise current investigations or the safety of an individual, or when it would be contrary to essential interests of the security of the Member State concerned.***

Or. en

**Amendment 110**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EU) 2018/1727

Article 21a – paragraph 4

*Text proposed by the Commission*

4. The competent national authorities shall inform their national member ***without delay*** about any relevant changes in the national proceedings.

*Amendment*

4. The competent national authorities shall inform their national member about any relevant changes in the national proceedings ***without delay, and not later than 10 days after the occurrence of the relevant change.***

Or. en

**Amendment 111**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EU) 2018/1727

Article 21a – paragraph 5

*Text proposed by the Commission*

5. ***Paragraph 1 shall not apply where the sharing of information would jeopardise current investigations or the safety of an individual, or when it would be contrary to essential interests of the security of the Member State concerned.***

*Amendment*

***deleted***

---

***\* Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (OJ L 88, 31.3.2017, p. 6).;***

Or. en

**Amendment 112**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EU) 2018/1727

Article 21a – paragraph 5

*Text proposed by the Commission*

5. Paragraph 1 shall not apply where the sharing of information would jeopardise current investigations or the safety of an individual, or when it would be contrary to essential interests of the security of the Member State concerned.

*Amendment*

5. Paragraph 1 shall not apply where the sharing **or updating** of information would jeopardise current investigations or the safety of an individual, or when it would be contrary to essential interests of the security of the Member State concerned.

Or. en

**Amendment 113**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) 2018/1727

Article 22a – paragraph 1

*Text proposed by the Commission*

1. The communication between the competent national authorities and Eurojust under this Regulation shall be carried out through the decentralised IT system as defined in Regulation (EU) [.../...] of the European Parliament and of the Council\* [Regulation on the digitalisation of judicial cooperation].

*Amendment*

1. The communication between the competent national authorities and Eurojust under this Regulation shall be carried out through the decentralised IT system as defined in Regulation (EU) [.../...] of the European Parliament and of the Council\* [Regulation on the digitalisation of judicial cooperation]. ***The case management system referred to in Article 23 of this Regulation shall be connected to the decentralised IT system.***

Or. en

**Amendment 114**

**Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) 2018/1727

Article 22a – paragraph 2

*Text proposed by the Commission*

2. Where exchange of information in accordance with paragraph 1 is not possible due to the unavailability of the decentralised IT system or due to exceptional circumstances, it shall be carried out by the swiftest, most appropriate alternative means. Member States and Eurojust shall ensure that the alternative means of communication are reliable and provide an equivalent level of security.

*Amendment*

2. Where exchange of information in accordance with paragraph 1 is not possible due to the unavailability of the decentralised IT system or due to exceptional circumstances, it shall be carried out by the swiftest, most appropriate alternative means. Member States and Eurojust shall ensure that the alternative means of communication are reliable and provide an equivalent level of security ***and data protection***.

Or. en

**Amendment 115**

**Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) 2018/1727

Article 22a– paragraph 3

*Text proposed by the Commission*

3. The competent national authorities shall transmit the information in accordance with Articles 21 and 21a to Eurojust in a semi-automated manner from national registers and in a structured way determined by Eurojust.

*Amendment*

3. The competent national authorities shall transmit the information in accordance with Articles 21 and 21a to Eurojust in a semi-automated manner from national registers and in a structured way determined by ***the European Commission, in consultation with Eurojust, by means of an implementing act, pursuant to Articles 22b and 22c. In particular, that implementing act shall determine the format of and necessary safeguards with respect to transmission of data referred to in Annex III, point d.***

Or. en

**Amendment 116**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EU) 2018/1727  
Article 22a – paragraph 3

*Text proposed by the Commission*

3. The competent national authorities shall transmit the information in accordance with Articles 21 and 21a **to Eurojust** in a semi-automated manner from national registers and in a structured way determined by Eurojust.

*Amendment*

3. The competent national authorities shall transmit the information **to Eurojust** in accordance with Articles 21 and 21a in a semi-automated manner, **subject to human control**, from national registers and in a structured way determined by Eurojust. **Operational personal data shall only be transmitted to the extent that that transmission is necessary and proportionate and subject to authorisation by competent national authorities on a case-by-case basis.**

Or. en

**Amendment 117**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 5**  
Regulation (EU) 2018/1727  
Article 22a – paragraph 3

*Text proposed by the Commission*

3. The competent national authorities shall transmit the information in accordance with Articles 21 and 21a **to Eurojust** in a semi-automated manner from national registers and in a structured way determined by Eurojust.

*Amendment*

3. The competent national authorities shall transmit the information **to Eurojust** in accordance with Articles 21 and 21a in a semi-automated manner, **subject to human control**, from national registers and in a structured way determined by Eurojust. **Operational personal data shall only be transmitted to the extent that that transmission is necessary and proportionate and subject to authorisation by competent national authorities on a case-by-case basis.**

## Amendment 118

Loránt Vincze, Karolin Braunsberger-Reinhold

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5

Regulation (EU) 2018/1727

Article 22a – paragraph 3

#### *Text proposed by the Commission*

3. The competent national authorities shall transmit the information in accordance with Articles 21 and 21a to Eurojust in a semi-automated manner from national registers and in a structured way determined by Eurojust.

#### *Amendment*

3. The competent national authorities shall transmit the information in accordance with Articles 21 and 21a to Eurojust in a semi-automated manner from national registers and in a structured way determined by ***the Commission, in consultation with Eurojust, by means of an implementing act, pursuant to Articles 22b and 22c.***

Or. en

## Amendment 119

Loránt Vincze, Karolin Braunsberger-Reinhold

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 6

Regulation (EU) 2018/1727

Article 22a – paragraph 3 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***3 a. For the purposes of carrying out its tasks under this Regulation and other applicable Union law, the case management system referred to in Article 23 shall be linked to other relevant EU IT systems, such as the Schengen Information System (SIS), ECRIS-TCN and the JIT Collaboration Platform, in accordance with Union law. Access to the information in those systems shall be provided on the basis of the rules set out in the provisions applicable to the***

*respective IT systems.*

Or. en

**Amendment 120**  
**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2018/1727  
Article 23 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3 a. The case management system may be connected to the JIT Collaboration Platform for the purposes of carrying out its specific tasks under this Regulation and other applicable Union law.**

Or. en

**Amendment 121**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2018/1727  
Article 23 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

4. In the performance of their duties, national members may process personal data on the individual cases, on which they are working, in accordance with this Regulation or other applicable instruments.

4. In the performance of their duties, national members may process personal data on the individual cases, on which they are working, in accordance with this Regulation or other applicable instruments. ***Information on previous investigations and convictions related to terrorist cases may be processed by national members, on a case by case basis, to the extent that such processing is necessary and proportionate to the purpose of identifying links with ongoing investigations and prosecutions and for the support of those***

*investigations and prosecutions.*

Or. en

**Amendment 122**  
**Saskia Bricmont**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2018/1727

Article 23 – paragraph 4 – subparagraph 1

*Text proposed by the Commission*

4. In the performance of their duties, national members may process personal data on the individual cases, on which they are working, in accordance with this Regulation or other applicable instruments.

*Amendment*

4. In the performance of their duties, national members may process personal data on the individual cases, on which they are working, in accordance with this Regulation or other applicable instruments.  
***Information on previous investigations and convictions related to terrorist cases may be processed by national members, on a case by case basis, to the extent that such processing is necessary and proportionate to the purpose of identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions.***

Or. en

**Amendment 123**  
**Saskia Bricmont**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 6**

Regulation (EU) 2018/1727

Article 23 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

They shall allow the Data Protection Officer to have access to the personal data processed in the case management system.

*Amendment*

They shall allow the Data Protection Officer to have access to the personal data processed in the case management system.  
***The Data Protection Officer shall be informed by the national member of the***

*processing of operational personal data  
for the purposes indicated under  
paragraph 2 of this article.*

Or. en

#### **Amendment 124**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2018/1727

Article 23 – paragraph 5 – subparagraph 2

##### *Text proposed by the Commission*

The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the *operational data* management system. That data may be held for up to three months.

##### *Amendment*

The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the *case* management system. That data may be held for up to three months.

Or. en

#### **Amendment 125**

**Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2018/1727

Article 23 – paragraph 5 – subparagraph 2

##### *Text proposed by the Commission*

The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the *operational data* management system. That data may be held for up to three months.

##### *Amendment*

The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the *case* management system. That data may be held for up to three months.

Or. en

**Amendment 126**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2018/1727  
Article 23 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the ***operational data*** management system. That data may be held for up to three months.

*Amendment*

The national members may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the ***case*** management system. That data may be held for up to three months.

Or. en

**Amendment 127**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2018/1727  
Article 24 – paragraph 2

*Text proposed by the Commission*

2. The national member shall decide, on a case-by-case basis, whether to keep access to the information restricted or to give access to it or to parts of it to other national members, to liaison prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director.

*Amendment*

2. The national member shall decide, on a case-by-case basis, whether to keep access to the information restricted or to give access to it or to parts of it to other national members, to liaison prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director. ***Decisions by the national members to give access to information transmitted in accordance with Articles 21 and 21a to other national members, to liaisons prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf***

*of Eurojust, shall be made on a case by case basis, and access shall only be given to the extent such access is necessary and proportionate to the purpose of identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions. The decision to disclose information shall be communicated to the competent national authority and shall be included in the case file. Unless such communication would jeopardise the investigation or prosecution, the decision of the national member to disclose information shall also be communicated to the suspects and to accused persons.*

Or. en

**Amendment 128**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2018/1727  
Article 24 – paragraph 2

*Text proposed by the Commission*

2. The national member shall decide, on a case-by-case basis, whether to keep access to the information restricted or to give access to it or to parts of it to other national members, to liaison prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director.

*Amendment*

2. The national member shall decide, on a case-by-case basis, whether to keep access to the information restricted or to give access to it or to parts of it to other national members, to liaison prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director. ***Decisions by the national members to give access to information transmitted in accordance with Articles 21 and 21a to other national members, to liaisons prosecutors seconded to Eurojust, to authorised Eurojust staff or to any other person working on behalf of Eurojust shall be made on a case by case basis, and access shall only be given to the extent such access is necessary and***

*proportionate to the purpose of identifying links with ongoing investigations and prosecutions and for the support of those investigations and prosecutions. The decision to disclose information shall be communicated to the competent national authority and shall be included in the case file. Unless such communication would jeopardise the investigation or prosecution, the decision of the national member to disclose information shall also be communicated to the suspects and to accused persons.*

Or. en

#### **Amendment 129**

**Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

#### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2018/1727

Article 24 – paragraph 3

#### *Text proposed by the Commission*

3. The national member shall indicate, in general or specific terms, any restrictions on the further handling, access and transfer of the information if a cross-link referred to in Article 23(2), point (c), has been identified.

#### *Amendment*

3. The national member shall indicate **and justify**, in general or specific terms, any restrictions on the further handling, access and transfer of the information if a cross-link referred to in Article 23(2), point (c), has been identified.

Or. en

#### **Amendment 130**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

#### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2018/1727

Article 24 – paragraph 3

#### *Text proposed by the Commission*

3. The national member shall indicate,

#### *Amendment*

3. The national member shall **also**

in general or specific terms, any restrictions on the further handling, access and transfer of the information if a cross-link referred to in Article 23(2), point (c), has been identified.

indicate, in general or specific terms, any restrictions on the further handling, access and transfer of the information if a cross-link referred to in Article 23(2), point (c), has been identified.

Or. en

#### **Amendment 131**

**Dragoş Tudorache, Michal Šimečka**

#### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2018/1727

Article 25 – paragraph 1 – introductory part

#### *Text proposed by the Commission*

1. ***In so far as they are connected to the case management system***, persons referred to in Article 20(3) shall ***only*** have access to:

#### *Amendment*

1. Persons referred to in Article 20(3) ***points (a), (b) and (c)***, shall have access to:

Or. en

#### **Amendment 132**

**Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

#### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 6**

Regulation (EU) 2018/1727

Article 25 – paragraph 1 – point a

#### *Text proposed by the Commission*

(a) data controlled by the national member of their Member State, ***unless the national member, who has decided to introduce the data in the case management system, expressly denied such access***;

#### *Amendment*

(a) data controlled by the national member of their Member State;

Or. en

**Amendment 133**  
**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2018/1727  
Article 25 – paragraph 2

*Text proposed by the Commission*

2. The national member shall, within the limitations provided for in paragraph 1 of this Article, decide on the extent of access, which is granted in their Member State to the persons referred to in Article 20(3) ***in so far as they are connected to the case management system.***

*Amendment*

2. The national member shall, within the limitations provided for in paragraph 1 of this Article, decide on the extent of access, which is granted in their Member State to the persons referred to in Article 20(3), ***points (a), (b) and (c).***

Or. en

**Amendment 134**  
**Dragoş Tudorache, Michal Šimečka**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 6**  
Regulation (EU) 2018/1727  
Article 25 – paragraph 3 – subparagraph 1

*Text proposed by the Commission*

3. Each Member State shall decide, after consultation with its national member, on the extent of access, which is granted in that Member State to the persons referred to in Article 20(3) ***in so far as they are connected to the case management system.***

*Amendment*

3. Each Member State shall decide, after consultation with its national member, on the extent of access, which is granted in that Member State to the persons referred to in Article 20(3), ***points (a), (b) and (c).***

Or. en

**Amendment 135**  
**Cornelia Ernst**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 7 – point b**  
Regulation (EU) 2018/1727

Article 27 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data may only take place in order to identify links with other ongoing or concluded investigations and prosecutions as referred to in Article 23(2), point (c).;

*Amendment*

Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data may only take place in order to identify links with other ongoing or concluded investigations and prosecutions as referred to in Article 23(2), point (c). ***If links between judicial proceedings are not identified, information related to a person which is acquitted or to proceedings that ended on grounds that do not imply that person's guilt should be deleted.***

Or. en

**Amendment 136**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point b**

Regulation (EU) 2018/1727

Article 27 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data may only take place in order to identify links with other ongoing or concluded investigations and prosecutions as referred to in Article 23(2), point (c).;

*Amendment*

Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data may only take place in order to identify links with other ongoing or concluded investigations and prosecutions as referred to in Article 23(2), point (c). ***If links between judicial proceedings are not identified, information related to a person***

*which is acquitted or to proceedings that ended on grounds that do not imply that person's guilt should be removed.*

Or. en

#### **Amendment 137**

**Dragoş Tudorache, Michal Šimečka**

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point b**

Regulation (EU) 2018/1727

Article 27 – paragraph 5 – subparagraph 2

#### *Text proposed by the Commission*

Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data may only take place in order to identify links with other ongoing or concluded investigations and prosecutions as referred to in Article 23(2), point (c).;

#### *Amendment*

***Unless the competent national authority decides otherwise, on a case-by-case basis,*** Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data may only take place in order to identify links with other ongoing or concluded investigations and prosecutions as referred to in Article 23(2), point (c);

Or. en

#### **Amendment 138**

**Patryk Jaki**

#### **Proposal for a regulation**

**Article 1 – paragraph 1 – point 7 – point b**

Regulation (EU) 2018/1727

Article 27 – paragraph 5 – subparagraph 2

#### *Text proposed by the Commission*

Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after

#### *Amendment*

Eurojust may continue to process the operational personal data referred to in point (a) of the first subparagraph also after

the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data may only take place in order to identify links with other ongoing or concluded investigations and prosecutions as referred to in Article 23(2), point (c).;

the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal, ***unless the competent national authority decides otherwise on a case-by-case basis.*** Where the proceedings did not result in a conviction, processing of personal data may only take place in order to identify links with other ongoing or concluded investigations and prosecutions as referred to in Article 23(2), point (c);

Or. en

### Amendment 139

Loránt Vincze, Karolin Braunsberger-Reinhold

#### Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point b

Regulation (EU) 2018/1727

Article 27 – paragraph 5 – subparagraph 2

*Text proposed by the Commission*

Eurojust may continue to process the operational personal data ***referred to in point (a) of the first subparagraph also after the proceedings have been concluded under the national law of the Member State concerned, even in case of an acquittal. Where the proceedings did not result in a conviction, processing of personal data may only take place*** in order to identify ***links with*** other ongoing or ***concluded*** investigations ***and*** prosecutions ***as referred to in Article 23(2), point (c).;***

*Amendment*

***Furthermore***, Eurojust may continue to process the operational personal data ***related to an acquitted person*** in order to identify ***cross-links between proceedings concluded by an acquittal, on the one hand, and*** other ongoing or ***future*** investigations ***or*** prosecutions, ***on the other hand. That also applies to operational personal data related to a person who has been the subject of a final decision of non-prosecution.***

Or. en

### Amendment 140

Cornelia Ernst

#### Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point a

Regulation (EU) 2018/1727

Article 29 – paragraph 1a – point b

*Text proposed by the Commission*

*Amendment*

(b) 5 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, **3 years** in case of an acquittal.;

(b) 2 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, **1 year** in case of an acquittal ***or a final decision of non-prosecution; where the investigation or prosecution has resulted in a final verdict of not guilty or acquittal, operational personal data in relation to that investigation shall be removed;***

Or. en

**Amendment 141**  
**Saskia Bricmont**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8 – point a**  
Regulation (EU) 2018/1727  
Article 29 – paragraph 1a – point b

*Text proposed by the Commission*

*Amendment*

(b) 5 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, **3 years** in case of an acquittal.;

(b) 2 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, **1 year** in case of an acquittal ***or a final decision of non-prosecution; where the investigation or prosecution has resulted in a final verdict of not guilty or acquittal, operational personal data in relation to that investigation shall be removed***”;

Or. en

**Amendment 142**  
**Dragoş Tudorache, Michal Šimečka, Sophia in 't Veld**

**Proposal for a regulation**  
**Article 1 – paragraph 1 – point 8 – point a**  
Regulation (EU) 2018/1727  
Article 29 – paragraph 1a – point b

*Text proposed by the Commission*

*Amendment*

(b) 5 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, 3 years in case of an acquittal.;

(b) 5 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, 3 years in case of ***indictment withdrawal***, an acquittal ***or final decision of non-prosecution***;

Or. en

**Amendment 143**

**Loránt Vincze, Karolin Braunsberger-Reinhold**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8 – point a**

Regulation (EU) 2018/1727

Article 29 – paragraph 1a – point b

*Text proposed by the Commission*

*Amendment*

(b) 5 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, 3 years in case of an acquittal.;

(b) 6 years after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecution became final, 4 years in case of an acquittal ***or a final decision of non-prosecution***;

Or. en

**Amendment 144**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 8 – point b**

Regulation (EU) 2018/1727

Article 29 – paragraph 2 – subparagraph 3

*Text proposed by the Commission*

*Amendment*

If operational personal data referred to in Article 27(4) are stored for a period exceeding ***five*** years, the EDPS shall be informed thereof.

If operational personal data referred to in Article 27(4) are stored for a period exceeding ***two*** years, ***or for a period exceeding one year in case of an acquittal or a final decision of non-prosecution***, the

EDPS shall be informed thereof.

Or. en

#### **Amendment 145**

**Cornelia Ernst**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 8 – point b**

Regulation (EU) 2018/1727

Article 29 – paragraph 2 – subparagraph 3

##### *Text proposed by the Commission*

If operational personal data referred to in Article 27(4) are stored for a period exceeding **five** years, the EDPS shall be informed thereof.

##### *Amendment*

If operational personal data referred to in Article 27(4) are stored for a period exceeding **two** years, **or for a period exceeding one year in case of an acquittal or a final decision of non-prosecution**, the EDPS shall be informed thereof.

Or. en

#### **Amendment 146**

**Dragoș Tudorache, Michal Šimečka**

##### **Proposal for a regulation**

##### **Article 1 – paragraph 1 – point 9**

Regulation (EU) 2018/1727

Article 54a – paragraph 3 – subparagraph 1

##### *Text proposed by the Commission*

3. Liaison prosecutors seconded to Eurojust shall be granted access to the case management system for the secure exchange of data.

##### *Amendment*

3. Liaison prosecutors seconded to Eurojust shall be granted access to the case management system for the secure exchange of data **but Eurojust remains liable for the personal data processing**.

Or. en

#### **Amendment 147**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 9**

Regulation (EU) 2018/1727

Article 54a – paragraph 3 – subparagraph 4

*Text proposed by the Commission*

The College shall lay down the detailed conditions of access.;

*Amendment*

The College shall lay down the detailed conditions of access ***and processing of data included in the case management system by the liaison prosecutors. In accordance with Articles 45 and 46, Eurojust is liable for the personal data processing by the liaison prosecutors;***

Or. en

**Amendment 148**

**Cornelia Ernst**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EU) 2018/1727

Annex III – point d – indent 2

*Text proposed by the Commission*

— photographs.

*Amendment*

— photographs, ***that have been collected in accordance with national law during criminal proceedings.***

Or. en

**Amendment 149**

**Saskia Bricmont**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EU) 2018/1727

Annex III – point d – indent 2

*Text proposed by the Commission*

— photographs.

*Amendment*

— photographs ***that have been collected in accordance with national law during criminal proceedings.***

**Amendment 150**

**Franco Roberti**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 11**

Regulation (EU) 2018/1727

Annex III – point d – indent 2

*Text proposed by the Commission*

— photographs..

*Amendment*

— photographs *and other available biometric data.*'.