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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee

Subject: Regulation of the European Parliament and of the Council establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726
- Confirmation of the final compromise text with a view to agreement

I. INTRODUCTION

1. On 8 December 2021, the Commission submitted the proposal for a Regulation of the European Parliament and of the Council establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726 (thereafter “the draft Regulation”)¹.

¹ 14684/21

This draft Regulation, which is part of a series of proposals to promote the digitalisation of justice, has the specific objective of improving and making more efficient the functioning of Joint Investigation Teams (JITs) established, in particular, in accordance with Framework Decision 2002/465/JAI², through the creation of a collaboration platform accessible to all members of the JITs as well as to other stakeholders. To this end, the draft Regulation sets out the rules for access to and for the functioning of the collaboration platform.

II. PROGRESS OF WORK

2. Within the Council, the proposal was examined by the Working Party on Judicial Cooperation in Criminal Matters (COPEN) over five meetings. Following the presentation of the draft Regulation, which took place at the COPEN meeting on 26 January 2022, the Presidency submitted compromise texts, which were considered at the COPEN meetings of 11 February, 18 March, 13 April and 2 May 2022. At the COPEN meeting on 2 May 2022 it was possible to reach agreement at technical level on the whole draft Regulation. On this basis, the Council (JHA), at its meeting on 9 and 10 June, defined a general approach.
3. At the European Parliament, the draft Regulation was considered by the Committee on Civil Liberties, Justice and Home Affairs (LIBE), the rapporteur appointed for this file has been Mr. Malik AZMANI (RENEW). On 10 October 2022 the LIBE committee adopted its report, along with the decision to open interinstitutional negotiations. On 19 October 2022 the decision of the LIBE Committee to enter into interinstitutional negotiations was confirmed by the European Parliament plenary.

² Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams (OJ L 162, 20.6.2002, p. 1)

4. Negotiations between European Parliament and the Council were preceded by informal contacts which took place end October 2022 and officially started at the first political trilogue on 14 November 2022. At this occasion, noting that the respective positions were largely convergent and had the same objective of rapidly establishing the collaboration platform, the co-legislators gave a mandate to pursue work at technical level, with a view to reaching a common ground. Following a series of technical trilogues and informal meetings it was possible for the to reach an overall compromise text on the draft Regulation, which was confirmed at the second and final political trilogue held in Strasbourg on 13 December 2022.

III. CONCLUSION

5. In the light of the foregoing, the Permanent Representatives Committee is invited to:
- confirm the agreement on the compromise text of the draft Regulation of the European Parliament and of the Council establishing a collaboration platform to support the functioning of Joint Investigation Teams and amending Regulation (EU) 2018/1726, as set out in ST 16106/22;
 - authorise the Presidency to address a letter to the Chairman of the LIBE Committee, confirming that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) of the Treaty on the Functioning of the European Union (TFEU), in the form set out in the compromise text contained in ST 16106/22, in subject, if necessary, to revision of this text by the lawyer-linguists of both institutions, the Council would approve, in accordance with Article 294(4) TFEU, the position of the European Parliament and the act would be adopted in the wording corresponding to the position of the European Parliament.