

Brussels, 12 December 2024
(OR. en)

16448/24

COSI 227
ENFOPOL 502
IXIM 257
CATS 122
COPEN 534
CYBER 357
DATAPROTECT 354
TELECOM 381
JAI 1802

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

On: 12 December 2024

To: Delegations

No. prev. doc.: 16263/24

Subject: Council conclusions on access to data for effective law enforcement
– Council conclusions (12 December 2024)

Delegations will find in the annex the Council conclusions on access to data for effective law enforcement, approved by the Council (Justice and Home Affairs) at its 4068th meeting held on 12 December 2024.

Council conclusions on access to data for effective law enforcement

1. The Council endorsed in June 2023 the establishment of the High-Level Group on access to data for effective law enforcement (HLG), composed of representatives of the Member States, the Commission, relevant EU bodies and agencies, and the EU Counter-Terrorism Coordinator.
2. The Council notes that the HLG, launched under the Swedish Presidency and taken forward by the Spanish, Belgian and Hungarian Presidencies, co-chaired by the Commission and the rotating Presidency of the Council of the EU, has explored challenges that law enforcement practitioners in the Union face in their daily work in connection to access to data¹, and has identified recommendations to overcome them, with the aim of ensuring the availability of effective law enforcement tools to fight crime and enhance public security in the digital age, taking into account the relevant case law of the Court of Justice of the European Union and in full respect of fundamental rights.
3. The Council exchanged views on the HLG recommendations in June 2024, broadly welcomed the valuable contribution by the HLG experts², highlighted the need to proceed swiftly with the work on access to data for effective law enforcement and stressed the need to develop a roadmap for the implementation of the recommendations.³

¹ The document ‘Law Enforcement – Operational Needs for Lawful Access to Communications (LEON)’ (6050/23) which sets out a comprehensive list of operational needs of law enforcement authorities with respect to communications networks and services was used by the HLG as a point of reference.

² The HLG expert groups supporting the HLG plenary were composed of 43 experts from law enforcement authorities or Ministries of Interior, 5 experts from Ministries of Justice, 2 experts from Ministries of Digital Affairs, 3 representatives of academia, 1 cybersecurity expert, and representatives of 7 EU bodies or agencies (European Data Protection Supervisor, European Data Protection Board, EU Counter-Terrorism Coordinator, CEPOL, Eurojust, Europol, EU Agency for Fundamental Rights). Moreover, several stakeholders from academia and civil society had the opportunity to contribute to the work of the HLG on the occasion of the public consultation meeting on 20 February 2024 and by providing written input.

³ 11281/24 summarises the exchange of views of home affairs ministers in June 2024.

4. The Council notes that the HLG finalised its work at the plenary meeting on 15 November 2024 with a concluding report⁴ expressing the experts' views, expectations and demands.
5. The Council invites the EU institutions, bodies and agencies and the Member States to consider the valuable contribution of the HLG when developing and implementing concrete actions, and to raise awareness and gather support among stakeholders and the public for ensuring effective and lawful access to data for judicial and law enforcement authorities.
6. The Council calls on the Commission, the Member States and all interested stakeholders, including the EU Counter-Terrorism Coordinator and relevant JHA agencies, to support through a common communication narrative the explanation of the needs of law enforcement operating within legal frameworks to protect society, to encourage service providers to cooperate with public authorities, and to contribute constructively to the public discourse.
7. The Council invites the Commission to present a roadmap by Q2 2025 for the implementation of relevant measures, including legislation if considered necessary as a result of a thorough and comprehensive impact assessment, to ensure the lawful and effective access to data for law enforcement, which need to be addressed as a matter of urgency while excluding any interference with national security.
8. The Council understands that roadmap to be a comprehensive document based on the work of the HLG and its recommendations, containing for each measure a precise timetable and the proposed way of implementing them, including an analysis of the appropriate resources needed.
9. The Council tasks the Standing Committee on operational cooperation on internal security (COSI), in cooperation with the Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS), to coordinate, discuss and monitor the implementation of that envisaged roadmap prepared by the Commission.

⁴ 15941/24.