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'I/A' ITEM NOTE

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

No. prev. doc.: 7762/2/18 REV 2

Subject: Draft Council Conclusions on the implementation of the "PRÜM DECISIONS" ten years after their adoption

1. On 16 April 2018, the Presidency submitted draft Council Conclusions on the implementation of the "Prüm Decisions" ten years after their adoption to the Working Party on Information Exchange and Data Protection (DAPIX).
2. Following discussions at its meeting on 25 June 2018, DAPIX agreed on the draft Conclusions as set out in the Annex to 7766/2/18 REV 2 JAI 287 DAPIX 87 COMIX 168 CRIMORG 39 ENFOCUSTOM 56 ENFOPOL 156.
3. COREPER is invited to endorse the draft Conclusions set out in Annex and submit them to the Council for adoption.

DRAFT

COUNCIL CONCLUSIONS

ON THE IMPLEMENTATION OF THE "PRÜM DECISIONS"

TEN YEARS AFTER THEIR ADOPTION

THE COUNCIL OF THE EUROPEAN UNION,

UNDERLINING the importance of ensuring the security of the EU citizens by making full use of the relevant EU policies and tools and by stepping up and improving the cooperation between European Union Member States in order to combat terrorism and cross-border crime more effectively;

TAKING INTO CONSIDERATION Council Decision 2008/615/JHA on stepping up cross-border cooperation in particular in combating terrorism and cross-border crime,¹ and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA² whereby Member States grant one another mutual access to the reference data in their DNA and dactyloscopic databases and to vehicle registration data, and at the same time provide them with a broad range of cooperation forms, including joint operations, joint patrols and assistance in connection with mass gatherings, disasters and serious accidents;

RECOGNIZING that one of the most important priorities of the EU Internal Security Strategy 2015-2020 (also called "Renewed Internal Security Strategy"³) is to address the current security threats in particular posed by terrorism and serious and organised crime and that effective and efficient use of the "Prüm Decisions" is considered essential for intensifying information exchange, cross-border law enforcement cooperation, for increasing mutual trust and for supporting the solving of serious crime and conducting terrorist investigations;

¹ OJ L 210, 6.8.2008, p. 1

² OJ L 210, 6.8.2008, p. 12

³ 9798/15

CONFIRMING the need for improved information exchange, in particular on the basis of the principles of availability and equivalent access, between Member States' authorities responsible for crime prevention and the investigation of criminal offences, and being aware that while respecting national responsibilities for upholding the law and for safeguarding internal security, Member States need to work better together to tackle cross-border threats;

CONSIDERING that the European Union must be stronger in fighting terrorism and one of the purposes of the "Prüm Decisions" is the prevention and combating of terrorist offences by means of effective data exchange;

RECALLING the Council Conclusions on Intensifying the Implementation of the "Prüm Decisions" after the deadline of 26 August 2011⁴, the Council Conclusions on the European Information Exchange Model (EIXM)⁵, the Roadmap to enhance information exchange and information management, including interoperability solutions in the Justice and Home Affairs area⁶ and the EU Agenda on Security⁷;

TAKING INTO ACCOUNT:

- the imminent conclusion of Agreements between the European Union, on the one hand, and the Swiss Confederation and the Principality of Liechtenstein, on the other hand, on the application of certain provisions of the "Prüm Decisions";
- the Agreement between the European Union and Iceland and Norway on the application of certain provisions of the "Prüm Decisions";

UNDERLINING that the automated searching and comparison of DNA profiles, dactyloscopic data and vehicle registration data, as well as other forms of cooperation (joint operations, joint patrols and assistance in connection with mass gatherings, disasters and serious accidents) are essential for tackling terrorism and cross-border crime;

4 17762/11
5 9811/13
6 7931/1/18 REV 1
7 COM 2015 185/F1

CONSIDERING the importance of high quality forensic data to be exchanged between the Member States and that the "Action Plan on the Way Forward in View of the Creation of a European Forensic Science Area (EFSA)"⁸ aims to improve and support the implementation of the Prüm automated data exchange in this respect;

WELCOMING the efforts made by the European Commission in supporting the implementation of the "Prüm Decisions" and the significant progress made by the Member States since the beginning of the process;

ACKNOWLEDGING:

- that by the end of the first half of 2018, 24 Member States were operational for automated data exchange regarding DNA, 24 regarding dactyloscopic data, and 24 regarding vehicle registration data, and
- that a considerable number of bilateral connections between operational Member States have been established;

UNDERLINING:

- that the implementation of Chapter 2 of Council Decision 2008/615/JHA should be completed as soon as possible;
- the importance of the interoperability proposals of the Commission and of the "Prüm Decisions" in view of an exhaustive picture on centralised and decentralised availability of information within the EU;

CALLS upon the Member States not yet operational under the above Chapter 2 to launch the outstanding evaluation procedures as soon as possible;

⁸ 8770/16

INVITES the Member States operational under the above Chapter 2:

- to continue the broadening of operational connectivity among themselves with regard to automated exchange of DNA files, dactyloscopic data and vehicle registration data;
- to use more frequently all the tools offered by the "Prüm Decisions" for automated data exchange as well as for other forms of cooperation;
- to improve information sharing with Europol within the limits of its competences and for the performance of its tasks;
- to invite DAPIX expert groups to evaluate the Prüm workflow with a view to speeding up the follow-up information exchange with due consideration to other EU legislation (e.g. in line with Council Framework Decision 2006/960/JHA (Swedish Initiative));
- to invite DAPIX expert groups to evaluate the Prüm workflow for further developments with a view to possible new biometric technologies, e.g. face recognition systems;
- to promote the potential of the "Prüm Decisions" and to disseminate further the knowledge of the subject among relevant national competent authorities engaged in cross-border cooperation, not only in terms of countering crime but also in terms of preventing crime;
- to fully implement the instruments based on the provisions of Chapter 5 of Decision 2008/615/JHA and to explore the opportunities for enhancing the cross-border cooperation;

CALLS upon the European Commission:

- to continue supporting Member States by providing funding for the implementation of the "Prüm Decisions" under the national programmes within Internal Security Fund – Police;
- to consider revising Decision 2008/615/JHA and Decision 2008/616/JHA after their full implementation by all Member States with a view to broadening the scope of the Decisions and, to that end, to updating the necessary technical and legal requirements;

INVITES Europol:

- to support Member States information exchange following Prüm DNA/FP/VRD hits and to continue providing Member States' experts with a platform for sharing experience and best practices on Prüm (EPE platform);
- to examine the possibility to become a partner in the Prüm framework with a view to enabling the cross-matching of DNA and dactyloscopic data with third countries, with whom Europol has an operational agreement, while fully taking into account the data owner principle⁹;

CALLS upon the next Presidencies:

- to continue fostering the implementation of the "Prüm Decisions" in order to take full advantage of the potential of this crucially important instrument for cross-border law enforcement cooperation.

⁹ 6724/18