



**Brussels, 19 March 2020
(OR. en)**

6922/20

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CRIMORG 21
ENFOPOL 74
ENFOCUSTOM 39
JAI 254
UK 6**

'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)
Subject: 'Prüm Decisions' / Draft implementing decision on dactyloscopic data exchange with the United Kingdom / reply to the Chairman of the LIBE Committee

1. On 12 December 2019, the Council consulted the European Parliament on the draft Council Implementing Decision on the launch of automated data exchange with regard to dactyloscopic data in the United Kingdom¹.
2. Pursuant to Article 39(1) of the ex-Treaty on European Union and Article 9 of Protocol 36, the Council set the time-limit at three months and requested the European parliament to submit its opinion as soon as possible.
3. On invitation of the LIBE Committee, the Presidency and the Commission appeared on 19 February 2020 before the LIBE Committee to present the draft and answered questions on issues related to the act and its implementation.
4. In a subsequent shadow rapporteur's meeting, some political groups felt the need for more information in order to enable a well-informed decision. Subsequently, the Presidency and the Commission received on 20 February 2020 a list of questions together with the request to receive

¹ 2019/0819 (CNS) - 14247/19

written detailed replies by 2 March 2020. On 26 February 2020 the Presidency informed the LIBE Chair that it was not in a position to provide written replies to those questions, but indicated its willingness to be present at a future LIBE Committee meeting to reply orally to these questions.

5. By a letter of 5 March 2019² the Chairman of the Committee on Civil Liberties, Justice and Home Affairs, expressed his dissatisfaction about the Presidency's approach to stay in line with previous practice of providing oral explanations to the Committee's questions. Consequently, the Chairman expressed his intention to invite the Presidency and the Commission to an upcoming LIBE Committee meeting. The LIBE Chair also made two further requests:

- (a) the submission of all relevant documents related to the above draft implementing decision, i.e. the overall evaluation report and the evaluation visit report and the 'implementation of the provisions on information exchange of the "Prüm Decisions"' discussed in 2017, 2018 and 2019; and
- (b) the extension of the initial deadline for the Parliament's opinion (expiring on 12 March 2020) by a minimum period of three months.

6. The Presidency suggests that :

- (a) the initial time-limit for the European Parliament's opinion be extended until 15 May 2020. By this exceptional extension the Parliament will have been granted a five month-time period, which should enable the Parliament to provide its opinion;
- (b) no additional documents be transmitted to the European Parliament, in accordance with existing practice. Rather, the request to receive the European Parliament's opinion in accordance with the relevant Treaty provisions should be reiterated.

7. COREPER is invited, on the basis of Article 19(7)(i) and (k) respectively of the Council's Rules of Procedure,:

- (a) to decide to extend the initial time-limit for the European Parliament's opinion until 15 May 2020; and
- (b) to approve the wording of the letter set out in the Annex to this note.

² 6923/20

Draft letter to Juan Fernando Lopez Aguilar, Chairman of the Committee on Civil Liberties , Justice and Home Affairs (LIBE)

Sir,

On 12 December 2019, the Council consulted the European Parliament [letter ref. SGS 19 / 009294] on the draft Council Implementing Decision on the launch of automated data exchange with regard to dactyloscopic data in the United Kingdom [2019/0819 (CNS) - doc. 14247/19].

Pursuant to Article 39(1) of the ex-Treaty on European Union and Article 9 of Protocol 36, the Council set the time-limit at three months and requested the European Parliament to submit its opinion as soon as possible.

By a letter of 5 March 2020, you asked the Council to extend this time-limit.

Given the highly exceptional circumstances linked to the outbreak of the COVID-19 pandemic and the ensuing restricted working capacities, the Council agrees to extend this time-limit until 15 May 2020. By this exceptional extension the Parliament will have been granted a five month- time period, which should enable it to provide its opinion.

In your letter of 5 March, you asked that the Council provide your Committee with a number of documents related to the draft implementing decision in question.

With regard to this request, the Council intends to follow previous practice and, in accordance with the above-mentioned Treaty provisions, is requesting the Parliament to provide its opinion on the draft implementing decision which has been submitted to you.

Furthermore, the Presidency reiterates its willingness to reply orally, in person or by videolink, before the LIBE Committee to the questions submitted by e-mail on 20 February 2020.

Yours faithfully

Irena Andrassy
