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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (the Prüm II Regulation) (first reading) - Adoption of the legislative act = Statement

Statement by Denmark

Denmark did not take part in the adoption of the general approach on the proposal for a new regulation on automated data exchange for police cooperation (“Prüm II”) due to Denmark’s opt-out in the area of Justice and Home Affairs. However, the Prüm II regulation builds on existing Prüm cooperation in the field of police data exchange in which Denmark currently takes part. This cooperation which has existed since before the Lisbon Treaty is based on Council decisions 2008/615/JHA and 2008/616/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime. Denmark’s participation in the existing Prüm-cooperation has proved mutually beneficial and has allowed for effective investigation and law enforcement.

It is therefore our belief that leaving Denmark out of the cooperation would harm not only the investigative tools for Denmark but also have a negative impact on the internal security of the Schengen area as a whole. We encourage that all options be explored to ensure that the new regulation will not be to the detriment of our existing cooperation to combat serious crime.

While we welcome that the participation of the Schengen associated countries and a third country like the UK is ensured through bilateral agreements, we regret that it has so far not been possible to find a solution for Denmark. A possibility for non-EU member states to enter into cooperation with the Union in this field, without such a possibility for Denmark, will have as consequence that Denmark – an EU and Schengen Member State – would be in a less favourable position than Schengen associated states – and third countries – as regards cooperation with the Union in this field.

Denmark will continue to seek a pragmatic and mutually beneficial solution between the European Union and Denmark to this important matter.
