



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 December 2011

17762/11

**JAI 892
DAPIX 163
CRIMORG 233
ENFOPOL 441
ENFOCUSTOM 160**

"I/A" ITEM NOTE

from: General Secretariat
to: COREPER/Council

No. prev. doc.: 14128/2/11 REV 2 JAI 621 DAPIX 115 CRIMORG 147 ENFOCUSTOM 97
ENFOPOL 302 + COR 1

Subject: Draft Council Conclusions on intensifying the implementation of the "Prüm
Decisions" after the deadline of 26 August 2011

1. At its meeting on 1 December 2011, the Working Group on Information Exchange and Data Protection (DAPIX) agreed on the draft Council Conclusions on intensifying the implementation of the "Prüm Decisions" after the deadline of 26 August 2011, as amended at that meeting.
2. Consequently, Coreper is invited to submit the draft Conclusions as set out in the Annex to the Council and to suggest that it be adopted as an "A" item on its agenda.

DRAFT COUNCIL CONCLUSIONS
ON INTENSIFYING THE IMPLEMENTATION OF THE
"PRÜM DECISIONS"
AFTER THE DEADLINE OF 26 AUGUST 2011

THE COUNCIL OF THE EUROPEAN UNION,

TAKING INTO CONSIDERATION Council Decision 2008/615/JHA on the stepping up of cross-border cooperation in particular in combating terrorism and cross-border crime¹ and Decision 2008/616/JHA on implementing Decision 2008/615/JHA on the stepping up of cross-border cooperation particularly in combating terrorism and cross-border crime² which bounds Member States mutually to render accessible and exchange DNA profiles, dactyloscopic data and vehicle registration data;

RECOGNIZING that one of the most important priorities of the Stockholm Programme is to enhance security of European Union citizens by intensifying cross-border law enforcement;

CONFIRMING the need for improved information exchange, in particular on the basis of the principle of availability, between Member States' authorities responsible for crime prevention and investigation of criminal offences;

RECALLING the provisions of the Council Conclusions on the implementation of the "Prüm Decisions"³ while taking stock of the situation and inviting the stakeholders to take appropriate measures in order to foster the process of implementing the Decisions;

UNDERLINING the effectiveness and efficiency of tools such as automated searching and comparison of DNA profiles and automated searching of dactyloscopic and vehicle registration data particularly in combating terrorism and cross-border crime;

¹ OJ L 210, 6.8.2008, p. 1

² OJ L 210, 6.8.2008, p. 13

³ doc. 10653/11

RECOGNIZING that effective information exchange between Member States' law enforcement authorities is an essential response to threats caused by criminals operating within a European Union without internal borders;

WELCOMING the general progress made by Member States on implementing Decision 2008/615/JHA;

ACKNOWLEDGING the efforts made by operational Member States and the Commission in supporting the implementation process of not yet operational ones by setting up initiatives such as the Mobile Competence Team and the Europol Helpdesk;

TAKING INTO CONSIDERATION that many evaluations had successfully been done last year;

RECOGNIZING that on their way to implement the "Prüm Decisions" several Member States meet problems of legislative nature;

TAKING INTO CONSIDERATION high costs for the evaluation visit for the Member States;

CONSCIOUS of the fact that the full implementation of Decision 2008/615/JHA into national legislation requires from the Member States complex work, an effective implementation strategy, close cooperation of experts at different fields;

RECOGNIZING that the implementation of Decision 2008/615/JHA requires a clear political will and significant financial support from the national budgets;

ACKNOWLEDGING that the implementation deadline of 26 August 2011 has been met by 12 Member States in the area of exchange of DNA profiles, by 9 Member States in the area of exchange of fingerprints (FP) and by 9 Member States in the area of exchange of vehicle registration data (VRD);

RECOGNISING on the basis of the results of the *Prüm Post-deadline & MCT questionnaire* that a majority of Member States has not met the deadline due to financial, legislative, technical and human resource problems;

RECOGNISING the need of simplification of procedures and rules for the allocation of ISEC funds;

UNDERLINING that the implementation of the "Prüm Decisions" in the non-operative Member States should be completed as soon as possible;

CONSCIOUS that efficient and fast exchange of information between law enforcement authorities needs to work within diverse formal requirements of Member States' legal systems;

CALLS upon the non-operational Member States:

- to finalize their domestic legal and technical implementation procedures;
- to intensify efforts to fully implement the "Prüm Decisions";
- to allocate appropriate financial and human resources to the Prüm implementation process;
- to further apply to the European Commission for ISEC funding if necessary;
- to cooperate more closely with operational Member States in the preparation and testing phase;
- to consider to cover/share expenses born by delegated experts;

INVITES the operational Member States:

- to use more frequently tools offered by the "Prüm Decisions";
- to make all possible efforts tending to broaden knowledge of actually accessible information exchange tools for useful for institutions directly or indirectly engaged in cross-border information exchange;
- to enhance their support for the non-operational Member States on their way to implement the "Prüm Decisions" and to more actively take part in evaluation missions in the field of DNA, FP and VRD;
- to consider and to take proper steps in order to use the statistic forms for the "Prüm Decisions";
- to prepare the assessment of the effectiveness and efficiency of the "Prüm Decisions" as an information exchange tool;

CALLS upon the European Commission:

- to further support, within existing financial resources, the implementation of the "Prüm Decisions" and make ISEC funding more user-friendly for the Member States;
- to revise existing mechanisms of financial support, in particular for the technical implementation of the "Prüm Decisions" as well as for their evaluation;
- to support, within existing resources, the Mobile Competence Team (MCT) and the setting up of the Prüm Helpdesk at Europol according to the results of the JHA Council meeting in Brussels on 8 - 9 November 2010;
- to take into account these Council Conclusions when drafting the report on the implementation of Decision 2008/615/JHA which, according to Art. 36 (4), the Commission shall submit to the Council by 28 July 2012 accompanied by such proposals as it deems appropriate for any further development;

INVITES Europol:

- to continue efforts to establish the Helpdesk as a continuation of the Mobile Competence Team work in order to support the daily application of the "Prüm Decisions";

CALLS upon the next Presidencies:

- to continue fostering the implementation of the "Prüm Decisions" and to present semi-annual reports/conclusions on its state of play to the Council.
-