



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

from: General Secretariat

to: COREPER/Council

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Subject: Council Conclusions on the implementation of Council Framework Decision
2006/960/JHA ("Swedish Framework Decision")

1. At its meeting on 22 September 2011, the Working Group on Information Exchange and Data Protection (DAPIX) discussed and in principle agreed on the draft Council Conclusions on the implementation of Council Framework Decision 2006/960/JHA. Further comments on the draft Conclusions submitted to the Presidency in the wake of that meeting were set out in doc. 13973/2/11 REV 2 JAI 608 DAPIX 113 CRIMORG 143 ENFOPOL 299 ENFOCUSTOM 96. Member States were invited to agree on the new amendments by 14 October 2011 and raised no objections.
2. Consequently, Coreper is invited to submit the draft Conclusions as set out in the Annex to this note to the Council and to suggest that it be adopted as an "A" item on its agenda.

**DRAFT COUNCIL CONCLUSIONS
ON THE IMPLEMENTATION OF
COUNCIL FRAMEWORK DECISION 2006/960/JHA
("SWEDISH FRAMEWORK DECISION")**

THE COUNCIL OF THE EUROPEAN UNION

HAVING REGARD TO Framework Decision 2006/960 adopted on 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union;

RECALLING that one of the main priorities of the Stockholm Programme is to ensure the security of EU citizens through cooperation between law enforcement authorities of Member States;

BEARING IN MIND the Council Conclusions on an Information Management Strategy for EU internal security of 30 November 2009;

ACKNOWLEDGING that the exchange of information and intelligence between law enforcement authorities of the Member States constitutes a significant instrument contributing to the implementation of EU policies in the area of freedom, security and justice;

RECOGNIZING that the objective of Framework Decision 2006/960/JHA is to facilitate the cooperation between law enforcement authorities in the Member States by providing them with a possibility of exchanging existing information and intelligence necessary for the successful detection, prevention or investigation of the crime;

REAFFIRMING that effective exchange of information between law enforcement authorities of the Member States for the purpose of detecting, preventing and investigating offences provides a necessary response to threats posed by criminals operating across an area without internal borders;

WELCOMING the overall progress made by most Member States in the implementation of the “Swedish Framework Decision” and efforts undertaken by other Member States towards full implementation of this Decision;

STATING that despite the implementation deadline of 19 December 2008 nine Member States had not taken necessary measures to comply with the provisions of the Framework Decision by 31 December 2010;

RECOGNIZING that implementing the provisions of the Framework Decision requires comprehensive and multistage efforts from those Member States not yet having done so, encompassing elaboration and introduction of a thorough and well designed implementation strategy as well as close cooperation of law enforcement experts engaged in the exchange of information and intelligence;

UNDERLINING that the Stockholm Programme calls to evaluate the functioning of Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union;

CONSIDERING Article 11(2) of the Framework Decision, which states that the Council shall before 19 December 2011 assess the extent to which Member States have complied with the provisions of the Framework Decision;

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

ACKNOWLEDGING that efforts of Member States should be reinforced in order to make the application of the provisions of the Framework Decision more efficient;

RECALLING that according to Art.12 (1) of the "Swedish Framework Decision" the provisions of Article 39(1), (2) and (3) and of Art. 46 of the Convention Implementing the Schengen Agreement, in as far as they relate to exchange of information and intelligence for the purpose of conducting investigations or criminal intelligence operations as provided for by the Framework Decision, are replaced by the provisions of the Framework Decision;

INVITES THE MEMBER STATES

- where they have not done so, to intensify efforts to finalize as soon as possible the implementation of Framework Decision 2006/960/JHA, thus fulfilling their obligations under EU law;
- to ensure until full implementation of the provisions of the Framework Decision that information and intelligence are made available to law enforcement authorities of the Member States in accordance with the spirit of the Framework Decision;
- to utilize up to date IT tools simplifying the exchange of information and intelligence between the law enforcement agencies of Member States;
- to make appropriate use of the tools of the Swedish Framework Decision for exchanging information within the EU;
- to continue to make every effort to respond within eight hours to urgent requests for information and intelligence;
- to update national follow-up routines in the light of Art. 12 (1) of the "Swedish Framework Decision", notably with a view to enabling complete and comparable statistics;

CALLS UPON THE COMMISSION

- to examine in its Communication on the European Information Exchange Model the usefulness of the "Swedish Framework Decision" in the exchange of supplementary information (post – hit) on the basis of the "Prüm Decisions".