# Procedure file

## Basic information

<table>
<thead>
<tr>
<th>COD - Ordinary legislative procedure (ex-codecision procedure)</th>
<th>2021/0410(COD)</th>
<th>Awaiting Parliament's position in 1st reading</th>
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<tr>
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Automated data exchange for police cooperation (?Prüm II?)

- Amending Decision 2008/615 2007/0804(CNS)
- Amending Decision 2008/616 2007/0821(CNS)
- Amending Regulation 2018/1726 2017/0145(COD)
- Amending Regulation 2019/817 2017/0351(COD)
- Amending Regulation 2019/818 2017/0352(COD)

**Subject**

7.30.05 Police cooperation  
7.30.20 Action to combat terrorism  
7.30.30 Action to combat crime  
7.40.04 Judicial cooperation in criminal matters

**Legislative priorities**

- Joint Declaration 2023-24  
- Joint Declaration 2022

## Key players

<table>
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<tr>
<th>European Parliament</th>
<th>Committee responsible</th>
<th>Rapporteur</th>
<th>Appointed</th>
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<tbody>
<tr>
<td></td>
<td><strong>LIBE</strong> Civil Liberties, Justice and Home Affairs</td>
<td><strong>RANGEL Paulo</strong></td>
<td>31/03/2022</td>
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</table>
|                     | Shadow rapporteur     | **TANG Paul**  
|                     |                       | **KELLER Fabienne** |
|                     |                       | **DELBOS-CORFIELD**  
|                     |                       | Gwendoline  
|                     |                       | **BRUDZIŃSKI Joachim Stanislaw** |
|                     |                       | **DALY Clare** |

**Council of the European Union**

**European Commission**

- Committee for opinion
- Rapporteur for opinion  
  The committee decided not to give an opinion.

- Commission DG  
  Migration and Home Affairs  
- Commissioner  
  JOHANSSON Ylva
### Key events

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<tr>
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<tr>
<td>08/12/2021</td>
<td>Legislative proposal published</td>
<td>COM(2021)0784</td>
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<tr>
<td>27/01/2022</td>
<td>Committee referral announced in Parliament, 1st reading</td>
<td></td>
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<td>23/05/2023</td>
<td>Vote in committee, 1st reading</td>
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<td>23/05/2023</td>
<td>Committee decision to open interinstitutional negotiations with report adopted in committee</td>
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<td>26/05/2023</td>
<td>Committee report tabled for plenary, 1st reading</td>
<td>A9-0200/2023</td>
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<td>31/05/2023</td>
<td>Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)</td>
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<tr>
<td>12/06/2023</td>
<td>Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)</td>
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<tr>
<td>04/12/2023</td>
<td>Approval in committee of the text agreed at 1st reading interinstitutional negotiations</td>
<td>PE757.156 GEDA/A/(2023)006782</td>
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### Forecasts

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<tr>
<td>05/02/2024</td>
<td>Indicative plenary sitting date</td>
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### Technical information

- **Procedure reference**: 2021/0410(COD)
- **Procedure type**: COD - Ordinary legislative procedure (ex-codecision procedure)
- **Procedure subtype**: Legislation
- **Legislative instrument**:
  - Amending Decision 2008/615 [2007/0804(CNS)]
  - Amending Decision 2008/616 [2007/0821(CNS)]
  - Amending Regulation 2018/1726 [2017/0145(COD)]
  - Amending Regulation 2019/817 [2017/0351(COD)]
  - Amending Regulation 2019/818 [2017/0352(COD)]
- **Legal basis**:
  - Treaty on the Functioning of the EU TFEU 016-p2; Treaty on the Functioning of the EU TFEU 88-p2; Treaty on the Functioning of the EU TFEU 087-p2
- **Stage reached in procedure**: Awaiting Parliament's position in 1st reading
- **Committee dossier**: LIBE/9/07949

### Documentation gateway

<table>
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<tr>
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<th>Reference</th>
<th>Date</th>
<th>Institution</th>
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<tr>
<td>Legislative proposal</td>
<td>COM(2021)0784</td>
<td>08/12/2021</td>
<td>EC</td>
<td>Summary</td>
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<tr>
<td>Document attached to the procedure</td>
<td>SEC(2021)0421</td>
<td>09/12/2021</td>
<td>EC</td>
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<td>SWD(2021)0379</td>
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Automated data exchange for police cooperation (?Prüm II?)

PURPOSE: to establish a framework for the exchange of information between authorities responsible for the prevention, detection and investigation of criminal offences (Prüm II).


ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: criminality across Europe undermines EU citizens security and well-being. Law enforcement authorities need robust and performant tools to fight crime effectively. Cooperation and information sharing are the most powerful means to combat crime and pursue justice. In 2021, more than 70% of organised crime groups were found to be present in more than three Member States.

Against this background, the Prüm Decisions (Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA), adopted in 2008, contribute to cross-border cooperation between EU Member States in the fields of justice and home affairs. They provide a mechanism for the exchange of information between authorities responsible for the prevention and investigation of criminal and terrorist offences.

In 2018, the Council underlined the importance of Prüms main features: the automated searching and comparison of DNA profiles, dactyloscopic data and vehicle registration data for tackling terrorism and cross-border crime. The Council also invited the Commission to consider revising the Decisions with a view to broadening their scope and to updating the necessary technical and legal requirements, notably to facilitate connections between Member States and speed up the exchange of data between them.

CONTENT: this proposal seeks to reinforce the exchange of information between Member States and therefore provide EU law enforcement authorities with enhanced tools to fight crime and terrorism. Its main aim is to improve, streamline and facilitate the exchange of criminal information between Member States law enforcement authorities, but also with the European Union Agency for Law Enforcement Cooperation established by Regulation (EU) No 2016/794 of the European Parliament and of the Council (Europol) as the Union criminal information hub.

Purpose

The purpose of Prüm II is twofold:
- to step up cross-border cooperation in matters, particularly the exchange of information between authorities responsible for the prevention, detection and investigation of criminal offences;
- to allow for the search for missing persons and unidentified human remains by authorities responsible for the prevention, detection and investigation of criminal offences.

Scope

The proposal applies to the national databases used for the automated transfer of the categories of DNA profiles, dactyloscopic data, facial images, police records and certain vehicle registration data.

Objective

The proposed initiative seeks to achieve the following objectives:

1. provide a technical solution for efficient automated exchange of data between EU law enforcement authorities to make them aware of relevant data that is available in the national database of another Member State;
2. ensure that more relevant data (namely facial images and police records) from national databases in other Member States is available to all competent EU law enforcement authorities;
3. ensure that relevant data from Europol's database is available to national law enforcement authorities and that Europol uses its data to its full potential;
4. provide law enforcement authorities with efficient access to the actual data corresponding to a hit that is available in the national database of another Member State or at Europol.
The proposal envisages the creation of central routers (the Prüm II router and the European Police Records Index System (EPRIS)) that would each act as a connecting point between Member States. This is a hybrid approach between a decentralised and centralised solution without any data storage at central level. It will imply that national databases in each Member State will all connect to the central router instead of connecting to one another. This approach would ensure that law enforcement authorities have fast and controlled access to the information that they need to perform their tasks, in line with their access rights.

Third country-sourced data

In an open society in a globalised world, data provided by third countries on criminals and terrorists is crucial. The proposal contains provisions on the access by Member States to third country-sourced biometric data stored by Europol and on the access by Europol to data stored in Member States databases.

Budgetary implications

This proposal would have an impact on the budget and staff needs of eu-LISA and Europol.

For eu-LISA, it is estimated that an additional budget of around EUR 16 million and around 10 additional posts would be needed for the overall MFF period. For Europol, it is estimated that an additional budget of around EUR 7 million and around 5 additional posts would be needed for the overall MFF period.

Automated data exchange for police cooperation (Prüm II?)


The committee responsible recommended that the European Parliament’s position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter

Members stressed that the Regulation should establish a framework for the exchange of information between Member States competent law enforcement authorities (Prüm II). Its purpose should be to step up cross-border cooperation particularly in combating terrorism and cross-border crime, by facilitating the exchange of information between Member States competent law enforcement authorities, in full respect for the fundamental rights of natural persons, including the right to respect for ones private life, and for the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union.

The purpose of Prüm II should also be to allow for the search for missing persons and the identification of unidentified human remains by Member States competent law enforcement authorities in the context of a criminal investigation, provided that those authorities are empowered to conduct such searches and to carry out such identification under national law.

Establishment of national DNA analysis files

A new article has been included stating that the Commission should adopt an implementing act to specify the identification characteristics of a DNA profile which is to be exchanged and the minimum requirements for a match, taking into account international and European standards.

Automated searching of DNA profiles

For the investigation of criminal offences, Member States should allow national contact points of other Member States and Europol access to the DNA reference data in their DNA databases established for that purpose in order to conduct automated searches of the DNA profiles in those databases and to compare those DNA profiles with their DNA profiles.

The national contact point of the requesting Member State should ensure that a human review by a forensic expert is conducted in order to confirm a match of DNA profile data with DNA reference data held by the requested Member State following the automated supply of the DNA reference data required for confirming a match.

Automated searching of dactyloscopic data

Members considered that searches should only be conducted in individual cases, where they are proportionate and necessary for the purposes of preventing, detecting or investigating a criminal offence, and in compliance with the national law of the requesting Member State.

The national contact point of the requesting Member State should ensure that a human review by a forensic expert is conducted in order to confirm a match of dactyloscopic data with dactyloscopic reference data held by the requested Member State following the automated supply of the dactyloscopic reference data required for confirming a match.

National Police records indexes

Member States may decide to participate in the automated exchange of police records indexes. For the purposes of such exchanges, participating Member States should ensure the availability of national police records indexes which contain sets of biographical data of persons convicted or suspected of having committed a serious criminal offence from their national databases established for the investigation of criminal offences.

National contact points

Member States should ensure that their national contact points are provided with adequate human, technical and financial resources, including qualified staff, to carry out their tasks under this Regulation in an adequate, effective and rapid manner.

Exchange of core data

Core data has been clarified in the amended text to include additional data such as: (i) alias or aliases and previously used name or names; (ii)
the date on which and the place where the biometric data were acquired; (iii) the criminal offence for which the biometric data were acquired; (iv) the criminal case number and the competent law enforcement authority responsible for the criminal case.

The release of such data by the requested Member State should be subject to the decision of a human.

Data protection

Prior to connecting their national databases to the router, EPRIS or Eucaris, the report suggested that Member States should conduct a data protection impact assessment.

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