



**COUNCIL OF
THE EUROPEAN UNION**

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**PROAPP 14
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NOTE

From: UK Delegation

To: Delegations

Subject: Article 10 of Protocol 36 of the Treaties
- Additional information on the solution reached in respect of the Prüm and
Probation measures

Delegations will find attached a note from the UK delegation.

Additional information on the solution reached in respect of the Prüm and Probation measures

Prüm Decisions

One aspect of the agreement reached between the United Kingdom and the Commission concerns the Prüm Decisions. The United Kingdom will not seek to rejoin the Prüm Decisions in autumn 2014, but it has agreed to undertake a full business and implementation case for the Prüm Decisions and publish that in the UK Parliament by 30 September 2015. The full outline of this agreement is as follows:

The United Kingdom has agreed to:

- (a) undertake a full business and implementation case to assess the practical benefits of, and the steps that would be necessary for the United Kingdom to rejoin, the Prüm Decisions, including in close consultation with operational partners in the United Kingdom, all other Member States, Europol and Eurojust; and
- (b) by 30th September 2015, publish the results of that business and implementation case; and
- (c) if the business and implementation case shows practical benefits for the United Kingdom rejoining the Prüm Decisions, and following a vote in the UK Parliament, by 31st December 2015, make a decision as to whether the United Kingdom should apply to participate in the Prüm Decisions under Article 10(5) of Protocol 36 on the basis of the business and implementation case.

The United Kingdom has agreed to provide the Council (and others who have contributed) with the draft business and implementation case to give Member States the opportunity to make observations on it.

The United Kingdom will publish the business and implementation case as a Command Paper to be laid before the UK Parliament.

The United Kingdom will draft any domestic implementing legislation which would be required to give effect to the Prüm Decisions and include it in the Command Paper that is laid before the UK Parliament.

The United Kingdom has proposed running a pilot Prüm-style test of 10,000 unsolved UK crime samples (DNA) with the Member States which are applying Prüm and publishing the results of this as part of the business and implementation case.

Until such time as the United Kingdom rejoins the Prüm Decisions the United Kingdom is prevented from accessing the Eurodac database for anything other than asylum purposes.

If the United Kingdom has not made a decision to rejoin the Prüm Decisions by 31st December 2015 and has not formally applied to opt back in within four weeks of that date, the funds received by the United Kingdom from the ISEC Programme will not have been used for the implementation of the Prüm Decisions, and will therefore be repaid by the United Kingdom as the direct financial consequences, necessarily and unavoidably incurred as a result of the cessation of its participation in the Prüm Decisions. This amounts to approximately €1.5m.

The United Kingdom has agreed to table a minute statement at the next JHA Council setting out this agreement. The Commission will also propose or adopt the necessary decisions to give legal effect to these obligations.

Probation

In the case of the Council Framework Decision 2008/947/JHA on probation, the United Kingdom will in due course reconsider the merits of notifying its wish to participate in it. This commitment will be set out in a statement to the UK Parliament and recorded in the minutes of a Council meeting. The United Kingdom will publish an assessment of the potential impacts of that measure for the purposes of its reconsideration.
