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NOTE

From:	Presidency
To:	Working Party on Information Exchange and Data Protection (DAPIX)
Subject:	Study on the implementation of the European Information Exchange Model (EIXM) for strengthening law enforcement cooperation - Discussion paper

The development of an area of freedom, security and justice within the EU requires an enhanced cooperation of law enforcement authorities across borders. To that end, a considerable number of legal and technical instruments regarding information exchange are in place at EU, international and national level. Effective law enforcement cooperation between Member States is mainly dependent on information exchange which is characterized by an extreme complexity due to differences in national legal and administrative systems. Interoperability on legislative, semantic, linguistic and technical level became therefore the key challenge in the domain.

Describing, and, subsequently, structurally improving the mechanics of European cross-border information exchange has first of all to acknowledge this complexity. Next to that, information exchange is based on a multitude of communication channels. Another characteristic to take into account for smoothening information exchange is the policy that requested information is to be shared across borders if it is available (principle of availability), and that internal procedures to accede information do not discriminate between domestic and trans-border requests (principle of equivalent access to information). Finally, enhanced information sharing with Europol is required to further strengthen its specific role in supporting cross-border law enforcement.

In 2012, the Commission published the Communication "Strengthening law enforcement cooperation in the EU: The European Information Exchange Model (EIXM)". The Council reacted by its "Conclusions following the Commission Communication on the European Information Exchange Model (EIXM)"¹.

The Communication concluded that no new legal instruments were needed. However, a number of recommendations were given. The current study on the implementation of the EIXM² examines to what extent the above mentioned recommendations were implemented in the Member States. The focus of the study was on the implementation of Council Framework Decision 2006/960/JHA ("Swedish Framework Decision") and Council Decisions 2008/615/JHA and 2008/616/JHA ("Prüm Decisions"), on information exchange in practice regarding the organisation of the Single Point of Contact (SPOC), on communication channels, the use of the Universal Message Format (UMF), and finally horizontal challenges such as training measures. For each of these topics recommendations were given.

In order to steer a discussion on the main outcome of the study, the Presidency invites delegations to exchange views along the following points:

1. To what extent does the study reflect Member States' endeavours to improve information exchange subsequent to the Council Conclusions on EIXM?
2. Which of the study's recommendations do you deem the most relevant?
3. What do you consider as the main obstacle to gain full interconnectivity of Prüm automated data exchange?
4. How could SPOC officers' awareness of good practices be increased?
5. Which technical measures would enhance data quality, security and protection?

¹ doc. 9811/13 JAI 400 DAPIX 82 CRIMORG 76 ENFOCUSTOM 88 ENFOPOL 146

² http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/police-cooperation/general/docs/eixm_study_-_final_report_en.pdf