



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 December 2009

**15526/2/09
REV 2**

LIMITE

**CATS 116
ENFOPOL 282**

**DOCUMENT PARTIALLY
ACCESSIBLE TO THE PUBLIC**

NOTE

From :	Presidency
To :	Ad Hoc Working Group on Information Exchange
No prev. doc	13754/08 ENFOPOL 177 CRIMORG 154
Subject :	European Police Records Index System - elements for a pre-study

This document, as agreed¹ by the Ad hoc Working Group on Information Exchange at its meeting on 4 December 2009, forms the input of the said group, on the basis of the IMS, to the COM feasibility study on EPRIS.

1. Background

At the Police Chiefs meeting of 2 April 2007, the DE delegation initiated discussions regarding a European Police Records Index System.

This initiative aims to create a system which gives Member States' law enforcement authorities a quick overview of whether and possibly where relevant police information on a certain person can be found. It was stated that this would facilitate requesting detailed information and complement Council Framework Decision 2006/960/JHA in particular, making it easier to detect cross-border connections and identify structures of international organized crime or terrorist networks. Secondly, the information gained in this way would significantly help in protecting the police officers assigned to the case.

¹ **DELETED** reservation: Business needs and added value are already established and the study should deal with solutions.

During these discussions, Member States generally recognised the operational added value offered by the initiative but requested that the legal, technical and financial aspects be clarified in a feasibility study.

The Police Chiefs were informed in their meeting of 28 November 2007 on the outcome of a workshop held in Germany on 30 October 2007 and at the Police Chiefs' meeting of 11 April 2008, **DELETED** delegations presented preliminary considerations for a feasibility study.

On 22 October 2008, the PCTF Presidency proposed that the CRIS issue be dealt with by the Ad Hoc Group on Information Exchange, whenever and as soon as it is possible to examine it in the context of other on-going work, in order to provide the feasibility study required on all the different aspects.

DELETED delegation presented the above-mentioned preliminary considerations at the meeting of the Ad Hoc Working Group on 8 October 2008.

2. Applying the Information Management Strategy

Under the SE Presidency, the Ad Hoc Working Group on Information Exchange has prioritised the elaboration and approval of the Information Management Strategy (IMS), which sets out the methodology for dealing with new initiatives in the field of information management and development.

Discussions on EPRIS within the Ad hoc Group therefore focussed on how to proceed with the proposal according to the agreed methodology for information management and best practice. Subsequently, the Stockholm Programme calls on the Commission to "make a feasibility study on the need for, and the added value of, setting up a European Police Records Index System (EPRIS) and to make a report to the Council in the course of 2012 on the issue"².

The Presidency proposes to apply the IMS to the initialising of a study concerning **DELETED** proposal for a European Police Records Index System, which would constitute a new development in the EU information exchange.

² cf. doc. 17024/09 CO EUR-PREP 3 JAI 896 POLGEN 229 "The Stockholm Programme - An open and secure Europe serving and protecting the citizens", point 4.2.3

According to focus area 1 of the IMS, "needs, requirements and added value are assessed as a precondition for development", meaning that the business and legal requirements are assessed, including how EPRIS would be used and how useful EPRIS would be for enhancing the actual operational cooperation and working methods.

This entails that a pre-study should be carried out, involving the end-users and management level of the different police authorities of the Member States. The study should also consider both data protection and business needs and requirements.

Only once this pre-study shows that there is a verified business need and an added value for this new initiative and that the legal conditions are (or can be) met, the possible technical, financial and legal solutions should be studied to ensure that the other recommendations of the IMS are applied, notably the need for interoperability and the rule of re-utilisation.

3. Invitation

The Commission is invited to start its work on the feasibility study with a pre-study, addressing in detail the following specific questions:

- description of the concrete problem(s) the proposal intends to solve
- objective/aim and vision of the proposal
- intended effects of the proposal
- added value of the proposal, especially in relation to existing or already decided information exchange such as ECRIS, Prüm etc.
- what kind of information should be included, and from what kind of sources it could be collected
- who should use the information, when and for what purpose
- who should have what kind of access to the information
- in what form the information should be presented/made available, considering the need for readability/comprehensibility, urgency, quality and security
- existing legal possibilities and limitations in Member State and in the EU, specifically in the data protection area.

The study should take into account on-going or planned work in this field at Europol and other relevant agencies, notably the long term plans for a "cross-match" facility discussed in the Europol Information Management Strategy.

The intention with this study is to focus on the above mentioned questions, without entering at this stage into discussions about solutions, neither technical nor financial or legal. This should be the objective of the next phase, depending on discussions and decisions following upon the presentation of the results of this pre-study.
