



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 14 January 2010 (19.01)
(OR. es)**

5281/10

LIMITE

**JAI 29
CRIMORG 7
ENFOPOL 11**

NOTE

from:	Presidency
to:	Ad Hoc Working Party on Information Exchange
Subject:	Presentation of the Police Information Exchange Platform (PIEP) project

I. BACKGROUND

A. Treaty of Lisbon

Article 87(1) of the Treaty on the Functioning of the European Union (TFEU), concerning police cooperation, and Article 88(2) TFEU, referring to the exchange of information between Member states.

B. Stockholm Programme

The Stockholm Programme establishes, among other political priorities, that of "a Europe that protects, " in the context of which there are important references to improving information exchange, inter alia: "improving information exchange" between EU agencies (4.1); "sharing a common culture, pooling information" (4.2); a genuine European law enforcement culture ... through exchange of experiences and good practice" (4.2.1); information management and exchange through "an EU Information Management Strategy" (4.2.2), with express mention of the "interoperability of IT systems"; "a high level of network and information

security" (4.2.3), with references to "further developing the use of existing databases for law enforcement purposes" and "promoting that Member States' competent authorities can exchange information"; and EUROPOL as "a hub for information exchange between the law enforcement authorities of the Member States, a service provider and a platform for law enforcement services" (4.3.1).

C. EU Information Management Strategy

The Information Management Strategy for EU internal security establishes a series of guidelines, the most important of which are: development supports both data protection requirements and business operational needs (I.3); interoperability and coordination are ensured within both business processes and technical solutions (II.4); re-utilisation is the rule: do not re-invent the wheel (II.5); multidisciplinary coordination is ensured (IV.8).

D. Programme of the three-Presidency team

The programme of the three-Presidency team drawn up jointly by Hungary, Belgium and Spain establishes that the three Presidencies will focus on expediting and building up the mechanisms for law-enforcement cooperation, paying special attention to use of information and communication technologies.

II. Concept of a Police Information Exchange Platform

It is a fact that police information exchange at European level has made very considerable progress recently, leading to the present situation in which there are a great variety of databases and different types of tools.

The countless resources available are disparate in every way, displaying major differences in their nature (e.g. database, communications system, network of contact points), legal basis (e.g. international treaty, European legislation, bilateral agreement) scope (e.g. terrorism, drug trafficking, organised crime, violence in sport), technical characteristics, etc.

There are currently numerous instruments for information exchange, inter alia the SIRENE, EUROPOL and INTERPOL offices, and those introduced by what are known as the Prüm Decision and the Swedish Framework Decision.

At the same time, there are multiple initiatives in progress but not yet completed which relate to information exchange, inter alia: EPRIS (European Police Records Information System), UMF (Universal Message Format), SIENA (Secure Information Exchange Network Application), etc.

Each of these tools or resources differs totally from the others regarding the regulations which govern it, degree of accessibility, data to which it is applicable, etc.. However, what they do have in common is that they are all very useful instruments for information exchange and should be employed by members of the various national or European law enforcement agencies and bodies in performing their professional tasks.

This project aims to centralise on a single secure website tools for information exchange, or clear and structured access to those sites where the information is available, facilitating where appropriate the locating of information by means of indices.

This platform or portal could comprise three main modules, depending on the type of information to which they provide access: the "BOOKSHOP" module would basically contain documents of all types, including manuals, procedures, good practices, inventories of legislation, training tutorials, lists of contacts, etc.; the "COMMUNICATIONS" module would consist of a secure and dedicated e-mail system making possible communication with the necessary guarantees between all users of the system, which could absorb various existing channels; the "QUERIES" module would incorporate links or gateways to various databases, whether open or restricted, but of course available only depending on the privilege or authorisation profile of the user in question.

The new system set out here is based on the assumption that all instruments, tools, services and resources relating to information exchange will be directly accessible from a single site, irrespective of their nature, legal framework, casuistics, etc. This approach has clear added value: it would improve the efficiency and operational capacity of users, encourage the use of a common language and procedures and develop an institutional culture shared by all users of the system.

This initiative will help to improve application of the Availability Principle and the Convergence Principle, leading inter alia to the establishment of exchange networks and the simplification of procedures as well as making the sharing of information a reality.

III. Key aspects of the project

- The platform does not in itself aim to create any new database or any other instrument for information exchange which does not at present already exist.

- The idea is to roll out the new platform gradually, i.e. a "bottom-up" and not a "top-down" approach. The initiative is compatible with work in progress towards the ultimate aim of drawing up a full-scale map of police information exchange on a European scale. It seems far more sensible for the platform to begin to grow by incorporating tools and resources for information exchange that are familiar to all and will no doubt continue to exist in future, without prejudice to the list or catalogue of such instruments being extended or restructured later on in the light of the outcome of the mapping exercise. Of the abovementioned three modules which could make up the platform, it seems clear, inter alia from an initial approach to the problem, that incorporating the content of documents is less complicated from both the technical and legal points of view, which is an argument in favour of starting work on that basis. The incorporation of a second module for communications as well, in the future, as a module for consultations could be left to a later stage in the project, once the fruits of the first stage have been evaluated.

- When we speak of centralising access to different databases (as part of the third module for consultations), it should be made clear that we are in no way referring to the interconnection of different bases or to the cross-linking (whether automatic or not) of data. Nor do we mean granting access to those databases to persons or entities who do not at the time already have the appropriate profile. Quite the opposite; access to each database will be given in accordance with its particular legal basis and will always comply with the conditions and requirements laid down therein. It would therefore simply be a matter of enabling each user to have access from a single site to those databases for which he has the appropriate profile.
- The three larger scale systems which currently exist in the sphere of freedom, security and justice, namely SIS, VIS and EURODAC, would in principle remain outside the scope of the new platform.
- Regarding the competences of other Council working parties, it should be clear that this initiative is without prejudice to their specific competences. It is undoubtedly the case that every improvement in information exchange constitutes an improvement in police cooperation and combating crime in general. The Presidency therefore intends to limit the Working Party's discussions and work purely to the cooperation instrument, although it will inevitably be necessary to refer to matters which it is the task of other working parties to deal with.
- As regards data security and protection, account must be taken of the fact that as soon as any initiative designed to facilitate access to and exchange of information is presented, it is usual for certain anxieties to be aroused concerning a possible threat to the standards applicable in the European Union to data security and protection. We must from the start allay the fears of anyone who may be concerned about this and provide assurances that, far from violating rights, a platform of this type will without the slightest doubt increase the capacity to follow-up and monitor compliance with all the legal bases applicable to access to and exchange of information, including all those relating to data protection and security.

IV. Proposed "roadmap"

- Presentation by the Commission (OLAF) of the AFIS (Anti-Fraud Information System) platform, with the aim of familiarising delegations with this tool so that they can consider the extent to which it may constitute a good source of inspiration, as well as an example to be followed in developing a platform that is similar albeit geared in this case to police information exchange.

- Setting up of a subgroup to study the Police Information Exchange Platform Project. It is essential from the very beginning to identify who is to head up this subgroup. The Presidency would welcome it if EUROPOL, given its vast experience in the sphere of information exchange for police purposes, was to be given this task.

- Approval of a mandate for the new subgroup, which could be based on the following key issues:
 - o Determination of the catalogue of resources, tools or services relating to police information exchange, access to which could be incorporated in the platform.

 - o Determination of the body responsible for rolling out the platform and, at a later stage, the administration and updating thereof.
