



**Informal Meeting of Justice and Home Affairs Ministers
Dresden, 14 – 16 January 2007**

Plenary session I – Monday, 15 January 2007, 09:00 hrs to 11:00 hrs

Topic:

Stepping up cross-border police cooperation by transposing the Prüm Treaty into the legal framework of the EU

Context

In the **Hague Programme**, the European Council expressed its conviction that an innovative concept for the cross-border exchange of criminal prosecution information is needed to strengthen the area of freedom, security and justice in the European Union. Accordingly, it adopted the **principle of availability**, which means that an information network is to be realized by 1 January 2008. The aim is to enable law enforcement officers from any member state to obtain the information they may need to discharge their tasks from any other member state.

The Prüm Treaty, which was signed on 27 May 2005, presents a major step in this direction. It is designed to intensify cross-border police cooperation, especially in the fight against terrorism, cross-border crime and illegal migration¹.

Apart from the seven original signatory states (Austria, Belgium, France, Germany, Luxembourg, the Netherlands and Spain), another four states (Finland, Italy, Portugal, Slovenia) have declared their intention to accede to the Treaty.

The Treaty has meanwhile entered into force in **Austria, Spain and Germany** and is expected to be in force in the other original states signatory in the first half of 2007 at the latest. The ratification processes in the countries intending to accede to the Treaty are also **well advanced**.

Already at this early stage, the automatic information exchange has brought about noticeable operational success: For instance, the German authorities matched DNA profiles of open cases against data held by Austrian authorities and found hits in 1510 cases. In this context,

¹ The Treaty text is contained in Doc. 10900/05 CRIMORG 65.

708 open traces from Germany could be attributed to persons known to the Austrian criminal prosecution authorities. Broken down by types of crime, 14 hits in homicide or murder cases, 885 hits in theft cases, and 85 hits in robbery or extortion cases were found. Prosecution authorities are confident that the number of hits will increase constantly as further Prüm countries take part in this process, and that they will thus be able to solve numerous other open cases.

Content of the Treaty

The special value of the Treaty lies in the substantially improved and efficiently organized **procedures for the exchange of information**. The states involved may now give one another automatic access to specific national databases. This amounts to a **quantum leap** in the cross-border sharing of information.

- The contracting states have full and direct online read access to **vehicle registration data** held by their partners.
- The contracting parties give one another access to their **DNA analysis and dactyloscopic (fingerprint) databases** in what is called a hit/no hit system. Police services may launch a query in the data system of a contracting partner to find out whether it contains data concerning a specific profile, and are automatically informed of the result within a matter of minutes. Further information, such as personal data, may be communicated in the course of mutual legal assistance.

Furthermore, the exchange of data concerning **potential terrorist perpetrators and hooligans** is regulated.

Police cooperation may also be stepped up through operational measures, such as joint patrols, transferring sovereign powers to police forces of other contracting states, or assistance in the case of large-scale events.

Furthermore, the Treaty contains cooperation mechanisms that need to be regulated at EU level in the First Pillar. This includes provisions regarding document advisers, sky marshals and return measures.

A positive aspect worthy of particular mention is the **comprehensive range of modern data protection regulations**.

As the drafters of the Prüm Treaty sought to further develop European cooperation, the Treaty has been designed **with its conversion into EU law in mind**. Its provisions are based on existing EU law and take these further in a consistent and purposeful manner.

Proposal for future steps

The German Presidency, together with its Prüm partners and the European Commission, wishes to initiate the conversion of the Prüm Treaty into EU law.

As the Prüm Treaty and the requirements it sets out with regard to information sharing, the technical implementation and the data protection regime form a coherent system, we will seek to incorporate 1-to-1 **the contents of the Prüm Treaty** into the legal framework of the EU.

This **project has the backing of the other Prüm partners**. They last confirmed this when they met to sign the joint Declaration of Ministers in Brussels on 5 December 2006. The **European Commission**, too, has welcomed the conversion of the Prüm Treaty into EU law.

It is against this backdrop that the German Presidency wishes to start a discussion at the Dresden meeting on whether the contents of the Prüm Treaty should be transposed 1-to-1 into the legal framework of the EU.

We would wish to discuss to what extent above all the states which have not yet acceded to the Prüm Treaty support its conversion into EU law.

We would also like to discuss the extent to which the Treaty could be incorporated. It might be useful to **restrict such conversion to the Treaty contents coming under the Third Pillar** rather than transpose the Treaty in its entirety.

The elements coming under the Third Pillar, in particular the provisions concerning information sharing and police cooperation, present the core element of the Prüm Treaty, whereas EU regulations and directives are already in place to govern the elements coming under the First Pillar (document advisers, assistance in return matters, and sky marshals). These provisions in the Prüm Treaty are merely designed to facilitate the implementation of existing EU law.

Question:

Do you support the planned initiative of the Prüm contracting states to incorporate the contents of the Prüm Treaty into the EU law 1-to-1?