

Cross-border cooperation to combat terrorism and cross-border crime, implementation of the Prüm Treaty. Initiative Germany

2007/0821(CNS) - 30/10/2007 - Legislative proposal

PURPOSE: to step up cross-border cooperation in combating terrorism and cross-border crime within the context of the “Prüm Treaty”.

PROPOSED ACT: Council Decision. Initiative of the Federal Republic of Germany.

BACKGROUND: in May 2005 seven of the EU Member States (Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Austria) signed the Prüm Treaty the purpose of which is to step up cross-border cooperation in the field of terrorism, crime and illegal migration. Subsequent provisions specify that the Council is to adopt implementing measures in accordance with the “Implementing Agreement concerning the administrative and technical implementation and application of the Prüm Treaty”.

CONTENT: the purpose of this proposal, therefore, is to establish common provisions deemed indispensable for the administrative and technical implementation of the Prüm Treaty. Technical specifications are set out in Annex to the proposed Decision. Specifically, the proposed Decision concerns: DNA data, dactyloscopic data; and vehicle registration data. Provisions have also been spelt out with regard to data exchange (e.g. use of the TESTA II communications network); as well as the availability of automated data exchange.

DNA Data: the proposal states that Member States should use existing standards for DNA data exchange (the European Standard Set as well as Interpol’s Standard Set of Loci). Transmission should take place within a decentralised structure and appropriate measures must be taken to ensure confidentiality, including their inscription. Codes must be in accordance with the ISO 3166-1 alpha-2 standard. Details concerning: requests and answers; transmission of unidentified DNA profiles, automated search and comparisons of unidentified DNA profiles, are also set out.

Dactyloscopic Data: according to the proposal, the digitalisation of dactyloscopic data and their transmission to other Member States must be done in a uniform format (set out in Annex to the Decision). Each Member State must ensure that this data is transmitted to allow for comparison by the automated fingerprint identification systems (AFIS). Transmission must take place within a decentralised structure and appropriate measures must be taken to ensure the confidentiality and integrity of the data being sent, including their encryption. Codes must be in accordance with the ISO 3166-1 alpha-2 standard. Details concerning search capacities as well as procedures for requests and answers are also set out.

Vehicle registration data: for automated searching of vehicle registration data the Member States are to use a version of the European Vehicle and Driving Licence Information System (EUCARIS) software application. Searches for this kind of data should take place within a decentralised structure and the information exchanges on the EUCARIS system should be transmitted in encrypted form. In the event of limited technical capacities Member States should give priority to searches relating to serious crime. The cost of utilising the EUCARIS software application will be shared between the participating Member States.

Police Cooperation: the proposal specifies that each Member State may specify its procedures for setting up joint operations; for incoming requests from other Member States; and practical aspects and operation modalities in relation to those operations. Contact points may be set up for requests regarding joint operations. Written or verbal arrangements may cover details such as: competent authorities for the operation; the specific purpose of the operation; where it is to take place; the period covered; the specific assistance to be provided by seconding Member States (officers etc.); the officer in charge of the operation; the powers of the officers of the seconding Member States; the particular arms, ammunition and equipments to be used of seconding officers during the operation; the logistical modalities regarding transport, accommodation and security; and the allocation of costs for joint operations.

On a final point a Manual will be prepared and kept up to date by the General Secretariat of the Council that comprises exclusively of factual information provided by the Member States through declarations. The Manual will be in the form of a Council Document.