

Automated data exchange for police cooperation ("Prüm II")

2021/0410(COD) - 26/05/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Paulo RANGEL (EPP, PT) on the proposal for a regulation of the European Parliament and of the Council on automated data exchange for police cooperation ("Prüm II"), amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, 2019/817 and 2019/818 of the European Parliament and of the Council.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter

Members stressed that the Regulation should establish a framework for the exchange of information between Member States' competent law enforcement authorities (Prüm II). Its purpose should be to step up cross-border cooperation particularly in combating terrorism and cross-border crime, by facilitating the exchange of information between Member States' competent law enforcement authorities, in full respect for the fundamental rights of natural persons, including the right to respect for one's private life, and for the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union.

The purpose of Prüm II should also be to allow for the search for missing persons and the **identification of unidentified human remains** by Member States' competent law enforcement authorities in the context of a criminal investigation, provided that those authorities are empowered to conduct such searches and to carry out such identification under national law.

Establishment of national DNA analysis files

A new article has been included stating that the Commission should adopt an implementing act to specify the identification characteristics of a DNA profile which is to be exchanged and the minimum requirements for a match, taking into account international and European standards.

Automated searching of DNA profiles

For the investigation of criminal offences, Member States should allow national contact points of other Member States and Europol access to the DNA reference data in their DNA databases established for that purpose in order to conduct automated searches of the DNA profiles in those databases and to compare those DNA profiles with their DNA profiles.

The national contact point of the requesting Member State should ensure that a human review by a forensic expert is conducted in order to confirm a match of DNA profile data with DNA reference data held by the requested Member State following the automated supply of the DNA reference data required for confirming a match.

Automated searching of dactyloscopic data

Members considered that searches should only be conducted in individual cases, where they are proportionate and necessary for the purposes of preventing, detecting or investigating a criminal offence, and in compliance with the national law of the requesting Member State.

The national contact point of the requesting Member State should ensure that a human review by a forensic expert is conducted in order to confirm a match of dactyloscopic data with dactyloscopic reference data held by the requested Member State following the automated supply of the dactyloscopic reference data required for confirming a match.

National Police records indexes

Member States may decide to participate in the automated exchange of police records indexes. For the purposes of such exchanges, participating Member States should ensure the availability of national police records indexes which contain sets of biographical data of persons convicted or suspected of having committed a serious criminal offence from their national databases established for the investigation of criminal offences

National contact points

Member States should ensure that their national contact points are provided with adequate human, technical and financial resources, including qualified staff, to carry out their tasks under this Regulation in an adequate, effective and rapid manner.

Exchange of core data

Core data has been clarified in the amended text to include additional data such as: (i) alias or aliases and previously used name or names; (ii) the date on which and the place where the biometric data were acquired; (iii) the criminal offence for which the biometric data were acquired; (iv) the criminal case number and the competent law enforcement authority responsible for the criminal case.

The release of such data by the requested Member State should be subject to the decision of a human.

Data protection

Prior to connecting their national databases to the router, EPRIS or Eucaris, the report suggested that Member States should conduct a data protection impact assessment.