

Prüm Treaty: stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime. Initiative Belgium, Bulgaria, Germany, Spain, France, Luxembourg, the Netherlands, Austria, Slovenia, Slovakia, Italy, Finland, Portugal, Romania and Sweden

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The committee adopted the report by Fausto CORREIA (PES, PT) amending - under the consultation procedure - the initiative by 15 Member States on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime. The main amendments were as follows:

- following the opinion of the Legal Affairs Committee, the committee felt that the legal basis should be changed so that the proposed decision (whose legal basis is Article 34(2)(c) of the TEU) would become a framework decision based on Article 34(2)(b). This would mean that it would be binding upon the Member States and would entail approximation of their laws and regulations;
- the scope of the framework decision should be restricted to criminal offences as listed in the 2002 Framework Decision on the European Arrest Warrant and the surrender procedures between Member States as well as in the 2002 Framework Decision on combating terrorism;
- the committee introduced a definition of "personal data", meaning "any information relating to an identified or identifiable natural person ('data subject'); an "identifiable person" means a person who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical or physiological identity";
- a new article provided for Member States to make a "clear distinction" between the personal data of various categories of persons (e.g. those suspected of having committed or taken part in a criminal offence, those convicted of a criminal offence, those who have been the victim of a criminal offence, etc.);
- the exchange of personal information between Member States in connection with major events with a cross-border dimension is permitted "when necessary and proportionate in a democratic society, for a specific purpose and on a case-by-case basis";
- the committee incorporated into the proposal two articles (25 and 27) of the Prüm Convention (signed between Belgium, Germany, Spain, France, Luxembourg, the Netherlands and Austria). These dealt with "measures in the event of imminent danger" and "cooperation on request", with the aim of ensuring more efficient police cooperation in border areas;
- a new article specified that the collection of cellular material "shall take place only on the basis of national law and only for a specific purpose and shall meet the requirements of necessity and proportionality";
- special categories of data concerning "racial or ethnic origin, political opinions, religious or philosophical beliefs, party or trade union membership, sexual orientation or health" should be processed

"only if absolutely necessary and proportionate for the purpose of a specific case and in compliance with specific safeguards";

- a maximum period of two years should be laid down for the retention of data, except in certain cases;

- a new article provided for "effective, proportionate and dissuasive" sanctions in the event of infringements of the data protection rules;

- lastly, a new article provided for the Council to assess the administrative, technical and financial application and implementation of the Framework Decision every two years and report back to Parliament and the Commission.