Basic information

2021/0410(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Automated data exchange for police cooperation (“Prüm II”) Amending Decision 2008/615 2007/0804(CNS) Amending Decision 2008/616 2007/0821(CNS) Amending Regulation 2018/1726 2017/0145(COD) Amending Regulation 2019/817 2017/0351(COD) Amending Regulation 2019/818 2017/0352(COD) **Subject** 7.30.05 Police cooperation 7.30.20 Action to combat terrorism 7.30.30 Action to combat crime 7.40.04 Judicial cooperation in criminal matters **Legislative priorities** Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	RANGEL Paulo (EPP)	31/03/2022
	Shadow rapporteur TANG Paul (S&D) KELLER Fabienne (Renew) DELBOS-CORFIELD Gwendoline (Greens/EFA) BRUDZIŃSKI Joachim Stanisław (ECR) DALY Clare (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	

Council of the European Union

European Commission

Commission DG	Commissioner

Migration and Home Affairs	JOHANSSON Ylva

Key events

Date	Event	Reference	Summary
08/12/2021	Legislative proposal published	COM(2021)0784	Summary
27/01/2022	Committee referral announced in Parliament, 1st reading		
23/05/2023	Vote in committee, 1st reading		
23/05/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
26/05/2023	Committee report tabled for plenary, 1st reading	A9-0200/2023	Summary
31/05/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
12/06/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
04/12/2023	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2023)006782	
07/02/2024	Debate in Parliament		
08/02/2024	Decision by Parliament, 1st reading	T9-0073/2024	Summary
08/02/2024	Results of vote in Parliament		
26/02/2024	Act adopted by Council after Parliament's 1st reading		
13/03/2024	Final act signed		
05/04/2024	Final act published in Official Journal		

Technical information

Procedure reference	2021/0410(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Decision 2008/615 2007/0804(CNS) Amending Decision 2008/616 2007/0821(CNS) Amending Regulation 2018/1726 2017/0145(COD) Amending Regulation 2019/817 2017/0351(COD) Amending Regulation 2019/818 2017/0352(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 016-p2 Treaty on the Functioning of the European Union TFEU 88-p2 Treaty on the Functioning of the European Union TFEU 087-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/07949

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE736.469	19/09/2022	
Amendments tabled in committee		PE737.534	03/11/2022	
Amendments tabled in committee		PE737.535	03/11/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0200/2023	26/05/2023	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0073/2024	08/02/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2023)006782	29/11/2023	
Draft final act	00075/2023/LEX	13/03/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2021)0784	08/12/2021	Summary
Document attached to the procedure	SEC(2021)0421	09/12/2021	
Document attached to the procedure	SWD(2021)0378	09/12/2021	
Document attached to the procedure	SWD(2021)0379	09/12/2021	
Commission response to text adopted in plenary	SP(2024)196	30/04/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N9-0027/2022 OJ C 225 09.06.2022, p. 0006	02/03/2022	
EESC	Economic and Social Committee: opinion, report	CES0264/2022	18/05/2022	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
DELBOS-CORFIELD Gwendoline	Shadow rapporteur	LIBE	14/04/2023	European Digital Rights
TANG Paul	Shadow rapporteur	LIBE	11/04/2023	European Digital Rights
TANG Paul	Shadow rapporteur	LIBE	23/03/2023	European Digital Rights
TANG Paul	Shadow rapporteur	LIBE	22/03/2023	AMBER Alert Europe
TANG Paul	Shadow rapporteur	LIBE	21/03/2023	Nederlandse Politie Ministerie van J&V
TANG Paul	Shadow rapporteur	LIBE	08/03/2023	AMBER Alert Europe European Digital Rights
RANGEL Paulo	Rapporteur	LIBE	07/03/2023	AMBER Alert Europe
TANG Paul	Shadow rapporteur	LIBE	09/02/2023	Nationale Politie Dutch Police Dutch PermRep
TANG Paul	Shadow rapporteur	LIBE	08/02/2023	EPRIS BKA
TANG Paul	Shadow rapporteur	LIBE	08/02/2023	German police EPRIS
TANG Paul	Shadow rapporteur	LIBE	06/02/2023	Europol
TANG Paul	Shadow rapporteur	LIBE	21/10/2022	European Digital Rights
TANG Paul	Shadow rapporteur	LIBE	11/10/2022	European Digital Rights Fair Trials Europe
TANG Paul	Shadow rapporteur	LIBE	29/09/2022	AMBER Alert Europe
TANG Paul	Shadow rapporteur	LIBE	29/09/2022	European Digital Rights
TANG Paul	Shadow rapporteur	LIBE	12/07/2022	German Federal Criminal Police Office Division for Police issues, Ministry of Justice, Sweden Polícia Judiciária Portugal
TANG Paul	Shadow rapporteur	LIBE	07/07/2022	Fundamental Rights Agency (FRA)
TANG Paul	Shadow rapporteur	LIBE	29/06/2022	EDPS Europol
DELBOS-CORFIELD Gwendoline	Shadow rapporteur	LIBE	13/06/2022	European Digital Rights
RANGEL Paulo	Rapporteur	LIBE	06/06/2022	European Federation of Police Unions

Final act

Regulation 2024/0982
OJ OJ L 05.04.2024

Summary

Automated data exchange for police cooperation (“Prüm II”)

2021/0410(COD) - 08/12/2021 - Legislative proposal

PURPOSE: to establish a framework for the exchange of information between authorities responsible for the prevention, detection and investigation of criminal offences (Prüm II).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: criminality across Europe undermines EU citizens’ security and well-being. Law enforcement authorities need robust and performant tools to fight crime effectively. Cooperation and information sharing are the most powerful means to combat crime and pursue justice. In 2021, more than 70% of organised crime groups were found to be present in more than three Member States.

Against this background, the Prüm Decisions (Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA), adopted in 2008, contribute to cross-border cooperation between EU Member States in the fields of justice and home affairs. They provide a mechanism for the exchange of information between authorities responsible for the prevention and investigation of criminal and terrorist offences.

In 2018, the Council underlined the importance of Prüm’s main features: the automated searching and comparison of DNA profiles, dactyloscopic data and vehicle registration data for tackling terrorism and cross-border crime. The Council also invited the Commission to consider revising the Decisions with a view to broadening their scope and to updating the necessary technical and legal requirements, notably to facilitate connections between Member States and speed up the exchange of data between them.

CONTENT: this proposal seeks to reinforce the exchange of information between Member States and therefore provide EU law enforcement authorities with enhanced tools to fight crime and terrorism. Its main aim is to improve, streamline and facilitate the exchange of criminal information between Member States’ law enforcement authorities, but also with the European Union Agency for Law Enforcement Cooperation established by Regulation (EU) No 2016/794 of the European Parliament and of the Council (Europol) as the Union criminal information hub.

Purpose

The purpose of Prüm II is twofold:

- to step up cross-border cooperation in matters, particularly the exchange of information between authorities responsible for the prevention, detection and investigation of criminal offences;

- to allow for the search for missing persons and unidentified human remains by authorities responsible for the prevention, detection and investigation of criminal offences.

Scope

The proposal applies to the national databases used for the automated transfer of the categories of DNA profiles, dactyloscopic data, facial images, police records and certain vehicle registration data.

Objective

The proposed initiative seeks to achieve the following objectives:

(1) provide a technical solution for efficient automated exchange of data between EU law enforcement authorities to make them aware of relevant data that is available in the national database of another Member State;

(2) ensure that more relevant data (namely facial images and police records) from national databases in other Member States is available to all competent EU law enforcement authorities;

(3) ensure that relevant data from Europol’s database is available to national law enforcement authorities and that Europol uses its data to its full potential;

(4) provide law enforcement authorities with efficient access to the actual data corresponding to a ‘hit’ that is available in the national database of another Member State or at Europol.

New (technical) architecture for the exchange of data

The proposal envisages the creation of **central routers** (the Prüm II router and the European Police Records Index System (EPRIS)) that would each act as a connecting point between Member States. This is a hybrid approach between a decentralised and centralised solution without any data storage at central level. It will imply that national databases in each Member State will all connect to the central router instead of connecting to one another. This approach would ensure that law enforcement authorities have fast and controlled access to the information that they need to perform their tasks, in line with their access rights.

Third country-sourced data

In an open society in a globalised world, data provided by third countries on criminals and terrorists is crucial. The proposal contains provisions on the access by Member States to third country-sourced biometric data stored by Europol and on the access by Europol to data stored in Member States' databases.

Budgetary implications

This proposal would have an impact on the budget and staff needs of eu-LISA and Europol.

For eu-LISA, it is estimated that an additional budget of around EUR 16 million and around 10 additional posts would be needed for the overall MFF period. For Europol, it is estimated that an additional budget of around EUR 7 million and around 5 additional posts would be needed for the overall MFF period.

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

2021/0410(COD) - 08/02/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 451 votes to 94, with 10 abstentions, a legislative resolution 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.

Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Purpose

The proposed regulation establishes a framework for the exchange of information between authorities responsible for the prevention, detection and investigation of criminal offences. The purpose of the Prüm II framework is to:

- **step up cross-border cooperation** particularly by facilitating the exchange of information between Member States' competent authorities, in full respect of the fundamental rights of natural persons, including the right to respect for one's private life and the right to the protection of personal data, in accordance with the Charter of Fundamental Rights of the European Union;

- allow Member State's competent authorities to **search for missing persons** in the context of criminal investigations or on humanitarian grounds and to identify human remains provided that those authorities are empowered to conduct such searches and to carry out such identifications under national law.

DNA reference data

Member States should ensure the availability of DNA reference data from their national DNA databases for the purposes of automated searches by other Member States and Europol.

For the investigation of criminal offences, Member States should, at the time of initial connection to the router via their national contact points, conduct an **automated search** by comparing all the DNA profiles stored in their DNA databases with all the DNA profiles stored in all other Member States' DNA databases and Europol data. The initial automated search should be conducted bilaterally.

Following the initial automated search of DNA profiles, Member States should conduct automated searches by comparing all the new DNA profiles added to their databases with all the DNA profiles stored in other Member States' databases and Europol data. That automated searching of new DNA profiles should take place regularly.

The **national contact point** of the requesting Member State may decide to confirm a match between two sets of dactyloscopic data. Where it decides to confirm a match between two sets of dactyloscopic data, it should inform the requested Member State and shall ensure that at least one qualified member of staff conducts a manual review in order to confirm that match with dactyloscopic reference data received from the requested Member State.

Dactyloscopic data

Member States should allow national contact points of other Member States and Europol access to the dactyloscopic reference data in their national databases established for that purpose to conduct automated searches by comparing dactyloscopic reference data. They should take appropriate measures to ensure the **confidentiality and integrity** of dactyloscopic data sent to other Member States or Europol, including their encryption. Europol should inform the Member States, the Commission and eu-LISA of its maximum search capacities per day for identified and unidentified fingerprint data. Member States or Europol may temporarily or permanently increase these search capacities at any time, in particular in an emergency.

Automated searching of vehicle registration data

Member States should allow national contact points of other Member States and Europol access to the following national vehicle registration data to conduct automated searches in individual cases. Searches conducted with data related to the owner or holder of the vehicle shall only be conducted in the case of suspects or convicted persons.

Automated searching of facial images

For the prevention, detection and investigation of criminal offences **punishable by a maximum term of imprisonment of at least one year** under the law of the requesting Member State, Member States should allow national contact points of other Member States and Europol access to the facial image reference data in their national databases to conduct automated searches.

Member States should take appropriate measures to ensure the confidentiality and integrity of facial images sent to other Member States or Europol, including their encryption.

Police records

Given the sensitivity of the data concerned, exchanges of national police record indexes under this Regulation should only concern the data of **persons convicted or suspected of having committed a criminal offence**. In addition, it should only be possible to conduct automated searches of national police record indexes for the purpose of preventing, detecting and investigating a criminal offence punishable by a maximum term of imprisonment of at least one year under the law of the requesting Member State.

Missing persons and unidentified human remains

Where a national authority has been so empowered by national legislative measures, it may conduct automated searches using the Prüm II framework for the following purposes only: (a) searching for missing persons in the context of criminal investigations or on humanitarian grounds;

(b) identifying human remains.

Data protection

Prior to connecting their national databases to the router or European Police Record Index System (EPRIS), Member States should conduct a data protection impact assessment.

Member States and Europol should ensure the accuracy and relevance of personal data which are processed pursuant to this Regulation. Where a Member State or Europol becomes aware of the fact that data which have been supplied are incorrect or no longer up to date or should not have been supplied, it should notify the Member State which received the data or Europol, as appropriate, without undue delay. All Member States concerned or Europol, as the case may be, should correct or delete the data accordingly without undue delay.

Three years following the start of operations of the router and EPRIS and every four years thereafter, the Commission should produce an evaluation report that includes an assessment of the application of this Regulation by the Member States and Europol, in particular of their compliance with the relevant data protection safeguards.

Automated data exchange for police cooperation (“Prüm II”)

2021/0410(COD) - 05/04/2024 - Final act

PURPOSE: to strengthen cross-border police cooperation and allow the competent authorities in the Member States to search for missing persons and identify unidentified human remains.

LEGISLATIVE ACT: Regulation (EU) 2024/982 of the European Parliament and of the Council on the automated search and exchange of data for police cooperation, and amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, (EU) No 2019/817 and (EU) 2019/818 of the European Parliament and of the Council (the Prüm II Regulation).

CONTENT: this Regulation establishes a framework for **searching and exchanging information between Member States' competent authorities** (the Prüm II framework) by laying down:

- the conditions and procedures for the automated searching of DNA profiles, dactyloscopic data, certain vehicle registration data, facial images and police records; and

- the rules regarding the exchange of core data following a confirmed match on biometric data.

New data categories

The existing framework – often referred to as Prüm I – allows law enforcement authorities to consult the national databases of other Member States as regards DNA, fingerprint and vehicle registration data. If provided with a ‘hit’, authorities can then request the relevant data from their foreign counterparts.

The new rules broaden the data categories for which automated exchanges can happen. Once the updated law enters into force, police authorities will be able to also use the Prüm scheme to search for **facial images and police records**. Moreover, if allowed by national law, searches across all categories to find **missing persons or identify human remains** will also be possible.

Router

A router is established for the purpose of **facilitating the establishment of connections between Member States, and between Member States and Europol**, for querying with, retrieving and scoring biometric data and for retrieving alphanumeric data in accordance with this Regulation. It will be composed of: (a) a central infrastructure, including a search tool enabling the simultaneous querying of the national databases and of Europol data; (b)

a secure communication channel between the central infrastructure, the competent authorities authorised to use the router and Europol;

The competent authorities authorised to use the router or Europol will request a query by submitting biometric data to the router. The router will dispatch the request for a query to databases of all or specific Member States and Europol data simultaneously with the data submitted by the user in accordance with his or her access rights.

Upon receipt of a request for a query from the router, each requested Member State will launch a query of their databases in an automated manner and without delay. Europol will launch a query of Europol data.

Any matches resulting from queries will be sent back in an automated manner to the router. The requesting Member State will be notified in an automated manner where there is no match.

For the automated searching of national police record indexes, Member States and Europol will use the European Police Record Index System (EPRIS).

A greater role for Europol

Where necessary to achieve the objectives set out in Regulation (EU) 2016/794, Europol will have access to data which are stored by Member States in their national databases and police record indexes. Under the new rules, Europol will also be able to search national databases to cross-check information it has received from **third countries**.

ENTRY INTO FORCE: 25.4.2024.

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.