Consultation Strategy for the initiative on strengthening the automated data exchange under the Prüm framework

1. Background information

Serious and organised crime in Europe knows no borders. In 2017, more than 5000 serious and organised crime groups were under investigation in Europe, with 7 out of 10 organised criminal groups active in more than 3 countries and with altogether more than 180 nationalities involved (European serious and organised crime threat assessment SOCTA, 2017). Fighting national and cross-border crime requires daily operational cooperation and information exchange between Member States’ law enforcement authorities.

At EU level, the so-called Prüm Decisions are one of the key instruments for supporting cooperation between law enforcement authorities to fight cross-border crime: Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime. The Prüm Decisions cover two independent parts of cross-border cooperation instruments: 1) Automated exchange of DNA, fingerprint and vehicle registration data (VRD), and 2) cross-border operational police cooperation, including the supply of data in connection with major events with cross-border dimension, in order to prevent terrorist offences, joint patrols, and assistance in connection with mass gathering, disasters and serious accidents.

The Prüm framework for automated data exchange allows a Member State to query DNA, fingerprint and vehicle registration data in one or several other Member States’ national databases. The system provides a reply if any matching data sets (“hits”) were found. This reply includes only reference data that does not contain any data from which the data subject can be directly identified. After a “hit” is confirmed, i.e. matching data sets are verified by a forensic expert, a request to receive personal and case related data from the Member State concerned should be sent. In case of vehicle registration data, the additional data is provided immediately upon “a hit”.

In 2018, the Council, at the occasion of 10 years after the adoption of the Prüm Decisions, underlined the importance of 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 Prüm Decisions with a view to broadening their scope and, to that end, to updating the necessary technical and legal requirements.

Law enforcement authorities consider Prüm automated exchange of data to be a valuable tool that has allowed to solve many serious crimes in Europe. At the same time, twelve years of using the system have shown that several issues hamper the timely and smooth exchange of “Prüm” information. This initiative aims to examine ways to provide law enforcement authorities with an efficient and effective information exchange framework allowing access to relevant information to which they are legally entitled to access, while ensuring a high level of protection of fundamental rights and personal data. In this context, the main areas for consideration are as follows:

- Speeding up and streamlining the hit-follow-up exchange process;
- Enabling automated exchange of additional data categories (e.g. facial images from Member States’ criminal databases, driving licences) for the purpose of criminal investigations;
- Facilitating the implementation, use and maintenance of the information system by simplifying the technical architecture;
- Enabling search and comparison of data received by Europol from 3rd countries;
- Improving the automated exchange of existing data categories;
- Providing high level of data protection.

2. Consultation scope and objectives

This consultation Strategy is drafted in the context of preparations for the revision of the Prüm Decisions, back-to-back with the evaluation of the Prüm Decisions.

The objective of the consultation activities is to gather data and stakeholders’ views for the review of automated exchange of data under the Prüm Decisions. More specifically:
- Gather data for assessing the effectiveness, efficiency, relevance, coherence, and EU-added value of the Prüm Decisions;
- Update the information and gather data on challenges and shortcomings, but also best practices of the existing Prüm framework;
- Identify any new and update existing information about the needs of stakeholders;
- Gather the views of the stakeholders on different policy options and respective impacts;
- Fill any data gaps in the evidence base.

In the past years, several processes have contributed to establishing a sound knowledge about the benefits and shortcomings of the existing Prüm framework.

2. Several projects aiming to improve the implementations of the Prüm Decisions;
3. Regular discussions on law enforcement information exchange and specifically on the Prüm Decisions, in the Council Working Party DAPIX;
4. High Level Expert Group on Information Systems and Interoperability;
5. Expert discussions in the context of 5 focus groups addressing topical improvement opportunities of the Prüm Decisions;
6. Study on the feasibility of improving the exchange of information under the Prüm Decisions, including 3 workshops with the end-users from Member States and other stakeholders;
7. Various studies, e.g. Cross-Border Exchange and Comparison of Forensic DNA Data in the Context of the Prüm Decision

The envisaged consultation activities will build on the data collected and the work already done, in order to minimise the administrative burden of already-consulted stakeholders. At the same time, the intention is to extend the consultation activities to a wider group of stakeholders, in order to achieve a more balanced and comprehensive assessment of the policy options and their impacts. A re-consultation with some stakeholders, especially the end-users of the system who have shared their views already in the context of the activities listed above, will still be needed.

3. Mapping of stakeholders
Two main categories of stakeholders have been identified that may have interest in strengthening automated exchange of data under the Prüm framework. Further categories may be added on the basis of input received from the public consultation on the Inception Impact Assessment.

3.1 Current and potential new end-users or other directly related stakeholders of the Prüm framework

The main stakeholders in this group are Member States’ authorities using the Prüm automated data exchange and database custodians. Depending on the national legal and administrative system, one or more of the roles listed below could belong to the same authority:

- Law enforcement and judicial authorities responsible for the prevention and investigation of criminal offences;
- National vehicle registration authorities;
- National authorities responsible for issuing driving licences;
- National databases’ custodians responsible for the national databases interconnected by the Prüm framework;
- Forensic laboratories/institutes responsible for the forensic assessment of the results of automated matching of biometric data;

As potential new end-users, two EU agencies can be listed:

- The European Union Agency for Law Enforcement Cooperation (Europol), as a potential new participant in the Prüm framework;
- European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), as a potential host of the possible new architectural options for the Prüm framework.

3.2 Other important stakeholders

The second group of stakeholders includes various EU bodies, organisations and networks, who have relevant expertise and interests related to the initiative:

- National data protection authorities (via European Data Protection Board).
- EU bodies and institutions
  - European Data Protection Supervisor (EDPS);
  - European Union Agency for Fundamental Rights (FRA);
  - European Parliament, notably the Committee of Civil Liberties, Justice and Home Affairs (LIBE Committee);
  - General Secretariat of the Council;
  - European Commission internal stakeholders from different Directorates-General (especially DG Justice and Consumers and DG Informatics) and services.
- Non-governmental organisations
  - European Digital Rights (EDRi)
  - [Additional NGOs will be considered depending on the reactions to IIA]
- Intergovernmental organisations
  - European car and driving licence Information System (EUCARIS)
- Relevant networks
  - European Association for Biometrics (EAB)
4. Selection of consultation activities & their accessibility

In view of the current crisis due to the corona virus, it is currently difficult to interact with stakeholders in physical meetings. Therefore, the consultation activities focus on alternatives such as online surveys, semi-structured phone interviews, as well as meetings via video conference. Should the public health conditions improve during the consultation periods, virtual meetings may be replaced with physical meetings, where suitable.

The consultation activities were launched with the publication of the Inception Impact Assessment. Due to the COVID-19 pandemic, the consultation period was extended from 4 to 8 weeks, from 11 August until 6 October 2020.

A public consultation will be launched which will be open for 16 weeks, in order to give the possibility to the wider public to share their views on the functioning of the existing automated exchange of data under the Prüm framework on the planned initiative. The questionnaire for public consultation will be available in English, French and German. However, the respondents can reply in any of the official EU languages.

Targeted consultation activities are aimed to build on the consultation activities that took place in the course of a feasibility study undertaken in 2018-2020, especially concerning the Member States’ authorities, relevant EU agencies, EUCARIS. A workshop will be organised with Member States’ authorities and EU agencies to collect any updates regarding challenges and needs, and to receive experts’ feedback and views on policy options and their impact.

Possible data gaps in the evidence base will be addressed with targeted (preferably online) surveys.

Interviews and meetings will be carried out with the EDPS, the European Parliament, some Member States, relevant research institutions and possibly other stakeholders.

With the exception of open public consultation, the consultation activities will be conducted in English.

5. Summary /overview on consultation activities by stakeholder groups and indicative timing

Activities already carried out:

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<tr>
<th>Consultation activity</th>
<th>Interviews</th>
<th>Survey</th>
<th>Workshop 1</th>
<th>Workshop 2</th>
<th>Questionnaire</th>
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2. [Study on the feasibility of improving the exchange of information under the Prüm Decisions](#)
Planned activities:

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<th>Stakeholders</th>
<th>Consultation activity</th>
<th>Inception Assessment</th>
<th>Surveys</th>
<th>Interviews and meetings</th>
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6. Consultation webpage & communication activities

The Commission initiatives are published for feedback in the [Have your say](#) website. Additionally, a dedicated website compiling various documentation related to the initiative has been set up and access to this information will be shared throughout all consultation activities.

The possibilities of existing fora (e.g. relevant Council Working Parties or other working groups, cooperation with the LIBE Committee), networks, ongoing projects and social media will be used to share information and promote participation in consultation activities where relevant.