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Statewatch Analysis
Implementing the “principle of availability”:
The European Criminal Records Information System
The European Police Records Index System
The Information Exchange Platform for Law Enforcement Authorities

<http://www.statewatch.org/analyses/no-145-ecris-epris-ixp.pdf>

Co-operation between the police and judicial authorities of the EU’s Member States has increased significantly in the last decade. This Analysis looks at three recent developments and find a number of issues of concern:

European Criminal Records Information System

The ECRIS is intended to permit the exchange of information extracted from criminal records between Member States’ judicial authorities. The primary intention is to ensure that individual’s prior convictions can be taken into account if they face new criminal proceedings in a different Member State.

However, the desire for a swift and systematic exchange of information has led to the development of a highly problematic system. It is marked by serious gaps in data protection, a reliance on potentially untrustworthy automated translation, and a significant lack of oversight.

The European Police Records Index System

The legislation to establish EPRIS is currently being discussed by the Council and the European Parliament. It is intended to provide national police forces with the ability to search each others’ databases, to find out if and where information and “intelligence” (hard and “soft”) on individuals can be found. The insistence of the Commission and a small group of Member States for its development has been already been questioned, partly due to concerns for the potential establishment of an EU-wide police database. Greater scrutiny of this measure is urgent.

The Information Exchange Platform for Law Enforcement Authorities (IXP)

The IXP is the most recent of the three developments, and proposes to centralise access to all the EU’s law enforcement information exchange instruments. Its development is still in the early stages, but a suggestion to extend access to the European Union’s bureaucracies - including to a number of Directorate-Generals of the European Commission, and the General Secretariat of the Council – would breach the “separation of powers” between the lawmakers and the law enforcement agencies (whose job is to implement the law). As with the EPRIS, greater knowledge and scrutiny of the proposed system is vital.

Statewatch researcher Chris Jones, the author of this report, said:

“All three systems demonstrate that attempts to permit law enforcement agencies to function inside the borderless EU frequently take place at the expense of the individual rights that the European Union is supposedly founded upon.”

The publication of this report is accompanied by the launch of a dedicated Observatory tracking these three initiatives:

http://www.statewatch.org/observatories_files/informationexchange_observatory/index.html

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