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Subject :	Implementation of the Prüm Decisions - lessons learned

1. Introduction

When adopting Decisions 2008/615/JHA and 2008/616/JHA ("Prüm Decisions") on stepping up cross-border cooperation, particularly in combating terrorism and cross-border crime, the Council set a twofold deadline to comply with the provisions, *i.e.* within one year of the Decision taking effect, in general, and, in particular, within three years concerning the provisions on the automated exchange of biometric and vehicle registration data (2008/615/JHA, Chapter 2).

The implementation of the "Prüm Decisions" turned out to be a complex challenge on different levels. Though Member States repeatedly underscored the importance of the "Prüm Decisions" for an effective automated information exchange system, the goal of having 27 Member States interconnected in each field of automated data exchange proved to be overambitious with regard to the set deadline of 26 August 2011. An increased political will to cope with the Prüm requirements was asked for. However, Member States' meeting the deadline was hampered by domestic issues such as pending legislation, technical concerns or concerns with regard to human or financial resources.

On 24 November 2011, CATS discussed, on one hand, how to further support non-operational Member States and, on the other hand, which lessons could be drawn both on drafting and on implementing future European legislation as technically fraught as the "Prüm Decisions". In the light of experience made lessons learned concerned above all

- the implementation management,
- the need for a proper impact assessment ahead of drafting legislation, and
- a facilitated EU financing.

2. Lessons learned

2.1 Management

Information exchange for the purpose of EU internal security relies on a panoply of activities which can significantly diverge from one Member State to another. Although the "Prüm Decisions" were always hailed as a prototype for a decentralised information exchange structure, the need of a coordinated implementation management both on national and on EU level proved to be essential.

Thus, the setting up of the Ad hoc Group on Information Exchange, now DAPIX, was deemed an appropriate solution to thematically cope with implementation issues at Council level. Tasked with steering and monitoring the implementation process this Working Group identified and bundled the issues to be tackled at national level. To that end, dedicated subgroups chaired by national lead experts discussed specific technical questions regarding automated exchange of biometric and vehicle registration data respectively.

Furthermore, Member States welcomed the focused technical support offered on the spot by the Mobile Competence Team (MCT) and its successor, the future helpdesk at Europol, for the implementation of biometric data exchange provisions as well as by the EUCARIS Secretariat for VRD exchange provisions. It was deemed an inevitable complement to Member States' mutual assistance activities which was for the benefit of not yet operational Member States.

At national level, a step-by-step implementation procedure including a fair amount of formalities such as in the case of the "Prüm Decision" needs an appropriate project management. In view of the general monitoring of the implementation by Council bodies, a smooth communication between authorities concerned and a coherent approach at national level would lead to more reliable information on the state of play.

2.2   Drafting

Ahead of any new legislation, a proper impact assessment and clear estimates about human and financial resources should allow for establishing resources needed and for their adequate allocation at national level.

With regard to the above management issues, future legislation should provide for overarching structures at EU level. A dedicated task force should be mandated to raise awareness of implementation difficulties. It should seek for specific solutions in the framework of a milestone planning and assure that Member States proceed in a coordinated way. To that end, regular reporting on the state of play should be considered.

However, apart from technical or financial implementation aspects, legal issues should be assessed as well since long legislative procedures at national level could have a significant impact on the implementation procedure and should be taken into account when setting deadlines.

Based on experience with the large-scale technical evaluation provided for by the "Prüm Decisions" easier and faster procedures were asked for.

Finally, in the case of information exchange initiatives of similar technical complexity, legislation should consider the Information Management Strategy (IMS) in order to allow for a better preparation of decision taking.

2.3   Funding

Since a lot of implementation delays originated in economic difficulties, improved funding was asked for. Specific funding programs should support similar new legislation or information on EU funding should be already available at the outset of implementation activities.

Easier access to funding was suggested for the future, as applying for ISEC funding granted by the Commission for the purpose of supporting the Prüm implementation was criticized as too cumbersome and therefore considered by some Member States as a not always appropriate instrument.

3.   Conclusions

CATS exhaustively discussed the state of play of the "Prüm Decisions" and mentioned the main implementation difficulties. Lessons learned with regard to any future similar legislation as complex, technically fraught and expensive as the "Prüm Decisions" were identified with regard to three topics concluding in the recommendation to ensure

- a dedicated overarching management and assistance structure,
- a proper identification of resources to be deployed,
- EU funding to be easy accessible.

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