



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

DAPIX 122

NOTE

from:	Presidency
to:	Working Group on Information Exchange and Data Protection (DAPIX)
No prev. doc.	13681/08 ENFOPOL 175 SCH-EVAL 75 CRIMORG 152 SIRIS 138 COMIX 706
Subject:	IMS action list III - drawing up of a manual on information exchange

1. Introduction

The main suggestion of document 13681/08 ENFOPOL 175 SCH-EVAL 75 CRIMORG 152 SIRIS 138 COMIX 706 on a handbook concerning cross-border police cooperation was to set up two complementary manuals, one on cross-border cooperation (see doc. 10505/4/09 REV4 ENFOPOL 157 ENFOCUSTOM 55 CRIMORG 90 COMIX 465) and another on information exchange. In order to launch the drafting of the latter manual, the annex to document 11789/10 JAI 599 DAPIX 1 set out a suggestion for the structure of both the information exchange manual and the national fact sheet to be included in that manual. The document has been submitted to DAPIX on 7 July 2010 but the matter has not resumed since then.

2. Content of the manual

The manual would be structured firstly according to subjects and not per instrument. Consequently, legal texts are mentioned according to the purpose they are relevant for and may appear several times in the manual. The handbook does not repeat existing legal texts but sets out references to steer users to existing documents for details.

Finally, an addendum to the manual would consist of a national fact sheet per Member State, containing practical information on contact points relevant for the cross-border exchange of information.

3. Purpose

The objective is to give an overview of the different legal possibilities for exchanging information and related practical aspects. It will obviously focus on Council Framework Decision 2006/960/JHA ("Swedish Framework Decision") and Council Decision 2008/615/JHA ("Prüm Decision"), but not be limited to these instruments. It should be user-friendly and complete, keeping in mind law enforcement officers in the field as the target group.

By filling in the national fact sheets to be amended to the manual, Member States would comply with the many notification obligations under the different instruments. Existing lists would be used to start the completion of these fact sheets. This should allow for an easier management and retrieval of this information.

4. Way forward

The drafting should be done with a limited group of experts. Draft versions prepared by this group could be circulated to all delegations, both for their information and for eliciting comments. Once the draft manual would be ready, it would be submitted to DAPIX for thorough examination and subsequent approval.

With regard to actions to be carried out in the framework of IMS, Member States called upon themselves to set up guidelines/best practices in order to enhance the use of existing information exchange solutions. Accordingly, the Presidency submits this proposal to the DAPIX meeting of 21 September. Delegations are invited to consider the suggested project as part of IMS action list No 3.

Action no:	Proposed action	Strategic objectives	Focus area	Performance indicator	Possible outcome
	Drafting of handbook on EU information exchange legislation along subjects. Filling in national fact sheets regarding information on relevant NCPs.	Develop a handbook as the one-stop-shop for all information on cross-border information exchange.	2b, 5e, 6b, c,	Interim and final versions submitted and adopted by DAPIX.	An overview of EU legislation on information exchange, including practical aspects, user-friendly and complete, keeping in mind police officers in the field as the target group.
<p>Terms of reference: The Police Cooperation Working Party in its meeting of 20 January 2008 welcomed the proposal to draft an overall Police Cooperation Handbook, which would be a one-stop-shop for all information concerning cross-border police cooperation and would thereby respond to a practical need of the officers in the field. It was proposed to draw up two complementary manuals, i.e. on the one hand, a <u>manual on cross-border operations</u> and, on the other hand a <u>manual on information exchange</u>, which would include the Guidelines for the implementation of the Swedish Framework Decision, the relevant parts of the old Schengen manual on police cooperation and information on the "Prüm Decisions".</p>					

Suggestion for the structure of the Manual on Information Exchange

Introduction

- organisational issues: one-stop-shop
- channels: Europol (SIENA) / SIRENE / Eurojust / Interpol
- Information exchange with/through Europol and Eurojust
- data protection

I. Information exchange for the purpose of conducting criminal investigations or criminal intelligence operations

1. Swedish Framework Decision
2. Articles 39 and 46 of the Convention implementing the Schengen Agreement (CISA)
3. Information exchange on DNA, fingerprints and vehicle registration data ("Prüm Decisions")
4. Information exchange on criminal records
5. Access to Visa Information System (VIS)
6. Data Retention Regulation
7. Passenger Name Records
8. Information exchange with/through Europol and Eurojust
9. Naples II

II. Information exchange for the purpose of preventing criminal offences

1. Swedish Framework Decision
2. [Information exchange on VRD and fingerprints \("Prüm Decisions"\)](#)
3. [Information exchange pursuant to Article 39 and 46 CISA](#)
4. Information exchange with/through Europol and Eurojust

III. Information exchange related to terrorist offences

1. Council Decision 2005/671/JHA
2. Prüm Decisions
3. Information exchange with/through Europol and Eurojust

**IV. Information exchange related to major events with an international dimension
(including football matches)**

1. NFIP
2. Prüm Decisions
3. Articles 39 and 46 CISA

V. Information exchange of financial intelligence and on financial investigations

→ including FIUs, AROs, ...

To be discussed: use of SIS, Interpol databases, specific part on exchange of information on missing persons ?

Suggestion for the structure of the national fact sheets on contact points for cross-border exchange of information

[MEMBER STATE]

1. [GENERAL](#)
2. [PUBLIC ORDER / MAJOR EVENTS](#)
3. [COUNTER-TERRORISM](#)
4. [DNA, FINGERPRINT and VRD DATABASES \("Prüm Decisions"\)](#)
5. [SWEDISH FRAMEWORK DECISION](#)

1. GENERAL CONTACT POINTS

- National platform for international police cooperation
..... (see chapter 2 of document 7968/08 + 7968/08 COR 2)
- Central authority for mutual assistance
..... (see document 8698/08 ADD 2 REV 1, point 1)
- SIRENE Bureau
..... (see document 8698/08 ADD 2 REV 1, point 2)
- Europol National Unit, ENU / (Interpol National Central Bureau, NCB)
..... (see document 8698/08 ADD 2 REV 1, point 4)
- Contacts in cases of urgency for Council Framework Decision 2006/960/JHA
..... (see Annex V of document 8083/1/09)
- Prüm Data Protection Authority (Art. 19 of Council Decision 2008/616/JHA)
.....
- SFD National competent authority
..... (= Annex IV of document 8083/1/09)

2. **PUBLIC ORDER / MAJOR EVENTS CONTACT POINTS**

- National contact point concerning public security (Joint Action 97/993/JHA)
..... (see document 8698/08 ADD 2 REV 1, point 5)
- Prüm contact point on major events (Art. 15 of Council Decision 2008/615/JHA)
.....
- Football information point (pursuant to Council Decision 2002/348/JHA)
..... (see document 8698/08 ADD 2 REV 1, point 6)
- Protection of public figures (pursuant to Council Decision 2002/956/JHA)
..... (see document 8698/08 ADD 2 REV 1, point 7)

3. **COUNTER-TERRORISM CONTACT POINTS**

- Prüm contact point on prevention of terrorist offences (Art. 16 of Council Decision 2008/615/JHA)
.....
Designated service/authority for the provision of information to Europol and Eurojust (Art. 2 (1) and (2) of Council Decision 2005/671/JHA)
Europol
Eurojust

4. **DNA, FINGERPRINT and VRD DATABASES ("Prüm Decisions") CONTACT POINTS**

- Prüm DNA national contact point (Art. 6 of Council Decision 2008/615/JHA)
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- Prüm Fingerprint national contact point (Art. 11 of Council Decision 2008/615/JHA)
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- Prüm VRD national contact point (Art. 12 of Council Decision 2008/615/JHA)
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5. **SWEDISH FRAMEWORK DECISION / NATIONAL FACT SHEET**

..... (= Annex III of document 8083/1/09)

6. **SWEDISH FRAMEWORK DECISION / BILATERAL AGREEMENT NOTIFICATION**

..... (= Annex VI of document 8083/1/09)