Council of the European Union

NOTE

From:	Incoming Finnish Presidency
To:	Working Party on Information Exchange and Data Protection (DAPIX)
No. prev. doc.:	5596/19; 8526/19
Subject:	Automation of information exchange in a strategic context
	- Discussion paper

1.   INTRODUCTION

It is of prime importance for law enforcement authorities (LEAs) to be able to collect, combine, analyse and share data efficiently with modern tools while taking into account the latest changes in the EU legal framework. The usability and timeliness of data will become increasingly important. Cross-border serious and organised crime can only be successfully prevented if LEAs in different Member States can exchange information in real time, smoothly and without unnecessary formalities. Interoperability of databases is achieved through automation. The Romanian Presidency launched a discussion on automation in DAPIX (information exchange). At the DAPIX meeting of 8 May 2019, the discussion on moving forward the automation of information exchange of data available at national level established a basis for future presidencies to further develop the concept.

The answers to a questionnaire circulated by the Romanian Presidency showed that the majority of Member States consider automation as a solution to relieve, to a greater or lesser extent, the increasing stress on human, financial and technical resources.

The intention of the Romanian Presidency regarding the debate on automation of data exchange was to put the topic into perspective, in relation to an ever-growing and complex information exchange landscape, which has seen a political shift towards increased automation, as manifested in recent legislative developments. The Finnish Presidency intends to continue the discussion and take the discussion to a strategic context. One of the aims of the Finnish Presidency is to achieve or strengthen a common understanding among Member States of the terminology to be used regarding information exchange and information management, automation and interoperability and the avenues which are available for the aforementioned purposes.

The Finnish Presidency suggests finding consensus on the following terminology in order to find a common ground to facilitate the future discussions on automation of law enforcement information exchange.

2. INFORMATION EXCHANGE AND INFORMATION MANAGEMENT

In technical and political terms, law enforcement information management at EU level takes place within the scope of the large scale information systems such as SIS, VIS, Europol, and within the Member States. Information exchange equals the transfer of information from one entity to another. For the sake of clarity these terms should be kept separated and used consistently.

3. THE EU LAW ENFORCEMENT INFORMATION LANDSCAPE

The EU law enforcement information landscape concerning personal data consists in general terms of centralised large scale EU information systems that will be interoperable in the foreseeable future and the EU decentralised databases of the Member States. In addition to this, there are the data managed by Europol and other relevant agencies.

4. AUTOMATION AND INTEROPERABILITY

The point of view of the law enforcement end-user should be primary when planning for the future of information exchange. From the point of view of the end-user, the Presidency thinks that simplicity should be the key. This means that the end-user should gain access to the information they need with as little effort as possible. This could be achieved through increased interoperability through automation that eliminates the need to perform multiple queries based on the same search attributes.

As said, following the adoption of the interoperability Regulations the large scale EU information systems (SIS, VIS, Eurodac, ECRIS-TCN, EES and ETIAS) will supplement each other and the correct identification of persons will be facilitated. The searches on these information systems will be automated through the European Search Portal (ESP) so that the end-user will need to make only one query in order to gain access to all the information he or she is legally entitled to.

5. DATA AVAILABLE AT NATIONAL LEVEL

The next step at EU level is to consider to what extent further law enforcement relevant data could be included in the context of interoperability through automation. It is already possible to locate semi-automatically some Member State data through the Prüm regime. There have already been discussions about whether or not it is possible to combine certain Prüm queries to the queries that will be made through the ESP to the centralised EU information systems. The work of renewing the Prüm regime has just started. DAPIX should follow the development closely.

The difficulties with further automation of Prüm seem primarily of a technical nature and not to the same extent of a legal nature since the Prüm legal regime featuring a hit-no-hit access to the DNA, dactyloscopic and VRD databases of other Member States has already been adopted and established by the Member States.

A significant part of law enforcement information in the Member States lies completely outside of the scope of any kind of automation or interoperability. Some biographical data is at the moment exchanged only through traditional request-answer information exchange that creates a major part of the workload of the law enforcement end-users handling cases with cross-border dimensions. Five Member States have started the EPRIS-ADEP pilot project that is an IMS action, financed by the European Commission, to study possibilities to start automation of exchange of biographical information in Member States law-enforcement databases. While the results of the pilot so far show that the project is most likely technically feasible at EU level, some Member States voiced concerns about the performance of the project or have indicated that granting a cross-border automated hit-no-hit access to a pseudonymised index of national law enforcement databases is not currently legally possible for them. Also, these Member States consider that the Swedish Initiative Framework Decision[1], where the principle of availability is established, does not provide sufficient legal grounds to establish indexes and grant access to other Member States' indexes. Resolving legal issues, for example by defining a legal framework for EPRIS-ADEP type of exchanges should be considered a priority.

According to the Commission, a study on the legal and political feasibility of the EPRIS-ADEP initiative is planned. The Presidency deems this study as crucial in order to move forward with the further automation and interoperability of EU law enforcement databases.

Even though the interoperability package is only entering its implementation phase and the updating of the Prüm regime is only being considered, the Presidency is of the opinion that the next steps should already be envisioned in order to establish a proactive approach for the future.

6.   WAY FORWARD

On the basis of the above, the Presidency invites delegations to present their views on the following issues:

1.   Do you agree with the terminology used in this document (information landscape, information exchange and information management)?

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[1]   Council Framework Decision 2006/960/JHA, OJ L386, 29.12.2006, p. 89.

2. In the Prüm feasibility study context, it was suggested to include new data categories in Prüm (firearms, driving licences, facial images). ADEP-EPRIS would provide LEAs with an opportunity to exchange biographic data on police records, using the same architecture as Prüm. Do Member States consider it useful to exchange any other additional categories in law enforcement information exchange context?

3. Would Member States see opportunities/need for additional EU support to have some tools developed at EU level and then put at Member States' disposal? One example is an encryption software in Europol, but EU support could also be considered for some other expensive and time-consuming tools, such as a biometrics comparison software, or establishing some specific expertise (experts' teams) at EU level.

4. There are several smaller information exchange tools and databases (e.g. some forensic databases on vehicle colour). Would Member States see the need to somehow (how?) bring them together, harmonise them and manage them at EU level?

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