

Commission Proposes EU Police Cooperation Code



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News

On 8 December 2021, the European Commission published three legislative proposals introducing a “EU Police Cooperation Code.” The initiative is designed to enhance law enforcement cooperation across Member States and to give EU police officers more modern tools for information exchange. The proposed police cooperation package includes the following proposals, which are described in detail below:

- Council Recommendation on operational police cooperation;
- Directive on information exchange between law enforcement authorities of Member States;
- Regulation on Automated Data Exchange for Police Cooperation (Prüm II).

The proposed [Council Recommendation on operational police cooperation](#) aims at addressing obstacles to operational cooperation when police officers operate in other Member States, especially with regard to cross-border hot pursuit, cross-border surveillance, and joint patrols/operations.

Furthermore, it sets out measures to enhance cross-border operational police cooperation in order to counter migrant smuggling and cross-border crime linked to irregular migration as well as to counter trafficking in human beings and to identify and protect victims. Measures are proposed to expand the current tasks of Member States’ Police and Customs Cooperation Centres and to set up a single coordination platform for joint operations. Member States are encouraged to ensure effective access to information and communication by officers from the competent national law enforcement authority involved in cross-border operational police cooperation. Lastly, the recommendation provides a number of measures to enhance joint training and professional development.

The proposal for a [Directive on information exchange between law enforcement authorities of the Member States](#) seeks to establish rules for the exchange of information for the purpose of preventing, detecting, and investigating criminal offences. Under the proposed Directive, information exchange would be based on Single Points of Contact established or designated by the Member States. Detailed provisions would regulate the establishment, tasks, capabilities, and composition of these Single Points of Contact as well as the receipt and refusal of information through them. Additional rules govern judicial authorisation, protection of personal data, provision of information to Europol, and the use of SIENA (Europol’s Secure Information Exchange Network Application) The proposed Directive would repeal [Council Framework Decision 2006/960/JHA](#) of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the EU – also known as the “Swedish initiative.”

The third instrument in the package, the proposal on a [Regulation on Automated Data Exchange for Police Cooperation \(Prüm II\)](#), aims to improve, streamline, and facilitate the exchange of information with Europol

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and between Member States' law enforcement authorities for the purpose of the prevention, detection, and investigation of criminal and terrorist offences. The scope of the draft Regulation applies to national databases used for the automated transfer of DNA profiles, dactyloscopic data, facial images, police records, and certain vehicle registration data. The proposal sets out rules for the use of these data by looking at various issues, e.g. principles of exchange, automated searching, reference numbers, rules for requests and answers, keeping of logs, etc. It also sets out common provisions, such as the designation of National Contact Points. Furthermore, the proposed Regulation provides a technical architecture for the exchange of data by introducing the use of a router to facilitate the establishment of connections with Europol and between Member States to query, retrieve, and score biometric data. Several provisions detail the use of the router, the launching of queries, the keeping of logs, quality checks, notification procedures, etc. An important issue in this context concerns rules on interoperability for the purpose of law enforcement access between the router and the Common Identity Repository (CIR) – a shared container for identity data, travel document data, and biometric data of persons registered in the EU's information systems, i.e. the EES, VIS, ETIAS, Eurodac, and ECRIS-TCN. The draft Regulation also establishes the steps for the exchange of data following a match. Ultimately, it regulates access by Member States to third country-sourced biometric data stored by Europol as well as access by Europol to data stored in Member States' databases. Other chapters of the draft Regulation provide provisions on data protection and on the responsibilities of the Member States, Europol, and eu-LISA during the design, development, and start of router operation. The proposed Regulation would amend the current legal framework on the "Prüm cooperation," i.e. Council [Decisions 2008/615/JHA](#) and [2008/616/JHA](#), the legal framework on eu-LISA, and interoperability as set out in Regulations (EU) [2018/1726](#), [2019/817](#), and [2019/818](#).

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