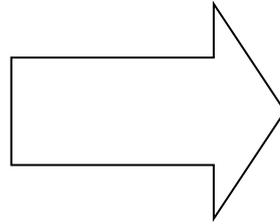
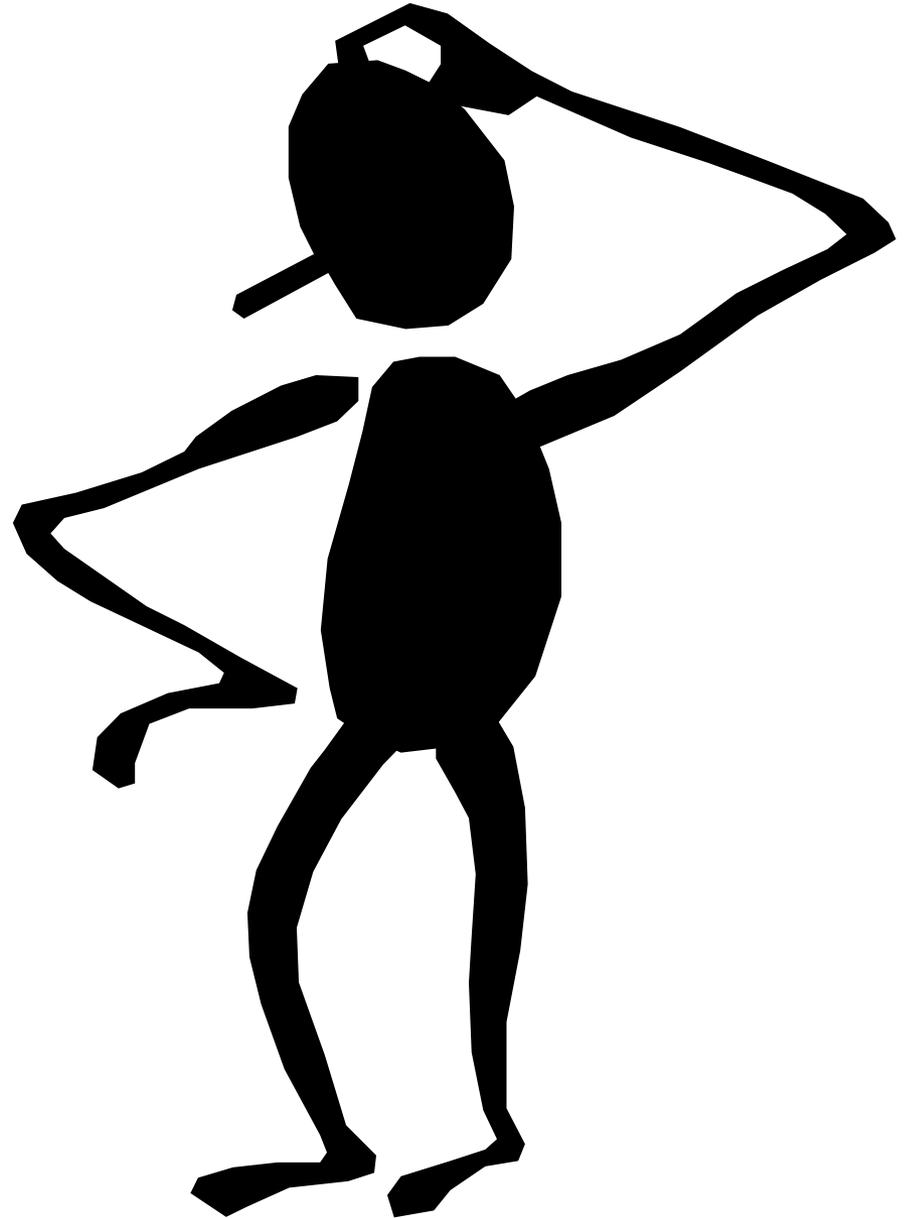
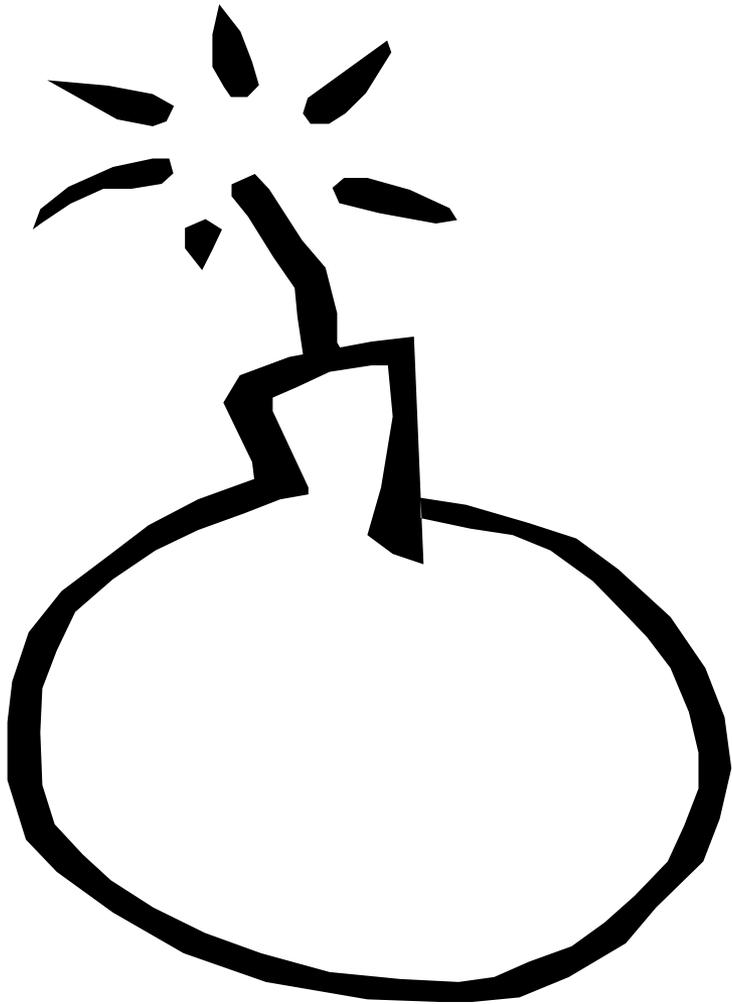


Promoting Databases at EU Level

Nigel Szymanski





The Maastricht Treaty 1992

Created the EU resting on 3 pillars. Third pillar of police cooperation, judicial cooperation in criminal matters and fighting organised crime and terrorism

The Amsterdam Treaty 1997

Tied up loose ends of Maastricht Treaty. Changed the way decisions were made in the EU. Idea of enhanced cooperation. Established an *area of freedom, security and justice*

The Nice Treaty 2001

Expanded on the possibilities for cooperation, emphasised the need for cross-border cooperation, especially in relation to terrorism, trafficking, offences against children and racism. Created bodies such as Eurojust.

The Lisbon Treaty 2009

Abolished the pillar structure. Expanded on the possibilities for police and judicial cooperation in criminal matters. United Justice and Home Affairs (JHA). New acts to be adopted as Regulations, Directives or Decisions in the future

The European Council have since held three meetings to endorse multi-annual programmes for the development of JHA; and set out EU priorities for legislative and non-legislative actions.

The Tampere Programme 1999

Themes included: common EU asylum and migration policy; genuine European area of justice; union-wide fight against crime; stronger external action; closer police and judicial cooperation

The Hague Programme 2004

Stressed the urgency of EU security in light of 9/11 terrorist attacks. Set out to: adopt anti-terrorism measures; tackle organised crime; integrate management of the EU's external borders; ground the general principles of respect for different legal systems. To achieve this, the programme called for intensified practical cooperation between police and customs authorities and better use of existing instruments in the field

The Stockholm Programme 2009

Called for a thorough evaluation and implementation of existing JHA legislation. Aimed to stimulate trust between MS through mutual recognition, and enhance the use of e-Justice and strengthen mutual trust. Focus was on the fight against cross-border crime.

EURODAC

A system for comparing fingerprints of asylum seekers and some categories of illegal immigrants unlawfully crossing borders. *Mainly applies to the exchange of fingerprints for Third Country Nationals.*

EUROPOL

Transmission of personal data and classified information between EUROPOL and an EU body in the interests of preventing imminent danger associated with crime or terrorist offences

FREEMOV

This Directive encourages EU citizens and their families to exercise their right to move and reside freely within MS. MS are permitted to obtain police records when issuing a residence card, however these checks cannot be made a matter of routine, and the deadline is within two months

FRONTEX

Set up to improve the integrated management of the external borders of the EU and ensure high and uniform level checks on persons as a prerequisite for the establishment of an area of freedom, security and justice. Information exchange is key to this principle.

IMI

A web-based application facilitating the exchange of information between public administrations across the EU. Current main use is for businesses to verify the qualifications of non-nationals. Does allow for the exchange of criminal record information in order to establish the good repute of a person

MLA

To improve the speed and efficiency of judicial cooperation. *Joint Investigation Teams* are mutual agreements between 2 or more MS may exchange information for the purpose of the investigation.

PRUM

Aims to step up cross-border cooperation between EU countries' police and judicial authorities to combat terrorism and cross-border crime more effectively; and improve the exchange of information for the prevention and investigation of criminal offences. This is done through: the exchange of DNA profiles and vehicle registration data, supply of information to major events and prevent terrorist offences and cross-border crime. The decision allows for the exchange of information from police databases and records.

SCHENGEN

The Schengen Area is an area without any borders, within which EU citizens may move around freely. Also contains 4 non-EU countries. Need to cooperate on border management. The Schengen Acquis provides for mutual assistance in criminal matters *Visa Information System* allows Schengen States to exchange visa data. *Schengen Information System (SIS)* allows for searches on missing or wanted persons and missing or stolen property. Data on investigations or criminal cases are not stored in SIS. The Commission are currently developing the second generation Schengen Information System (SIS II) to allow for new MS to be integrated into the system.

DIRECTIVE 2011/92/EU

Concerns the exchange of criminal information and disqualifications arising from sexual offences in order to combat sexual abuse and sexual exploitation of children and child pornography. Reference is made to the ECRIS Council Framework Decision 2009/315/JHA on the exchange of information.

MUTUAL RECOGNITION

Establishes the rules for the mutual recognition of supervision measures during criminal proceedings. Allows for an EU country to forward a decision on supervision measures to the competent authority of the EU country of residence of the person against whom the measures are imposed.

EU Instruments

- **Frontex and Eurodac**
- **Freemov**
- **IMI**
- **Directive 2011/92/EU**
- **Schengen**
- **MLA**

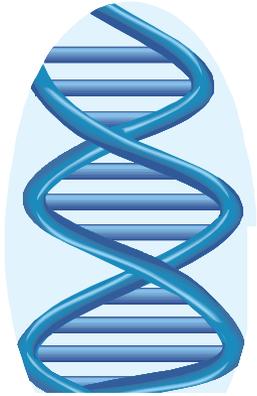
ECRIS
and
Prüm

ECRIS



- Framework Decisions
- Potential Benefits
- Requests and Notifications
- Reasons other than criminal proceedings
- Challenges
- Current position
- What still needs to be done?

Prüm



- Framework Decisions
- Defined areas
- Data Protection
- Follow-up procedures
- Comparison of data
- Current position
- Potential Benefits

