



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 February 2007

6003/07

**CRIMORG 26
ENFOPOL 17**

NOTE

from: Presidency

to Coreper/Council

No. prev. doc. : 6002/07 CRIMORG 25 ENFOPOL 16

16382/06 CRIMORG 194 ENFOPOL 216 MIGR 172

Subject : Integration of (parts of) the Prüm Treaty into the Union Legal Order

1. On 27 May 2005, the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria signed a Treaty on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration (the "Prüm Treaty"). Meanwhile, Italy, Portugal, Slovenia, Finland, Sweden and Romania have formally notified that they wish to join the Prüm Treaty.
2. Article 1(4) of the Prüm Treaty reads as follows:

Within three years at most following entry into force of this Treaty, on the basis of an assessment of experience of its implementation, an initiative shall be submitted, in consultation with or on a proposal from the European Commission, in compliance with the provisions of the Treaty on European Union and the Treaty establishing the European Community, with the aim of incorporating the provisions of this Treaty into the legal framework of the European Union.

3. The German Presidency has therefore initiated the debate about the integration of the Prüm Treaty into the EU legal framework, starting by a discussion at the informal Ministers' meeting on 15-16 January 2007. At that meeting, there was very broad support for the proposal, even though there were also some concerns about the costs of implementation and reservations about Article 25 ("Measures in the event of imminent danger").

Following further discussion, Member States shall inform the Presidency on their position, particularly which parts of the Prüm Treaty shall be integrated into the legal framework of the European Union (1st and 3rd pillar or only 3rd pillar) at the JHA Council on 15 February 2007.

4. After a more detailed follow-up debate on this matter in the Article 36 Committee of 25-26 January 2007, it was concluded that:
- In all events a legislative initiative to integrate the 3rd-pillar part of the Prüm Treaty into the EU legal framework would be highly welcomed
 - Concerning these aspects it is currently not envisaged to integrate Article 27 of the Prüm Treaty ("Cooperation upon request"), which is considered a Schengen-relevant provision, into the EU legal framework as it is considered that this would be of very limited practical use since its content is almost entirely covered by the *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*.
 - a workshop should be organised to explain and clarify the technical questions related to the implementation of the Prüm Treaty, and in particular the technical conditions for the exchange of DNA, fingerprint and vehicle registration information, also taking into account the new number of participating Member States
 - in connection with these technical questions and subject to the usual procedures, Community funding is available to contribute towards financing the implementation
 - the calendar for the implementation of the Prüm provisions should be examined carefully, also in the light of the technical conditions mentioned above
 - concerning the technical implementation of the provisions, the solutions already existing in relation to the implementation of the Prüm Treaty must remain unchanged
5. As a consequence, a legislative initiative, containing the 3rd-pillar non-Schengen relevant aspects of the Prüm Treaty was recently submitted by the Member States signatories to the Prüm Treaty as well as those having notified their wish to join the Treaty with a view to integrate parts of the Prüm Treaty into the Union legal order. (document 6002/07 CRIMORG 25 ENFOPOL 16)

6. Taking into account the above conclusions of the Article 36 Committee and based upon the legislative initiative recently submitted by the "Prüm States" (document 6002/07 CRIMORG 25 ENFOPOL 16), **the Council is invited to:**
- **reach political agreement on which parts of the Prüm Treaty shall be integrated into the legal framework of the European Union (1st and 3rd pillar or only 3rd pillar)**
 - **welcome the above-mentioned legislative initiative on the 3rd pillar aspects**
 - **agree that the technical implementation of the provisions shall be based on the solutions already existing in relation to the implementation of the Prüm-Treaty**
 - **invite the Parliament to submit its opinion on the proposal for a Council Decision on the 3rd pillar aspects as soon as possible**
 - **instruct the Article 36 Committee to take the work forward with a view to adopting this draft Council Decision in June.**
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