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From:	Presidency
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on automated data exchange for police cooperation ("Prüm II"), amending Council Decisions 2008/615/JHA and 2008/616/JHA and Regulations (EU) 2018/1726, 2019/817 and 2019/818 of the European Parliament and of the Council

Delegations will find in annex the Presidency's compromise proposals on blocks 1 to 7 of the abovementioned proposal for a Regulation.

All changes proposed by the Presidency, as compared to the Commission's proposal, appear as ~~strikethrough~~ and **bold underlined**.

This document includes modifications in comparison to the Presidency's compromise proposals on blocks 1 and 2 (doc. 5616/22). Those modifications are highlighted in **yellow**.

CHAPTER 1

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes a framework for the exchange of information between authorities responsible for the prevention, detection and investigation of criminal offences (Prüm II).

This Regulation lays down the conditions and procedures for the automated searching of DNA profiles, dactyloscopic data, facial images, police records, ~~and~~ certain vehicle registration **data and driving licence data**, and the rules regarding the exchange of core data following a **confirmed** match.

Article 2

Purpose

The purpose of Prüm II shall be to step up cross-border cooperation in matters covered by Part III, Title V, Chapter 5 of the Treaty on the Functioning of the European Union, **facilitating** particularly the exchange of information between authorities responsible for the prevention, detection and investigation of criminal offences.

The purpose of Prüm II shall also be to allow for the search ~~for~~ **of** missing persons and **to facilitate the identification of** unidentified human remains by authorities responsible for the prevention, detection and investigation of criminal offences.

Article 3

Scope

This Regulation applies to the ~~national~~ databases, established in accordance with national law, **and** used for the automated transfer of data of the categories of DNA profiles, dactyloscopic data, facial images, police records, ~~and~~ certain vehicle registration data and driving licence data.

Article 4

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'loci' means the particular molecular structure at the various DNA locations;
- (2) 'DNA profile' means a letter or number code which represents a set of identification characteristics of the non-coding part of an analysed human DNA sample, the particular molecular structure at the various DNA locations;
- (3) 'non-coding part of DNA' means chromosome regions not genetically expressed, i.e. not known to provide for any functional properties of an organism;
- (4) 'DNA reference data' means DNA profile and the reference number referred to in Article 9;
- (5) 'reference DNA profile' means the DNA profile of an identified person;
- (6) 'unidentified DNA profile' means the DNA profile obtained from traces collected during the investigation of criminal offences and belonging to a person not yet identified;
- (7) 'dactyloscopic data' means fingerprint images, images of fingerprint latents, palm prints, palm print latents and templates of such images (coded minutiae), when they are stored and dealt with in an automated database;
- (8) 'dactyloscopic reference data' means dactyloscopic data and the reference number referred to in Article 14;

- (9) 'individual case' means a single investigation file;
- (10) 'facial image' means digital images of the face;
- (10a) 'facial images reference data' means the facial images and the reference number referred to in Article 23;**
- (11) 'biometric data' means DNA profiles, dactyloscopic data or facial images;
- (11a) 'alphanumeric data' means data represented by letters, digits, special characters, spaces and punctuation marks;**
- (12) 'match' means the existence of a correspondence as a result of an automated comparison between personal data recorded ~~or being recorded~~ in an information system or database;
- (13) 'candidate' means data with which a match occurred;
- (14) 'requesting Member State' means the Member State which is conducting a search through Prüm II;
- (15) 'requested Member State' means the Member State in which databases the search is conducted through Prüm II by the requesting Member State;
- (16) 'police records' means any information available in the national register or registers recording data of competent authorities, for the prevention, detection and investigation of criminal offences;
- (17) 'pseudonymisation' means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;
- (18) 'Europol data' means any **operational** personal data processed by Europol in accordance with Regulation (EU) 2016/794;

- (19) ‘supervisory authority’ means an independent public authority established by a Member State pursuant to Article 41 of Directive (EU) 2016/680 of the European Parliament and of the Council¹;
- (20) ‘SIENA’ means the secure information exchange network application, managed **and developed** by Europol, ~~aimed at facilitating the exchange of information between Member States and Europol~~;
- (21) ‘significant incident’ means any incident unless it has a limited impact and is likely to be already well understood in terms of method or technology;
- (22) ‘significant cyber threat’ means a cyber threat with the intention, opportunity and capability to cause a significant incident;
- (23) ‘significant vulnerability’ means a vulnerability that will likely lead to a significant incident if it is exploited;
- (24) ‘incident’ means an incident within the meaning of Article 4(5) of Directive (EU) .../... of the European Parliament and of the Council² [*proposal NIS 2*].

CHAPTER 2

EXCHANGE OF DATA

SECTION 1

DNA profiles

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- 1 Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).
- 2 Directive (EU) .../... of the European Parliament and of the Council... (OJ..).

Article 5

DNA reference data Establishment of national DNA analysis files

1. Member States shall open and keep national DNA **database(s) analysis files** for the **prevention, detection and** investigation of criminal offences.

Processing of **DNA reference** data kept in those files, **under this Regulation**, shall be carried out in accordance with this Regulation, in compliance with the national law of the Member States applicable to the processing of those data.

2. Member States shall ensure the availability of DNA reference data from their national **database(s) established for the prevention, detection and investigation of criminal offences** DNA analysis files as referred to in paragraph 1.

3. DNA reference data shall not contain any **additional** data from which an individual can be directly identified.

4. DNA reference data which is not attributed to any individual (unidentified DNA profiles) shall be recognisable as such.

Article 6

Automated searching of DNA profiles

1. **For the prevention, detection and investigation of criminal offences, and for the search of missing persons and the identification of unidentified human remains**, Member States shall allow national contact points referred to in Article 29 **of other Member States** and Europol access to the DNA reference data in their **DNA-national databases** analysis files, to conduct automated searches by comparing DNA **reference data** profiles for the investigation of criminal offences.

Searches may be conducted only in individual cases and **in respect of the same guarantees and safeguards that are required for similar searches at national level** in compliance with the national law of the requesting Member State.

2. Should an automated search show that a supplied DNA profile matches DNA profiles **entered stored** in the requested Member State's **searched file database(s)**, the national contact point of the requesting Member State shall receive in an automated way the DNA reference data with which a match has been found.

If there is no match, the requesting Member State shall be notified about it in an automated manner.

3. The national contact point of the requesting Member State **shall may** confirm a match of DNA profiles data. **If so decided, it shall confirm this match** with DNA reference data **received from** held by the requested Member State following the automated supply of the DNA reference data required for confirming a match.

Article 7

Automated comparison of unidentified DNA profiles

1. For the prevention, detection and investigation of criminal offences, and for the search of missing persons and to facilitate the identification of unidentified human remains, Member States **may shall, by mutual consent,** via their national contact points, compare ~~the DNA profiles of~~ **regularly their new** unidentified DNA profiles **inserted in their database(s)**, with all DNA profiles from ~~other national DNA databases of other Member States~~ analysis files for the prevention, detection and investigation of criminal offences, and for the search of missing persons and to facilitate the identification of unidentified human remains. Profiles shall be supplied and compared in an automated manner.

At the initial connection with the router, and when deemed necessary, Member States shall, by mutual consent, via their national contact points, compare all their unidentified DNA profiles stored in their database(s), with all DNA profiles from databases of other Member States.

2. Should an automated search show that a supplied DNA profile matches DNA profiles stored in the requested Member State's database(s), the national contact point of the requesting Member State shall receive in an automated way the DNA reference data with which a match has been found.

If there is no match, the requesting Member State shall be notified about it in an automated manner.

~~Should a requested Member State, as a result of the comparison referred to in paragraph 1, find that any DNA profiles supplied match any of those in its DNA databases analysis files, it shall, without delay, supply the national contact point of the requesting Member State with the DNA reference data with which a match has been found.~~

3. The national contact point of the requesting Member State may confirm a match of DNA profiles data. If so decided, it shall confirm this match with DNA reference data received from the requested Member State following the automated supply of the DNA reference data.

~~The confirmation of a match of DNA profiles with DNA reference data held by the requested Member State shall be carried out by the national contact point of the requesting Member State following the automated supply of the DNA reference data required for confirming a match.~~

Article 8

Notifications of Reporting about DNA databases analysis files

Each Member State shall inform, **in accordance with Article 73, other Member States,** the Commission and eu-LISA of the **content of** national DNA **databases** analysis files, to which Articles 5 to 7 apply, **and the conditions for automated searches,** ~~in accordance with Article 73.~~

Article 9

Reference numbers for DNA profiles

The reference numbers for DNA profiles shall be the combination of the following:

- (a) a reference number allowing Member States, in case of a match, to retrieve further data and other information in their databases referred to in Article 5 in order to supply it to one, several or all of the other Member States in accordance with Articles 47 and 48, **or to Europol in accordance with Article 50(6);**

- (a bis) a reference number allowing Europol, in case of a match, to retrieve further data and other information referred to in Article 49(1) in order to supply it to one, several or all of the other Member States in accordance with Articles 49(2);**
- (b) a code to indicate the Member State which holds the DNA profile;
- (c) a code to indicate the type of DNA profile (reference DNA profiles or unidentified DNA profiles).

Article 10

Principles of DNA reference data for the exchange of DNA profiles

1. The digitalisation of DNA profiles and their transmission to the other Member States shall be carried out in accordance with European or international standards. The Commission shall adopt implementing acts to specify the relevant European or international standards for DNA profiles exchange that shall be used by Member States. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

2. Each Member State shall ensure that the DNA profiles it transmits are of sufficient quality for automated comparison. A minimum quality standard shall be established to allow for comparison of DNA profiles. The Commission shall adopt implementing acts to specify that minimum quality standard. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

3. Member States shall take appropriate measures to ensure the confidentiality and integrity of DNA profiles being sent to other Member States, including their encryption.

~~1. Appropriate measures shall be taken to ensure confidentiality and integrity for DNA reference data being sent to other Member States, including their encryption.~~

~~2. Member States shall take the necessary measures to guarantee the integrity of the DNA profiles made available or sent for comparison to the other Member States and to ensure that those measures comply with the relevant European or international standards for DNA data exchange.~~

3. The Commission shall adopt implementing acts to specify the relevant European or international standards that are to shall be used by Member States for DNA reference data exchange. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

Article 11

Rules for requests and answers regarding DNA profiles

1. A request for an automated search or comparison shall include only the following information:
 - (a) the code of the requesting Member State;
 - (b) the date, time and indication number of the request;
 - (c) DNA profiles and their reference numbers referred to in Article 9;
 - (d) the types of DNA profiles transmitted (unidentified DNA profiles or reference DNA profiles).

2. The answer to the request referred to in paragraph 1 shall contain only the following information:
 - (a) an indication as to whether there were one or more matches or no matches ;
 - (b) the date, time and indication number of the request;
 - (c) the date, time and indication number of the answer;
 - (d) the codes of the requesting and requested Member States;
 - (e) the reference numbers of the DNA profiles from the requesting and requested Member States;
 - (f) the type of DNA profiles transmitted (unidentified DNA profiles or reference DNA profiles);
 - (g) the matching DNA profiles.

3. Automated notification of a match shall only be provided if the automated search or comparison has resulted in a match of a minimum number of loci. The Commission shall adopt implementing acts to specify this minimum number of loci, in accordance with the procedure referred to in Article 76(2).

4. Where a search or comparison with unidentified DNA profiles results in a match, each requested Member State with matching data may insert a marking, **including the reference number from the DNA profile of the requesting Member State**, in its national database indicating that there has been a match for that DNA profile following another Member State's search or comparison.

5. Member States shall ensure that requests are consistent with **notifications** ~~declarations~~ sent pursuant to Article 8. Those **notifications** ~~declarations~~ shall be reproduced in the practical handbook referred to in Article 78.

SECTION 2

Dactyloscopic data

Article 12

Dactyloscopic reference data

1. Member States shall ensure the availability of dactyloscopic reference data from ~~the file for their~~ **ir** national ~~automated fingerprint identification systems~~ **database(s)** established for the prevention, detection and investigation of criminal offences.

2. Dactyloscopic reference data shall not contain any **additional** data from which an individual can be directly identified.

3. Dactyloscopic reference data which is not attributed to any individual (unidentified dactyloscopic data) shall be recognisable as such.

Article 13

Automated searching of dactyloscopic data

1. For the prevention, detection and investigation of criminal offences, **and for the search of missing persons and to facilitate the identification of unidentified human remains**, Member States shall allow national contact points of other Member States and Europol access to the dactyloscopic reference data in their **national databases automated fingerprint identification systems which they have established for that purpose**, to conduct automated searches by comparing dactyloscopic reference data.

Searches may be conducted only in individual cases and **in respect of the same guarantees and safeguards that are required for similar searches at national level** in compliance with the national law of the requesting Member State.

2. The national contact point of the requesting Member State ~~shall~~ **may** confirm a match of dactyloscopic data. **If so decided, it shall confirm this match** with dactyloscopic reference data **received from** ~~held by~~ the requested Member State following the automated supply of the dactyloscopic reference data ~~required for confirming a match~~.

Article 13a

Notifications of dactyloscopic databases

Each Member State shall inform, in accordance with Article 73, other Member States, the Commission and eu-LISA of the content of national dactyloscopic databases, to which Articles 12 and 13 apply, and the conditions for automated searches.

Article 14

Reference numbers for dactyloscopic data

The reference numbers for dactyloscopic data shall be the combination of the following:

- (a) a reference number allowing Member States, in the case of a match, to retrieve further data and other information in their databases referred to in Article 12 in order to supply it to one, several or all of the other Member States in accordance with Articles 47 and 48, **or to Europol in accordance with Article 50(6)**;
- (a bis) a reference number allowing Europol, in case of a match, to retrieve further data and other information referred to in Article 49(1) in order to supply it to one, several or all of the other Member States in accordance with Articles 49(2)**;
- (b) a code to indicate the Member State which holds the dactyloscopic data.

Article 15

Principles for the exchange of dactyloscopic data

1. The digitalisation of dactyloscopic data and their transmission to the other Member States shall be carried out in accordance with **European or international standards** ~~sa uniform data format~~. The Commission shall adopt implementing acts to specify ~~the uniform data format~~ **the relevant European or international standards for dactyloscopic data exchange that shall be used by Member States. Those implementing acts shall be adopted** in accordance with the procedure referred to in Article 76(2) .

2. Each Member State shall ensure that the dactyloscopic data it transmits are of sufficient quality for **automated comparison by the automated fingerprint identification systems. A minimum quality standard shall be established to allow for comparison of dactyloscopic data. The Commission shall adopt implementing acts to specify that minimum quality standard. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).**

3. Member States shall take appropriate measures to ensure the confidentiality and integrity of dactyloscopic data being sent to other Member States, including their encryption.

~~4. The Commission shall adopt implementing acts to specify the relevant existing standards for dactyloscopic data exchange that are to be used by Member States. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).~~

Article 16

Search capacities for dactyloscopic data

1. Each Member State shall ensure that its search requests do not exceed the search capacities specified by the requested Member State **to ensure national system readiness and avoid overloading of national systems.**

Member States shall inform **other Member States,** the Commission and eu-LISA in accordance with ~~Article 79(8) and (10)~~ about their maximum search capacities per day for dactyloscopic data of identified persons and for dactyloscopic data of persons not yet identified. **Those search capacities can be changed by Member States at any time including in case of urgency.**

2. The Commission shall adopt implementing acts to specify the maximum numbers of candidates accepted for comparison per transmission **as well as the distribution of unused search capacities between Member States** in accordance with the procedure referred to in Article 76(2).

Article 17

Rules for requests and answers regarding dactyloscopic data

1. A request for an automated search shall include only the following information:

- (a) the code of the requesting Member State;
- (b) the date, time and indication number of the request;
- (c) the dactyloscopic data and their reference numbers referred to in Article 14.

2. The answer to the request referred to in paragraph 1 shall contain only the following information:

- (a) an indication as to whether there were one or more matches or no matches;
- (b) the date, time and indication number of the request;
- (c) the date, time and indication number of the answer;
- (d) the codes of the requesting and requested Member States;
- (e) the reference numbers of the dactyloscopic data from the requesting and requested Member States;
- (f) the matching dactyloscopic data.

3. Member States shall ensure that requests are consistent with notifications sent pursuant to Article 13a. Those notifications shall be reproduced in the practical handbook referred to in Article 78.

SECTION 3

Vehicle registration data

Article 18

Automated searching of vehicle registration data

1. For the prevention, detection and investigation of criminal offences, Member States shall allow national contact points of other Member States and Europol access to the following national vehicle registration data, to conduct automated searches in individual cases:

- (a) data relating to owners, **holders** or operators;
- (b) data relating to vehicles.

2. Searches may be conducted only with a full chassis number or a full registration number.

3. Searches may be conducted only in compliance with the national law of the requesting Member State.

Article 19

Principles of automated searching of vehicle registration data

1. For automated searching of vehicle registration data Member States shall use the European Vehicle and Driving Licence Information System (Eucaris).
2. The information exchanged via Eucaris shall be transmitted in encrypted form.
3. The Commission shall adopt implementing acts to specify the data elements of the vehicle registration data to be exchanged. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

Article 20

Keeping of logs

1. Each Member State shall keep logs of queries that the staff of its authorities duly authorised to exchange vehicle registration data make as well as logs of queries requested by other Member States. Europol shall keep logs of queries that its duly authorised staff make.

Each Member State and Europol shall keep logs of all data processing operations concerning vehicle registration data. Those logs shall include the following:

- (a) the Member State or Union agency launching the request for a query;
- (b) the date and time of the request;
- (c) the date and time of the answer;
- (d) the national databases to which a request for a query was sent;
- (e) the national databases that provided a positive answer.

2. The logs referred to in paragraph 1 may be used only for the collection of statistics and data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security and integrity.

Those logs shall be protected by appropriate measures against unauthorised access and erased **two** ~~one~~ years after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the logs.

3. For the purposes of data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, the data controllers shall have access to the logs for self-monitoring as referred to in Article 56.

SECTION 3a

Driving licence data

Article 20a

Automated searching of driving licence data

1. For the prevention, detection and investigation of criminal offences, Member States shall allow national contact points of other Member States and Europol access to driving licence data, including facial images of driving licence owner if available, to conduct automated searches in individual cases.

2. Searches may be conducted with the driving licence number or data relating to the driving licence owner (first name(s), family name(s), place and date of birth).

3. Searches may be conducted only in compliance with the national law of the requesting Member State.

Article 20b

Principles of automated searching of driving licence data

1. For automated searching of driving licence data, Member States shall use the European Vehicle and Driving Licence Information System (Eucaris).

2. The information exchanged via Eucaris shall be transmitted in encrypted form.

3. The Commission shall adopt implementing acts to specify the data elements of the driving licence data to be exchanged. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

Article 20c

Keeping of logs

1. Each Member State shall keep logs of queries that the staff of its authorities duly authorised to exchange driving licence data make as well as logs of queries requested by other Member States. Europol shall keep logs of queries that its duly authorised staff make.

Each Member State and Europol shall keep logs of all data processing operations concerning driving licence data. Those logs shall include the following:

- (a) the Member State or Union agency launching the request for a query;**
- (b) the date and time of the request;**
- (c) the date and time of the answer;**
- (d) the national databases to which a request for a query was sent;**
- (e) the national databases that provided a positive answer.**

2. The logs referred to in paragraph 1 may be used only for the collection of statistics and data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security and integrity.

Those logs shall be protected by appropriate measures against unauthorised access and erased two years after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the logs.

3. For the purposes of data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, the data controllers shall have access to the logs for self-monitoring as referred to in Article 56.

SECTION 4

Facial images

Article 21

Facial images reference data

1. Member States shall ensure the availability of facial images **reference data** from their national database(s) established for the prevention, detection and investigation of criminal offences. ~~These data shall only include facial images and the reference number referred to in Article 23, and shall indicate whether the facial images are attributed to an individual or not.~~

2. Facial images reference data Member States shall not **contain** ~~make available in this context any **additional** data from which an individual can be directly identified.~~

~~3~~**2.** Facial images **reference data** which are not attributed to any individual (unidentified facial images) **shall** ~~must~~ be recognisable as such.

Article 22

Automated searching of facial images

1. For the prevention, detection and investigation of criminal offences, **and for the search of missing persons and to facilitate the identification of unidentified human remains**, Member States shall allow national contact points of other Member States and Europol access to **the** facial images **reference data** ~~stored~~ in their national databases, to conduct automated searches **by comparing facial images reference data**.

Searches may be conducted only in individual cases and **in respect of the same guarantees and safeguards that are required for similar searches at national level** ~~in compliance with the national law of the requesting Member State.~~

2. The national contact point of the requesting Member State may confirm a match of facial images. If so decided, it shall confirm this match with facial images reference data received from the requested Member State following the automated supply of the facial images reference data. ~~The requesting Member State shall receive a list composed of matches concerning~~

likely candidates. That Member State shall review the list to determine the existence of a confirmed match.

~~3. A minimum quality standard shall be established to allow for search and comparison of facial images. The Commission shall adopt implementing acts to specify that minimum quality standard. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).~~

Article 22a

Notifications of facial images databases

Each Member State shall inform, in accordance with Article 73, other Member States, the Commission and eu-LISA of the content of national facial images databases, to which Articles 21 and 22 apply, and the conditions for automated searches.

Article 23

Reference numbers for facial images

The reference numbers for facial images shall be the combination of the following:

- (a) a reference number allowing Member States, in case of a match, to retrieve further data and other information in their databases referred to in Article 21 in order to supply it to one, several or all of the other Member States in accordance with Articles 47 and 48~~;~~, **or to Europol in accordance with Article 50(6);**
- (a bis) a reference number allowing Europol, in case of a match, to retrieve further data and other information referred to in Article 49(1) in order to supply it to one, several or all of the other Member States in accordance with Articles 49(2)**
- (b) a code to indicate the Member State which holds the facial images.

Article 23a

Principles for the exchange of facial images

1. The digitalisation of facial images and their transmission to the other Member States shall be carried out in accordance with European or international standards. The Commission shall adopt implementing acts to specify the relevant European or international standards for facial images exchange that shall be used by Member States. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

2. Each Member State shall ensure that the facial images it transmits are of sufficient quality for automated comparison. A minimum quality standard shall be established to allow for comparison of facial images. The Commission shall adopt implementing acts to specify that minimum quality standard. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

3. Member States shall take appropriate measures to ensure the confidentiality and integrity of facial images being sent to other Member States, including their encryption.

Article 23b

Search capacities for facial images

1. Each Member State shall ensure that its search requests do not exceed the search capacities specified by the requested Member State to ensure national system readiness and avoid overloading of national systems.

Member States shall inform other Member States, the Commission and eu-LISA about their maximum search capacities per day for facial images exchanges. Those search capacities can be changed by Member States at any time including in case of urgency.

2. The Commission shall adopt implementing acts to specify the maximum numbers of candidates accepted for comparison per transmission as well as the distribution of unused search capacities between Member States in accordance with the procedure referred to in Article 76(2).

Article 24

Rules for requests and answers regarding facial images

1. A request for an automated search shall include only the following information:

- (a) the code of the requesting Member State;
- (b) the date, time and indication number of the request;
- (c) the facial images and their reference numbers referred to in Article 23.

2. The answer to the request referred to in paragraph 1 shall contain only the following information:

- (a) an indication as to whether there were one or more matches or no matches;
- (b) the date, time and indication number of the request;

- (c) the date, time and indication number of the answer;
- (d) the codes of the requesting and requested Member States;
- (e) the reference numbers of the facial images from the requesting and requested Member States;
- (f) the matching facial images.

3. Member States shall ensure that requests are consistent with notifications sent pursuant to Article 22a. Those notifications shall be reproduced in the practical handbook referred to in Article 78.

SECTION 5

Police records

Article 25

Police records

1. Member States may decide to participate in the automated exchange of police records. Member States participating in the automated exchange of police records shall ensure the availability of biographical data of suspects and ~~criminals~~ **convicted persons** from their national police records indexes, **based on their national databases** established for the **prevention, detection and** investigation of criminal offences. This set of data, ~~if available~~, shall contain the following data, **if available**:

- (a) first name(s);
- (b) family name(s);
- (c) **previously used name(s) and** alias(es);
- (d) date of birth;
- (e) nationality or nationalities;
- (f) place and country of birth;
- (g) gender.

2. The data referred to in paragraph 1, points (a), (b), **and** (c), ~~(e) and (f)~~ shall be pseudonymised.

Article 26

Automated searching of police records

1. For the **prevention, detection and** investigation of criminal offences **and for the search of missing persons and to facilitate the identification of unidentified human remains**, Member States **participating in the automated exchange of police records** shall allow national contact points of other Member States and Europol access to data from their national police records indexes, to conduct automated searches.

Searches may be conducted only in individual cases and **in respect of the same guarantees and safeguards that are required for similar searches at national level** ~~in compliance with the national law of the requesting Member State.~~

2. The requesting Member State shall receive ~~the~~ **in an automated manner the** list of matches with an indication of the quality of the matches.

The requesting Member State shall also be informed about the Member State whose database contains data that resulted in the match.

Article 26a

Notifications about databases used for police records exchanges

Each Member State shall inform, in accordance with Article 73, other Member States, the Commission and Europol, of their national databases used for establishing their national police records indexes, to which Articles 25 and 26 apply, and the conditions for automated searches.

Article 27

Reference numbers for police records

The reference numbers for police records shall be the combination of the following:

- (a) a reference number allowing Member States, in the case of a match, to retrieve personal data and other information in their indexes referred to in Article 25 in order to supply it to one, several or all of the Member States in accordance with Articles 47 and 48; **or to Europol in accordance with Article 50(6);**
- (b) a code to indicate the Member State which holds the police records.

Article 28

Rules for requests and answers regarding police records

1. A request for an automated search shall include only the following information:

- (a) the code of the requesting Member State;
- (b) the date, time and indication number of the request;
- (c) the **data referred to in Article 25 as far as available** ~~police records and their reference numbers referred to in Article 27.~~

2. The answer to the request referred to in paragraph 1 shall contain only the following information:

- (a) an indication as to whether there were one or more matches or no matches;
- (b) the date, time and indication number of the request;
- (c) the date, time and indication number of the answer;
- (d) the codes of the requesting and requested Member States;
- (e) the reference numbers of the police records from the requested Member States.

3. Member States shall ensure that requests are consistent with notifications sent pursuant to Article 26a. Those notifications shall be reproduced in the practical handbook referred to in Article 78.

SECTION 6

Common provisions

Article 29

National contact points

Each Member State shall designate a **one or more** national contact points.

The national contact points shall be responsible for supplying the data referred to in Articles 6, 7, 13, 18, 22 and 26.

Article 30

Implementing measures

The Commission shall adopt implementing acts to specify the technical arrangements for the procedures set out in Articles 6, 7, 13, 18, 22 and 26. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

Article 31

Technical specifications

Member States and Europol shall observe common technical specifications in connection with all requests and answers related to searches and comparisons of DNA profiles, dactyloscopic data, vehicle registration data, facial images and police records. The Commission shall adopt implementing acts to specify these technical specifications in accordance with the procedure referred to in Article 76(2).

Article 32

Availability of automated data exchange at national level

1. Member States shall take all necessary measures to ensure that automated searching or comparison of DNA profiles, dactyloscopic data, vehicle registration data, facial images and police records is possible 24 hours a day and seven days a week.

2. National contact points shall immediately inform each other, the Commission, Europol and eu-LISA of ~~any~~ **any** the technical fault causing unavailability of the automated data exchange.

National contact points shall agree on temporary alternative information exchange arrangements in accordance with the applicable Union law and national legislation.

3. National contact points shall re-establish the automated data exchange without delay.

Justification for the processing of data

1. Each Member State shall keep a justification of the queries that its competent authorities make.

Europol shall keep a justification of the queries it makes.

2. The justification referred to in paragraph 1 shall include:

- (a) the purpose of the query, including a reference to the specific case or investigation;
- (b) an indication on whether the query concerns a suspect or a perpetrator of a criminal offence;
- (c) an indication on whether the query aims to identify an unknown person or obtain more data on a known person.

3. The justifications referred to in paragraph 2 **shall be traceable to the logs stored in accordance with articles 20, 40 and 45, and** shall only be used for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security and integrity.

Those justifications shall be protected by appropriate measures against unauthorised access and erased ~~two~~ **one** years after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the justification.

4. For the purposes of data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, the data controllers shall have access to those justifications for self-monitoring as referred to in Article 56.

Article 34

Use of the universal message format

1. The universal message format (UMF) standard **as referred to in Article 38 of Regulation (EU) 2019/817 and in Article 38 of Regulation (EU) 2019/818** shall be used in the development of the router referred to in Article 35 and EPRIS.
2. Any automated exchange of data in accordance with this Regulation shall use the UMF standard.

CHAPTER 3

ARCHITECTURE

SECTION 1

Router

Article 35

The router

1. A router is established for the purposes of facilitating the establishment of connections between Member States and with Europol for querying with **and**, retrieving **biometric data and alphanumeric data**, and scoring biometric data in accordance with this Regulation.
2. The router shall be composed of:
 - (a) a central infrastructure, including a search tool enabling the simultaneous querying of Member States' databases referred to in Articles 5, 12 and 21 as well as of Europol data;
 - (b) a secure communication channel between the central infrastructure, Member States and **Europol** ~~Union agencies that are entitled to use the router;~~
 - (c) a secure communication infrastructure between the central infrastructure and the European Search Portal for the purposes of Article 39.

Article 36

Use of the router

The use of the router shall be reserved to the Member States' authorities that have access to the exchange of DNA profiles, dactyloscopic data and facial images, and Europol in accordance with this Regulation and Regulation (EU) 2016/794.

Article 37

QueriesProcesses

1. The router users referred to in Article 36 shall **submit to the router a** request **for** a query by ~~submitting~~ **with** biometric data ~~to the router~~. The router shall dispatch the request for a query to ~~the~~ **all or specific** Member States' databases and Europol data simultaneously with the data submitted by the user ~~and in accordance with their access rights~~.
2. On receiving the request for a query from the router, each requested Member State and Europol shall launch a query of their databases in an automated manner and without delay.
3. Any matches resulting from the query in each Member States' databases and Europol data shall be sent back in an automated manner to the router.
4. The router shall rank the replies in accordance with the score of the correspondence between the biometric data used for querying and the biometric data stored in the Member States' databases and Europol data.
5. The list of matching biometric data and their scores shall be returned to the router user by the router.
6. The Commission shall adopt implementing acts to specify the technical procedure for the router to query Member States' databases and Europol data, the format of the router replies and the technical rules for scoring the correspondence between biometric data. These implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

Article 38

Quality check

The requested Member State shall check the quality of the transmitted data by means of a fully automated procedure.

Should the data be unsuitable for an automated comparison, the requested Member State shall inform the requesting Member State about it via the router without delay.

Article 39

Interoperability between the router and the Common Identity Repository for the purposes of law enforcement access

1. The router users referred to in Article 36 may launch a query to Member States' databases and Europol data simultaneously with a query to the Common Identity Repository where the relevant conditions under Union law are fulfilled and in accordance with their access rights. For this purpose, the router shall query the Common Identity Repository via the European Search Portal.

2. Queries to the Common Identity Repository for law enforcement purposes shall be carried out in accordance with Article 22 of Regulation (EU) 2019/817 and Article 22 of Regulation (EU) 2019/818. Any result from the queries shall be transmitted via the European Search Portal.

Only designated authorities defined in Article 4, point 20, of Regulation (EU) 2019/817 and Article 4, point 20, of Regulation (EU) 2019/818 may launch these simultaneous queries.

Simultaneous queries of the Member States' databases and Europol data and the Common Identity Repository may only be launched in cases where ~~it is likely~~ **there is a suspicion** that data on a suspect, perpetrator or victim of a terrorist offence or other serious criminal offences as defined respectively in Article 4, points 21 and 22, of Regulation (EU) 2019/817 and Article 4, points 21 and 22, of Regulation (EU) 2019/818 are stored in the Common Identity Repository.

Article 40

Keeping of logs

1. eu-LISA shall keep logs of all data processing operations in the router. Those logs shall include the following:

- (a) the Member State or Union agency launching the request for a query;
- (b) the date and time of the request;
- (c) the date and time of the answer;
- (d) the national databases or Europol data to which a request for a query was sent;
- (e) the national databases or Europol data that provided an answer;
- (f) where applicable, the fact that there was a simultaneous query to the Common Identity Repository.

2. Each Member State shall keep logs of queries that its competent authorities and the staff of those authorities duly authorised to use the router make as well as logs of queries requested by other Member States.

Europol shall keep logs of queries that its duly authorised staff make.

3. The logs referred to in paragraphs 1 and 2 may be used only for the collection of statistics and data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security and integrity.

Those logs shall be protected by appropriate measures against unauthorised access and erased ~~one~~ **two** years after their creation. If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the logs.

4. For the purposes of data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, the data controllers shall have access to the logs for self-monitoring as referred to in Article 56.

Article 41

Notification procedures in case of technical impossibility to use the router

1. Where it is technically impossible to use the router to query one or several national databases or Europol data because of a failure of the router, the router users **referred to in Article 36** shall be notified in an automated manner by eu-LISA. eu-LISA shall take measures to address the technical impossibility to use the router without delay.
2. Where it is technically impossible to use the router to query one or several national databases or Europol data because of a failure of the national infrastructure in a Member State, that Member State shall notify the other Member States, eu-LISA and the Commission in an automated manner. Member States **concerned** shall take measures to address the technical impossibility to use the router without delay.
3. Where it is technically impossible to use the router to query one or several national databases or Europol data because of a failure of the infrastructure of Europol, Europol shall notify the Member States, eu-LISA and the Commission in an automated manner. Europol shall take measures to address the technical impossibility to use the router without delay.

SECTION 2

EPRIS

Article 42

EPRIS

1. For the automated searching of police records referred to in Article 26, Member States and Europol shall use the European Police Records Index System (EPRIS).
2. EPRIS shall be composed of:
 - (a) a **decentralised** infrastructure **in the Member States**, including a search tool enabling the simultaneous querying of Member States' databases;
 - (b) **a central infrastructure, supporting the search tool enabling the simultaneous querying of Member States' databases;**

- (bc) a secure communication channel between the EPRIS central infrastructure, Member States and Europol.

Article 43

Use of EPRIS

1. For the purposes of searching police records via EPRIS, the following sets of data shall be used:
 - (a) first name(s);
 - (b) family name(s);
 - (c) date of birth.
2. Where available, the following sets of data may also be used:
 - (a) **previously used name(s) and** alias(es);
 - (b) nationality or nationalities;
 - (c) place and country of birth;
 - (d) gender.
3. The data referred to in points (a) and (b) of paragraph 1 and in points (a), ~~(b)~~ and ~~(c)~~ of paragraph 2 used for queries shall be pseudonymised.

Article 44

Queries Processes

1. Member States and Europol shall request a query by submitting the data referred to in Article 43.

EPRIS shall dispatch the request for a query to the Member States' databases with the data submitted by the requesting Member State and in accordance with this Regulation.
2. On receiving the request for a query from EPRIS, each requested Member State shall launch a query of their national police records index in an automated manner and without delay.
3. Any matches resulting from the query in each Member State's database shall be sent back in an automated manner to EPRIS.

4. The list of matches shall be returned to the requesting Member State by EPRIS. The list of matches shall indicate the quality of the match as well as the Member State whose database contains data that resulted in the match.

5. Upon reception of the list of matches, the requesting Member State shall decide the matches for which a follow-up is necessary and send a reasoned follow-up request containing **the data referred to in Articles 25 and 27, as well as** any additional relevant information to the requested Member State(s) via SIENA.

6. The requested Member State(s) shall process such requests without delay to decide whether to share the data stored in their database.

Upon confirmation, the requested Member State(s) shall share **at least** the data referred to in Article 43 where available. This exchange of information shall take place via SIENA.

7. The Commission shall adopt implementing acts to specify the technical procedure for EPRIS to query Member States' databases and the format of the replies. These implementing acts shall be adopted in accordance with the procedure referred to in Article 76(2).

Article 45

Keeping of logs

1. Europol shall keep logs of all data processing operations in EPRIS. Those logs shall include the following:

- (a) the Member State or Union agency launching the request for a query;
- (b) the date and time of the request;
- (c) the date and time of the answer;
- (d) the national databases to which a request for a query was sent;
- (e) the national databases that provided an answer.

2. Each Member State shall keep logs of the requests for queries that its competent authorities and the staff of those authorities duly authorised to use EPRIS make. Europol shall keep logs of requests for queries that its duly authorised staff make.

3. The logs referred to in paragraphs 1 and 2 may be used only for data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, and for ensuring data security and integrity.

Those logs shall be protected by appropriate measures against unauthorised access and erased ~~one~~ **two years** after their creation.

If, however, they are required for monitoring procedures that have already begun, they shall be erased once the monitoring procedures no longer require the logs.

4. For the purposes of data protection monitoring, including checking the admissibility of a query and the lawfulness of data processing, the data controllers shall have access to the logs for self-monitoring as referred to in Article 56.

Article 46

Notification procedures in case of technical impossibility to use EPRIS

1. Where it is technically impossible to use EPRIS to query one or several national databases because of a failure of the infrastructure of Europol, Member States shall be notified in an automated manner by Europol. Europol shall take measures to address the technical impossibility to use EPRIS without delay.

2. Where it is technically impossible to use EPRIS to query one or several national databases because of a failure of the national infrastructure in a Member State, that Member State shall notify **other Member States**, Europol and the Commission in an automated manner. Member States shall take measures to address the technical impossibility to use EPRIS without delay.

CHAPTER 4

EXCHANGE OF DATA FOLLOWING A MATCH

Article 47

Exchange of core data

Where the procedures referred to in Articles 6, 7, 13 or 22 show a match between the data used for the search or comparison and data held in the database of the requested Member State(s), and upon confirmation of this match by the requesting Member State, the requested Member State shall return a set of core data via the router within 24 hours, **except if a judicial authorisation is required under national law**. That set of core data, ~~if available~~, shall contain the following data, **if available**:

1. In case of a confirmed match on an identified profile:

- (a) first name(s);
- (b) family name(s);
- (c) date of birth;
- (d) nationality or nationalities;
- (e) place and country of birth;
- (f) gender;
- (g) previously used name(s) and alias(es).**

2. In case of a confirmed match on an unidentified profile:

- (a) date and place of biometric acquisition;**
- (b) the criminal offence in the framework of which the biometric acquisition was carried out;**
- (c) the criminal case number;**
- (d) the responsible authority of the criminal case.**

Article 48

Use of SIENA

Any exchange which is not explicitly provided for in this Regulation between Member States' competent authorities or with Europol, at any stage of one of the procedures under this Regulation, shall take place via SIENA.

CHAPTER 5

EUROPOL

Article 49

Access by Member States to data provided by third countries-sourced biometric data stored by Europol

1. Member States shall, in accordance with Regulation (EU) 2016/794, have access to, and be able to search via the router, biometric data which has been provided to Europol by third countries for the purposes of Article 18(2), points (a), (b) and (c), of Regulation (EU) 2016/794.
2. Where this procedure results in a match between the data used for the search and Europol data, the follow-up shall take place in accordance with Regulation (EU) 2016/794.

Article 50

Access by Europol with data provided by third countries to data stored in Member States' databases

1. Europol shall, in accordance with Regulation (EU) 2016/794, have access to data, which are stored by Member States in their national databases in accordance with this Regulation.
2. Europol queries performed with biometric data as a search criterion shall be carried out using the router.
3. Europol queries performed with vehicle registration data **and driving licence data** as a search criterion shall be carried out using Eucaris.

4. Europol queries performed with police records **biographical data of suspects and convicted persons as referred to in Articles 25 and 26**, as a search criterion shall be carried out using EPRIS.

5. Europol shall carry out the searches **with data provided by third countries** in accordance with paragraph 1 only when **necessary for** carrying out its tasks referred to **for the purpose of Article 18(2), points (a) and (c) in of** Regulation (EU) 2016/794.

6. Where the procedures referred to in Articles 6, 7, 13 or 22 show a match between the data used for the search or comparison and data held in the national database of the requested Member State(s), **Europol shall only inform the Member State(s) involved**, and Upon confirmation of that match by Europol, the requested Member State shall decide whether to return a set of core data via the router within 24 hours. That set of core data, if available, shall contain the following data:

- (a) first name(s);
- (b) family name(s);
- (c) date of birth;
- (d) nationality or nationalities;
- (e) place and country of birth;
- (f) gender.

7. Europol's use of information obtained from a search made in accordance with paragraph 1 and from the exchange of core data in accordance with paragraph 6 shall be subject to the consent of the Member State in ~~which~~ **the** database **of which** the match occurred. If the Member State allows the use of such information, its handling by Europol shall be governed by Regulation (EU) 2016/794.

(...)

CHAPTER 8

AMENDMENTS TO OTHER EXISTING INSTRUMENTS

Article 67

Amendments to Decisions 2008/615/JHA and 2008/616/JHA

1. In Decision 2008/615/JHA, Articles **1(a)**, 2 to 6 and Sections 2 and 3 of Chapter 2 are replaced with regard to the Member States bound by this Regulation from the date of application of the provisions of this Regulation related to the router as set out in Article 74**(1)**.

Therefore, Articles **1(a)**, 2 to 6 and Sections 2 and 3 of Chapter 2 of Decision 2008/615/JHA are deleted from the date of application of the provisions of this Regulation related to the router as set out in Article 74**(1)**.

2. In Decision 2008/616/JHA, Chapters 2 to 5 and Articles 18, 20 and 21 are replaced with regard to the Member States bound by this Regulation from the date of application of the provisions of this Regulation related to the router as set out in Article 74.

Therefore, Chapters 2 to 5 and Articles 18, 20 and 21 of Decision 2008/616/JHA are deleted from the date of application of the provisions of this Regulation related to the router as set out in Article 74.

Article 68

Amendments to Regulation (EU) 2018/1726

Regulation (EU) 2018/1726 is amended as follows:

(1) the following Article 13a is inserted:

“Article 13a

Tasks related to the router

In relation to Regulation (EU) .../... of the European Parliament and of the Council* [*this Regulation*], the Agency shall perform the tasks related to the router conferred on it by that Regulation.

* Regulation (EU) [number] of the European Parliament and of the Council of xy on [officially adopted title] (OJ L ...)”

in Article 17, paragraph 3 is replaced by the following:

‘3. The seat of the Agency shall be Tallinn, Estonia.

The tasks relating to development and operational management referred to in Article 1(4) and (5) and Articles 3 to 8 and Articles 9, 11 and 13a shall be carried out at the technical site in Strasbourg, France.

A backup site capable of ensuring the operation of a large-scale IT system in the event of failure of such a system shall be installed in Sankt Johann im Pongau, Austria.’

in Article 19, the following point (eeb) is inserted:

“(eeb) adopt reports on the state of play of the development of the router pursuant to Article 79(2) of the Regulation (EU) .../... of the European Parliament and of the Council* [*this Regulation*];”

in Article 19, points (ff) and (hh) are replaced by the following:

“(ff) adopt reports on the technical functioning of SIS pursuant to Article 60(7) of Regulation (EU) 2018/1861 of the European Parliament and of the Council and Article 74(8) of Regulation (EU) 2018/1862 of the European Parliament and of the Council, of the VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA, of EES pursuant to Article 72(4) of Regulation (EU) 2017/2226, of ETIAS pursuant to Article 92(4) of Regulation (EU) 2018/1240, of the ECRIS-TCN and of the ECRIS reference implementation pursuant to Article 36(8) of Regulation (EU) 2019/816 of the European Parliament and of the Council, of the interoperability components pursuant to Article 78(3) of Regulation (EU) 2019/817 and Article 74(3) of Regulation (EU) 2019/818 and of the router pursuant to Article 79(5) of the Regulation (EU) .../... of the European Parliament and of the Council* [*this Regulation*];

“(hh) adopt formal comments on the European Data Protection Supervisor's reports on its audits pursuant to Article 56(2) of Regulation (EU) 2018/1861, Article 42(2) of Regulation (EC) No 767/2008, Article 31(2) of Regulation (EU) No 603/2013, Article 56(2) of Regulation (EU) 2017/2226, Article 67 of Regulation (EU) 2018/1240, Article 29(2) of Regulation (EU) 2019/816, Article 52 of Regulations (EU) 2019/817 and (EU) 2019/818 and Article 60(1) of the Regulation (EU) .../... of the European Parliament and of the Council* [*this Regulation*] and ensure appropriate follow-up of those audits;”

Article 69

Amendments to Regulation (EU) 2019/817

In Article 6(2) of Regulation (EU) 2019/817 the following point (d) is added:

“(d) a secure communication infrastructure between the ESP and the router established by Regulation (EU) .../... of the European Parliament and of the Council* [*this Regulation*].

* Regulation (EU) [number] of the European Parliament and of the Council of xy on [officially adopted title] (OJ L ...)”

Amendments to Regulation (EU) 2019/818

Regulation (EU) 2019/818 is amended as follows:

- (1) in Article 6(2), the following point (d) is added:

“(d) a secure communication infrastructure between the ESP and the router established by Regulation (EU) .../... of the European Parliament and of the Council* [*this Regulation*].

* Regulation (EU) [number] of the European Parliament and of the Council of xy on [officially adopted title] (OJ L ...)”

- (2) In Article 39, paragraphs 1 and 2 are replaced by the following:

“1. A central repository for reporting and statistics (CRRS) is established for the purposes of supporting the objectives of the SIS, Eurodac, ECRIS-TCN, in accordance with the respective legal instruments governing those systems, and to provide cross-system statistical data and analytical reporting for policy, operational and data quality purposes. The CRRS shall also support the objectives of **Regulation (EU) .../... of the European Parliament and of the Council* [*this Regulation*]**^{Prüm II}.”

“2. eu-LISA shall establish, implement and host in its technical sites the CRRS containing the data and statistics referred to in Article 74 of Regulation (EU) 2018/1862 and Article 32 of Regulation (EU) 2019/816 logically separated by EU information system. eu-LISA shall also collect the data and statistics from the router referred to in Article ~~65~~**71**(1) of Regulation (EU) .../... * [*this Regulation*]. Access to the CRRS shall be granted by means of controlled, secured access and specific user profiles, solely for the purpose of reporting and statistics, to the authorities referred to in Article 74 of Regulation (EU) 2018/1862, Article 32 of Regulation (EU) 2019/816 and Article ~~65~~**71**(1) of Regulation (EU) .../... * [*this Regulation*].”