STATUTORY INSTRUMENTS

2019 No. 742

The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019

PART 21

Prüm – Exchange of Data Relating to DNA, Fingerprints and Vehicle Registration

Interpretation

114. In this Part, "the Prüm Decision" means Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.

Commencement Information

I1 Reg. 114 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

Revocation of the Prüm Decision and related Council Decisions

115. The following are revoked **[**[F1](but see Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act)**]**—

(a) the Prüm Decision;

(b) Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime;

(c) Council Decision 2014/836/EU of 27 November 2014 determining certain consequential and transitional arrangements concerning the cessation of the participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon;

(d) Council Decision 2014/837/EU of 27 November 2014 determining certain direct financial consequences incurred as a result of the cessation of the participation of the United Kingdom of Great Britain and Northern Ireland in certain acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon.

Textual Amendments

F1 Words in reg. 115 inserted (31.12.2020 immediately before IP completion day) by The Law Enforcement and Security (Separation Issues etc.) (EU Exit) Regulations 2020 (S.I. 2020/1408), regs. 1, **33**

Commencement Information

I2 Reg. 115 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

Revocation of Commission Decision (EU) 2016/809

116. Commission Decision (EU) 2016/809 of 20 May 2016 on the notification by the United Kingdom of Great Britain and Northern Ireland of its wish to participate in certain acts of the Union in the field of police cooperation adopted before the entry into force of the Treaty of Lisbon and which are not part of the Schengen acquis is revoked.

Commencement Information

I3 Reg. 116 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

Revocation of Council Implementing Decisions

117. The following are revoked—

(a) Council Implementing Decision (EU) 2015/2009 of 10 November 2015 on the launch of automated data exchange with regard to dactyloscopic data in Poland;

(b) Council Implementing Decision (EU) 2015/2049 of 10 November 2015 on the launch of automated data exchange with regard to dactyloscopic data in Sweden;

(c) Council Implementing Decision (EU) 2015/2050 of 10 November 2015 on the launch of automated data exchange with regard to dactyloscopic data in Belgium;

(d) Council Implementing Decision (EU) 2016/254 of 12 February 2016 on the launch of automated data exchange with regard to vehicle registration data (VRD) in Latvia;

(e) Council Implementing Decision (EU) 2016/2047 of 18 November 2016 on the launch of automated data exchange with regard to DNA data in Denmark;

(f) Council Implementing Decision (EU) 2016/2048 of 18 November 2016 on the launch of automated data exchange with regard to dactyloscopic data in Denmark;

(g) Council Implementing Decision (EU) 2017/617 of 27 November 2017 on the launch of automated data exchange with regard to DNA data in Greece;

(h) Council Implementing Decision (EU) 2017/618 of 27 March 2017 on the launch of automated data exchange with regard to vehicle registration data in Denmark;

(i) Council Implementing Decision (EU) 2017/943 of 18 May 2017 on the automated data exchange with regard to vehicle registration data in Malta, Cyprus and Estonia, and replacing Decisions 2014/731/EU, 2014/743/EU and 2014/744/EU;

(j) Council Implementing Decision (EU) 2017/944 of 18 May 2017 on the automated data exchange with regard to dactyloscopic data in Latvia, and replacing Decision 2014/911/EU;

(k) Council Implementing Decision (EU) 2017/945 of 18 May 2017 on the automated data exchange with regard to DNA data in Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium and replacing Decisions 2010/689/EU, 2011/472/EU, 2011/715/EU, 2011/887/EU, 2012/58/EU, 2012/299/EU, 2012/445/EU, 2012/673/EU, 2013/3/EU, 2013/148/EU, 2013/152/EU and 2014/410/EU;

(l) Council Implementing Decision (EU) 2017/946 of 18 May 2017 on the automated data exchange with regard to dactyloscopic data in Slovenia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland and replacing Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU;

(m) Council Implementing Decision (EU) 2017/947 of 18 May 2017 on the automated data exchange with regard to vehicle registration data in Finland, Slovenia, Romania, Poland, Sweden, Lithuania, Bulgaria, Slovakia and Hungary and replacing Decisions 2010/559/EU, 2011/387/EU, 2011/547/EU, 2012/236/EU, 2012/664/EU, 2012/713/EU, 2013/230/EU, 2013/692/EU and 2014/264/EU;

(n) Council Implementing Decision (EU) 2017/1020 of 8 June 2017 on the launch of automated data exchange with regard to vehicle registration data in Croatia;

(o) Council Implementing Decision (EU) 2017/1866 of 12 October 2017 on the launch of automated data exchange with regard to vehicle registration data in the Czech Republic;

(p) Council Implementing Decision (EU) 2017/1867 of 12 October 2017 on the launch of automated data exchange with regard to dactyloscopic data in Portugal;

(q) Council Implementing Decision (EU) 2017/1868 of 12 October 2017 on the launch of automated data exchange with regard to dactyloscopic data in Greece;

(r) Council Implementing Decision (EU) 2018/1035 of 16 July 2018 on the launch of automated data exchange with regard to DNA data in Croatia.

Commencement Information

I4 Reg. 117 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

[F2 Transitional provision – DNA profiles supplied before commencement day

117A. Despite the revocations made in regulations 115 to 117 the following provisions of the Prüm Decision continue to have effect—

(a) Article 5 (supply of further personal data and other information) in relation to the supply by the United Kingdom of further personal data and other information in relation to matches shown under Article 3 or 4 of the Prüm Decision before commencement day;

(b) Article 7 (collection of cellular material and supply of DNA profiles) in relation to DNA profiles obtained by the United Kingdom before commencement day which were not supplied to the requesting Member State prior to commencement day;

(c) paragraph 1 of Article 6 (national contact point and implementing measures) so far as it is relevant to paragraphs (a) or (b).

Textual Amendments

F2 Regs. 117A, 117B inserted (31.12.2020 immediately before IP completion day) by The Law Enforcement and Security (Separation Issues etc.) (EU Exit) Regulations 2020 (S.I. 2020/1408), regs. 1, **34**

Commencement Information

I5

Reg. 117A in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

Saving provision – information received before commencement day

117B.—(1) This regulation applies in relation to DNA profiles and personal data received by the United Kingdom before commencement day (and see Title VII of Part 3 of the withdrawal agreement and sections 7A and 7C of the Withdrawal Act).

(2) Subject to the modifications in paragraph (3), with the exception of Article 25, Chapter 6 of the Prüm Decision continues to have effect in relation to the data referred to in paragraph (1).

(3) The Prüm Decision applies with the following modifications—

(a) Article 26 is to be read as if—

(i) in paragraph 1—

(aa) "by the receiving Member State" were omitted;

(ab) the words from "and subject only to" to the end were omitted;

(ii) in paragraph 2, "by the searching or comparing Member State" were omitted;

(iii) in the text after paragraph 2(c), for "The Member State administering the file may process the data supplied to it", substitute "The data supplied may be processed";

(b) Article 27 is to be read as if "and in compliance with the law of the receiving Member State" were omitted;

(c) paragraph 1 of Article 28 is to be read as if—

(i) the first sentence were omitted;

(ii) after "have been supplied", there were inserted "by the authorities in the United Kingdom";

(iii) for "The Member State or Member States concerned shall be obliged to correct or delete the data", substitute "The authorities in the United Kingdom shall be obliged to correct or delete any data in respect of which the supplying Member State has made such a notification";

(d) paragraph 2 of Article 28 is to be read as if—

(i) ", in accordance with the national law of the Member States," were omitted;

(ii) "subject to the national law of the Member States and" were omitted;

(e) paragraph 1 of Article 30 is to be read as if the first sentence were "In order to verify the admissibility of the supply, the authorities in the United Kingdom shall log every non-automated supply of personal data by the body administering the file and every non-automated receipt of personal data by the searching body.";

(f) paragraph 2 of Article 30 is to be read as if—

(i) "other" were omitted from paragraph (a);

(ii) in paragraph (b), for "each Member State" substitute "the United Kingdom";

(g) Article 32 is to be read as if, for "The receiving Member State" substitute "The authorities in the United Kingdom".**]**

Textual Amendments

F2 Regs. 117A, 117B inserted (31.12.2020 immediately before IP completion day) by The Law Enforcement and Security (Separation Issues etc.) (EU Exit) Regulations 2020 (S.I. 2020/1408), regs. 1, **34**

Commencement Information

I6 Reg. 117B in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see reg. 1

Changes to legislation:
There are currently no known outstanding effects for the The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019, PART 21.